

HOUSING CHOICE VOUCHER

ADMINISTRATIVE PLAN

REVISED AND EFFECTIVE
JULY 1, 2014



HOUSING COMMISSION OF ANNE ARUNDEL COUNTY



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TABLE OF CONTENTS

I.STATEMENT OF OVERALL APPROACH, POLICIES AND OBJECTIVES	6
A. PURPOSE OF THE PLAN	6
B. USE OF THE ADMINISTRATIVE PLAN	6
C. FAIR HOUSING POLICY	7
D. ADMINISTRATION OF PROGRAM FUNCTIONS	7
E. PROJECT BASED VOUCHERS	8
II.COMPLETION OF APPLICATIONS, DETERMINATION OF ELIGIBILITY AND SELECTION OF FAMILIES	8
A. FILING OF APPLICATION	8
B. DETERMINATION OF ELIGIBILITY.....	8
C. PREFERENCE IN SELECTION OF TENANTS	10
D. WEIGHTING OF THE PREFERENCES	14
E. MAINTAINING THE WAITLIST	15
III.OCCUPANCY GUIDELINES	16
A. OCCUPANCY STANDARDS FOR ASSIGNMENTS.....	16
B. EXCEPTIONS FROM BASIC OCCUPANCY GUIDELINES	17
C. UNIT SIZE SELECTION.....	17
IV.INCOME VERIFICATION AND PAYMENT CALCULATIONS.....	18
A. VERIFICATIONS REQUIRED TO DETERMINE ELIGIBILITY	18
B. ANNUAL INCOME EXCLUDES.....	19
C. CONVERTING INCOME.....	20
D. IMPUTED INCOME FROM ASSETS.....	20
E. ASSETS DO NOT INCLUDE	21
F. ADJUSTED INCOME	22
G. SPECIAL CALCULATION FOR HOUSEHOLD WHO ARE ELIGIBLE FOR DISABILITY ASSISTANCE AND MEDICAL EXPENSES	24
H. METHODS OF VERIFYING NECESSARY INFORMATION.....	24
I. INELIGIBLE DETERMINATION AT TIME OF VERIFICATION.....	25
J. NOTICE OF DECISION AND INFORMAL REVIEW PROCESS	25
V.BRIEFING OF FAMILIES AND ISSUANCE OF VOUCHERS.....	25
A. HOUSING QUALITY STANDARDS (HQS) AND INSPECTIONS.....	27
B. LEASE APPROVAL AND HOUSING ASSISTANCE PAYMENTS CONTRACTS EXECUTION.....	28
C. PAYMENT STANDARD RENT LIMITATIONS	29
D. SEPARATE AGREEMENTS	29
VI.ANNUAL ACTIVITIES	29
A. REVIEW OF FAMILY CIRCUMSTANCES, RENT, UTILITIES, & HOUSING QUALITY.....	29
B. INTERIM ADJUSTMENTS OF RENT.....	30
C. TIMELY REPORTING STANDARDS.....	30
D. CONTRACT RENT INCREASES BY OWNER	31
E. UTILITIES	32
F. MINIMUM RENT.....	31
VII.TERMINATIONS AND SECURITY DEPOSITS.....	32
A. INFORMAL HEARINGS	32

B. OWNER FRAUD, MISREPRESENTATION, OR BREACH OF CONTRACT..... 33

C. FAMILY MOVES 33

D. FAMILY BREAK-UP..... 33

E. EVICTIONS 34

F. ABSENCES FROM UNIT 34

G. CONTRACT TERMINATIONS..... 34

H. SECURITY DEPOSITS 34

VIII.REPAYMENT AGREEMENTS 35

 A. USE OF REPAYMENT AGREEMENTS 35

IX.FINANCIAL MANAGEMENT/REPORTING REQUIREMENTS 35

 A. THE HOUSING ASSISTANCE PAYMENT (HAP) REGISTER 35

 B. MONITORING PROGRAM PERFORMANCE 35

 C. HUD REGULATORY AMENDMENTS 36

 D. PAYMENT STANDARDS 36

X. FAMILY SELF-SUFFICIENCY PROGRAM (FSS)..... 37

REVISED GLOSSARY 38

ADDENDA TO THE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN..... 55

 * FSS ACTION PLAN

 * PROJECT BASED VOUCHER POLICY

 *HCV INFORMAL REVIEW AND HEARING POLICY

I. STATEMENT OF OVERALL APPROACH, POLICIES AND OBJECTIVES

The Housing Choice Voucher Program was created by the Housing and Community Development Act of 1974 and amended by the Housing and Community Development Acts when applicable.

The Housing Commission of Anne Arundel County (HCAAC) serves as the Public Housing Agency (PHA) for all of Anne Arundel County. HCAAC applies for and receives allocations of Housing Choice Voucher Annual Contributions Contracts (ACC), which gives authority to operate this program as required by regulation, throughout the County by direct administration. The Housing Commission may utilize components of the program, such as Group Home, Shared Housing and Single Room Occupancy subsidies as economic conditions warrant. It is anticipated that project based vouchers will be utilized as a potential component as needed. HCAAC will also seek to apply for additional funding and resources to expand and enhance the program, and will complete any changes to the program as required by Federal Regulation.

A. PURPOSE OF THE PLAN

The Housing Choice Voucher Programs are designed to achieve five major goals:

- 1. To assist very low income and low-income families with rent payments.**
- 2. To enable Housing Choice Voucher participants to have a greater choice in housing types and locations.**
- 3. To provide decent, safe, and sanitary housing for eligible participants.**
- 4. To provide incentives to private property owners to rent to low income families by offering timely assistance payments.**
- 5. To help facilitate a transition from housing assistance to self-sufficiency through implementation of the Family Self-Sufficiency (FSS) Program.**

B. USE OF THE ADMINISTRATIVE PLAN

The Housing Commission of Anne Arundel County has full responsibility for the satisfactory completion of all contractual obligations with the Department of Housing and Urban Development (HUD) and for complying with all subsequent changes pertaining to these Programs. If such changes conflict with the Plan, HUD regulations will have precedence. The administrative burden for implementation and compliance with the Federal regulations rests with the HCAAC. The Plan covers both admission and continued participation policies for the Program. Policies are the same for all programs, unless otherwise noted. Changes to the Plan will be approved by the HCAAC Board of Commissioners and HUD.

All issues not addressed in this document related to tenants and participants, including owners, are governed by the Housing Choice Voucher Guidebook, 7420.10G, Federal regulations, HUD or PHA notices, memorandums, and guidelines.

Where the word "may" appears throughout the text, HCAAC has discretion in the implementation of the policy described.

Wherever the word "must" appears throughout the text, HCAAC will implement the policy as stated.

C. FAIR HOUSING POLICY

It is the policy of HCAAC to comply fully with all Federal, State and local non-discrimination laws and to operate in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

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

To further its commitment to full compliance with the Civil Rights laws, HCAAC will provide Federal, State and local information to Voucher holders regarding "discrimination" and any recourse available to them should they feel that they have been a victim of discrimination. Such information will be made available during the family briefing session and all applicable Fair Housing information and Discrimination Complaint Forms will be made a part of the Voucher holder packets.

D. ADMINISTRATION OF PROGRAM FUNCTIONS

Outreach to Families:

The following outreach steps will be taken by HCAAC to maximize compliance with the ACC allocations:

- 1. HCAAC will announce the program to the local newspaper, minority media, and other appropriate media channels. In addition, recognizing that there are persons who do not, or cannot read the newspapers; HCAAC will distribute fact sheets to the broadcasting media.**
- 2. An announcement will be posted at the HCAAC Administrative Offices.**
- 3. Public meetings will be with community organizations to inform residents of the Program when warranted.**

Outreach to Owners:

Orientations for owners will be conducted as needed to make dwelling units available for leasing by eligible families. Owners of units located outside of areas with a high, low-income or minority concentration will be encouraged to participate. On a continuing basis, HCAAC will welcome the participation of owners of decent, safe and sanitary housing units.

A list of interested landlords and their properties available for the Housing Choice Voucher Program is maintained by HCAAC. This list is updated on an ongoing basis

and is made available to prospective tenants upon request.

E. PROJECT BASED VOUCHERS

The Housing Commission currently has Project Based Voucher contracts at three locations, Wiley H. Bates (71), Admiral Oaks (16), Glenview Gardens (70) and Heritage Crest (100). Details regarding the implementation of project based vouchers are outlined in an addendum attached to this plan.

II. COMPLETION OF APPLICATIONS, DETERMINATION OF ELIGIBILITY AND SELECTION OF FAMILIES

A. FILING OF APPLICATION

All persons who wish to apply for participation on the Housing Choice Voucher Program must first file a preliminary application with the HCAAC Admissions and Occupancy Department. The application must be made by the head of household, or his/her designee.

B. DETERMINATION OF ELIGIBILITY

If an applicant is determined to be eligible, said applicant is notified in writing that he/she has been placed on the waiting list. If an applicant is initially determined to be ineligible because of income or family composition, said applicant is notified in writing and advised that he/she may ask for an informal review to discuss the decision.

- 1. Applicants owing debts from previous assistance on the Housing Choice Voucher Program and/or Public Housing Occupancy will be notified in writing of the amount owed, and will be given ten (10) days to enter into a repayment agreement. If, after entering into the repayment agreement, the applicant defaults, the pre-application will be withdrawn from the waiting list.**
- 2. If at the time the applicant's name reaches the top of the waiting list, the debt is still outstanding; the applicant will be required to pay the debt in full before receiving assistance. Failure to do so will result in the applicant being removed from the waiting list, with the opportunity for an informal review. In either case, the applicant will be given the opportunity to an informal review.**
- 3. HCAAC reserves the right to deny housing assistance to a family or single applicant if a family member has engaged in or been evicted from assisted housing due to drug-related or violent criminal activity in the past three years. HCAAC is not required to list the family on the waitlist or to admit the family off the waitlist. A waiver, however, may be granted for an individual who clearly did not participate in or have knowledge of drug related or criminal activity or if the circumstances leading to eviction no longer exist.**

4. Applicants owing debts or outstanding payments to a utility company or Property Management company will be notified in writing of the amount owed and will be given thirty (30) days to pay the amount in full. If the amount is not paid in full, the pre-application will be withdrawn from the waiting list. HCAAC reserves the right to grant an extension to any applicant that provides proof that the debt is being paid in full.
5. Applicants with an outstanding warrant identified on the criminal background investigation will be given thirty (30) days to properly adjudicate their case. HCAAC reserves the right to grant an extension to any applicant that provides proof that the case is being adjudicated.

To be eligible for assistance, an applicant must meet the following criteria:

- Applicant's gross family income must not exceed the income limits established for Housing Choice Vouchers.
- Meet the definition of a family. Family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
 - (1) A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
 - (2) An elderly family;
 - (3) A near-elderly family;
 - (4) A disabled family;
 - (5) A displaced family;
 - (6) The remaining member of a tenant family; and
 - (7) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.
- Elderly family - a family whose head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.
- Near-elderly family - a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.
- Disabled family - a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.
- Person with disabilities:

- (1) Means a person who:
 - (i) Has a disability, as defined in 42 U.S.C. 423;
 - (ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - (A) Is expected to be of long-continued and indefinite duration;
 - (B) Substantially impedes his or her ability to live independently, and
 - (C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
 - (iii) Has a developmental disability as defined in 42 U.S.C. 6001.
- (2) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent or acquired immunodeficiency syndrome;
- (3) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- (4) Means “individual with handicaps”, as defined in Sec. 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

- **Displaced family** - a family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
- **Live-in aide** - a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:
 - (1) Is determined to be essential to the care and well-being of the persons;
 - (2) Is not obligated for the support of the persons; and
 - (3) Would not be living in the unit except to provide the necessary supportive services.

All Family members who will be assisted through the Housing Choice Voucher program must be listed and verified as household members at the time of acceptance on the Program. Additions to the household will only be permitted if they meet the criteria listed above, and at the request of the head of household. Additions to the family must be as a result of birth, marriage, custody, adoption, or reasonable accommodation for health care. These situations must be verified prior to addition to the family.

If the addition to the family is a minor, then he/she must be placed in the household through birth, adoption, court order or proof of legal custody or through designee from a parent or other person having custody, with written affidavit of such parent or other person. .

C. PREFERENCE IN SELECTION OF TENANTS

Applicants who qualify under 24CFR 982.207 for Selection Preference are given priority on the waiting list. All applicants with the following Primary Preferences will receive assistance "before" any other applicant who is not so qualified. An applicant qualifies for a preference if they meet any of the following conditions.

1. **Substandard Housing:** A unit is substandard if it:
 - a. Has been declared unfit for habitation by a government agency.
 - b. Is dilapidated (does not provide safe, adequate shelter; has one or more critical defects requiring considerable repair, endangers the health, safety, and well-being of family).
 - c. Does not have operable indoor plumbing.
 - d. Does not have a usable flush toilet in the unit for the exclusive family use. Does not have usable bathtub or shower in the unit for exclusive family use.
 - f. Does not have a adequate, safe electrical services.
 - g. Does not have an adequate, safe source of heat.
 - h. Should, but not, have a kitchen.

An Applicant who is a "Homeless Family" is considered to be living in substandard housing if they:

- a. Lack a fixed, regular, adequate nigh time residence.
 - b. Have a primary nighttime residence that is supervised public/private shelter providing temporary accommodations, or an institution providing temporary residence for individuals, intended to be institutionalized, or a public/private place not ordinarily used as a sleeping accommodation for human beings. ("Homeless Family" does not include any individual imprisoned/detained pursuant to State Law or an Act of Congress.)
2. **Involuntary Displacement:** Involuntary displaced applicants are applicants who have vacated or will (within no more than six months from date of verification) vacate housing as a result of:
 - a. Federal, State, or local government action related to code enforcement, or public improvement/development.

- b. **A disaster such as a fire or flood that results in the un-inhabitability of an applicants' unit.**
- c. **Action by a housing owner which is beyond an applicant's ability to control, occurs despite the applicant having met all previous conditions of occupancy, and is other than a rent increase.**
- d. **Victims of domestic violence, as defined by the Violence Against Women Act, who have to vacate due to actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member. This violence must have occurred recently or be of a continuing nature.**
- e. **Displacement to avoid reprisals (witness relocation), displacement by hate crimes, displacement by inaccessibility of unit (e.g., a family member with a mobility impairment cannot use critical elements of the unit), and displacement because of HUD disposition of a multifamily project.**

3. Paying in Excess of 50% of Income for Rent: The definition of this preference involves definition of two terms: "Family Income" and "Rent".

For purposes of the Preference Rule, "Family Income" is monthly income, as defined in 24CFR 5.609. "Rent" is defined as:

- a. **The actual amount due under a lease or occupancy agreement (calculated on a monthly basis), plus the monthly amount of tenant-supplied utilities, which can be either:**
 - i. **The PHA's reasonable estimate of the cost of such utilities, or**
 - ii. **The average monthly payments family actually made for these utilities in the most recent 12 month period, or shorter period if appropriate.**
- b. **Any amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the otherwise applicable "Rent" amount, to the extent that these amounts are not included in Family Income.**
- c. **Applicants whose rents will be increased 50% or more of their income after completion of Rental Rehabilitation.**

The Commission has also established Ranking Preferences for housing eligibility to include:

4. Living or Working in Anne Arundel County:

- a. **Anne Arundel County mailing address (which does not include a Post Office Box number).**
- b. **Application for or possession of driver's license or vehicle registration indicating a Anne Arundel County mailing address.**
- c. **Statements of residence on other identification.**
- d. **Registration of children in local schools.**
- e. **Head, Spouse or other Family member either working or hired to work in Anne Arundel County.**

5. Working Family

Working Family which is defined as:

Applicant households whose head, spouse, or sole member is age 62 or older or is receiving social security disability, supplemental security income disability benefits, or any other payments based on the individual's inability to work; or those who are in or have completed educational or training programs including enrollment in an accredited vocational school; a matriculating student in college designed to prepare people for the job market. It may also be narrowed to require that either the head or spouse be employed for at least six months and that the employment income must be countable under HUD's definition of "annual income."

6. Income Requirements

Families will be assigned in accordance with the income targeting requirements established based upon waitlist demographics. Targeting requirements will be evaluated annually in January of each year and modifications will be made as an internal communication as amendment to this policy.

The policy will reflect waitlist demographics as indication of the demand required upon the program. The Housing Commission will continue to adhere to the Federal Requirements as they are updated.

The targeting requirements will also be set with emphasis on insuring that the program can be well utilized by the recipients and that families of all income ranges can benefit from the program.

The selection preferences and priorities established in this section will be administered in a manner that is consistent with HUD's Fair Housing policy

D. WEIGHTING OF THE PREFERENCES

Regardless of the number of Preferences as applicant may qualify for, only a maximum of three Preferences shall be assigned to the applicant for a total of five (5) points.

An applicant shall be placed on the waitlist in the chronological order in which they apply, and the number of preference points assigned.

<u>PREFERENCES</u>	<u>POINTS</u>
Substandard Housing	3
Involuntary Displacement	3
50% of Income	3
Living in A.A. Co.	1
Working Families	1

1. HCAAC anticipates that tenants maybe affected by rehabilitation of their units and may encounter increased rent burdens, which reach a level that may qualify the family for a preference.
2. Highest priority for housing will be offered to Omni House, The Arc of the United States, Supported Housing Developers , County Mental Health (PEP) Program, Main Street Housing Services, Pumphrey House, Willow House and other types of structured group homes which provide sheltered housing for individuals who are either elderly, physically or mentally disabled or participating in a special needs program. The program participants are issued vouchers for the unit size required. The units are filled with applicants from the Housing Choice Voucher waiting list who are participants of their shelter programs. The tenants are selected, however, by the representatives of the group home agency. A head of household is designated and other eligible applicants are considered as household members.

Re-certifications are conducted in accordance with the procedures established in this plan. When a tenant is removed from the group home, he/she will be replaced with an eligible shelter program participant on our active Housing Choice Voucher waiting list.

The Housing Commission sets aside vouchers for use under the two preceding circumstances.

3. The Executive Director/Chief Executive Officer may assign temporary preferences as necessary in accordance with market conditions; or agreements

with local developers and/or management entities; including the Housing Commission and Housing Corporation.

Applicants who do not meet the criteria for any preferences as discussed in this Plan will remain on the waiting list according to the date and time of the application.

E. MAINTAINING THE WAITLIST

A list of interested families will be maintained when immediate assistance is not available. This waiting list will be maintained according to the applicant preference and ranking status, date and time of the family's application. All Applicants must report in writing to the Admissions office any change in address, family composition, income, or factors affecting preference points when changes occur. An applicant's waitlist status is maintained on an automated voice mail system and can be retrieved via the telephone on a 24-hour basis. The waitlist is updated daily.

Should applicant not respond to the request for updated information or to selection for the program for any reason, prior to the established deadline, the applicant will be deleted from the waiting list. Reasons for non-response, resulting in deletion from the list, include (but are not limited to) negligence in returning the form in a timely manner; relocation resulting in a return of the blank form to the Commission with no forwarding address. The waitlist will remain open for acceptance of applications until a determination is made by the Executive Director/Chief Executive Officer to close the waitlist and at such time a notice will be posted in the legal section of the local newspapers.

The Housing Commission has entered into a HAP Contract to subsidize units at the Wiley H. Bates Senior Housing (71), Admiral Oaks (16), Glenview Gardens (70) and Heritage Crest (100) communities. These are project based voucher programs and require separate waitlists, based solely upon date and time of application. Glenview Gardens will administer thirty five (35) project based vouchers that require service provision that will be monitored annually.

The Housing Commission will maintain separate waiting lists for the Thomas Pumphrey House and Oakleaf Villas, which are facilities managed by the Housing Corporation of Anne Arundel County that provide supportive services to at-risk populations who require housing choice vouchers. Applicants for these programs must meet stringent requirements and will be ranked by date and time of application only.

The Housing Commission will also maintain a separate waitlist for transitional housing programs utilizing housing choice vouchers. These programs will be established with service providers in the County who offer site-based support to stabilize at-risk populations. The service provider will refer applicants, and preference will be based upon date and time of application only.

III. OCCUPANCY GUIDELINES

HCAAC, in accordance with HUD guidelines, has established standards for the assignment of Vouchers (number of bedrooms) appropriate for the applicant family.

The basic standards for determining the appropriate Voucher size for an eligible family are as follows:

- A minimum of one bedroom or living/sleeping room of appropriate size for each two persons in the household.
- Separate bedrooms shall be assigned to persons of the opposite sex, except for:
 - a) husband and wife;
 - b) male/female cohabitants (as defined in the Glossary); and
 - c) children age 5 and under
- Dependents of the same sex, regardless of age, shall be assigned one bedroom for each two persons.
- The unborn child of a pregnant head of household or spouse shall be considered a dependent under the age of 5.
- Children who have reached the age of three (3) years will be given a separate bedroom from that single parent.

A. OCCUPANCY STANDARDS FOR ASSIGNMENTS

<u>VOUCHER SIZE</u>	<u>MINIMUM # PERSONS IN HOUSEHOLD</u>	<u>MAXIMUM # PERSONS IN HOUSEHOLD</u>
1 BR	1	2
2 BR	2	4
3 BR	3	6
4 BR	4	8
5-6 BR	6	10-12

TYPICAL FAMILY COMBINATION ARE AS FOLLOWS:

ONE BEDROOM VOUCHER

- 1 adult
- 2 adults (husband/wife or spousal relationship no dependents)
- Mother with unborn child

TWO BEDROOM VOUCHER

**An elderly, handicapped or disabled person with a live-in resident assistant
A head of household (with or without spouse) with either one or two dependents**

THREE BEDROOM VOUCHER

A head of household (with or without spouse) with either two or three dependents

FOUR BEDROOM VOUCHER

A head of household (with or without spouse) with either five or six dependents

FIVE BEDROOM VOUCHER

A head of household (with or without spouse) with either seven or eight dependents

SIX BEDROOM VOUCHER

A head of household (with or without spouse) with either nine or ten dependents

B. EXCEPTIONS FROM BASIC OCCUPANCY GUIDELINES

Exceptions to these standards may be granted by the HCAAC to allow the assignment of a larger unit size than specified in the standards if warranted by the conditions affecting family members. All exceptions must be requested by the family, verified and documented by the HCAAC. Exceptions shall be granted at the discretion of the HCAAC.

The preceding categories of occupancy standards are guidelines only. A family may elect to occupy a smaller unit than these guidelines would dictate if they so choose.

C. UNIT SIZE SELECTION

The family may select a larger dwelling than that listed on the Voucher.

Two criteria are considered for the Voucher Program:

- Payment Standards: The Payment Standard for the Voucher size approved for the family or the unit size actually selected by the family, whichever is less, must be applied to the unit.**

- **Utility Allowance:** The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's Voucher.

D. ADDITIONAL FAMILY MEMBERS

Any family member 18 years or age or older who are removed from the Housing Choice Voucher Program will not be permitted as a future eligible household member.

Additions to the family must be as a result of birth, marriage, legal custody (or through designee from a parent or other person having custody, with written affidavit of such parent or other person), adoption, or reasonable accommodation for health care. These situations must be verified prior to addition to the family.

IV. INCOME VERIFICATION AND PAYMENT CALCULATIONS

A. VERIFICATIONS REQUIRED TO DETERMINE ELIGIBILITY

- **Annual income of all family members 18 years of age or older expected to reside in the unit. Income would include employment, benefits, school grants, support, interest or dividends from savings accounts, stocks, or bonds.**
- **Assets such as real property, savings accounts, stocks, and bonds.**
- **Unusual expenses such as child care to enable family members to work or furthering their education. Medical expenses for elderly family in excess of 3% of families annual gross income.**
- **Full-time student status of adult family members.**
- **Family composition such as relationship of adult family members, children with last names different from parents, custody, if applicable, foster care papers, and other similar situations of unusual family composition.**
- **Medical information could be required to justify a larger bedroom size voucher than the family is otherwise eligible.**
- **Regular contributions & gifts from person(s) outside the household will be counted as income. Casual or sporadic gifts are excluded.**
- **Lottery winnings paid in periodic payments. (Winnings paid in a lump sum are included in net family assets - not in annual income.)**
- **The annual income of the spouse of the head of the household, if that person is temporarily absent, such as away at college or in the armed forces, even if that person is not on the lease.**

- **Benefits and other non-earned income paid directly to or on behalf of minors and full-time students.**
- **The annual income for a family member including a permanently absent member will be counted until written verification that the family member has vacated the unit is received.**
- **The gross amount (before deductions for Medicare, etc.) of periodic social security payments. Includes payments received by adults on behalf of minors or by minors for their own support).**
- **Annuities, insurance policies, retirement funds, pension, disability or death benefits and other similar types of periodic receipts.**
- **Payments in lieu of earnings, such as unemployment and disability compensation and severance pay. Any payments that will begin during the next 12 months must be included.**
- **Net payments of adjusted benefits.**

B. ANNUAL INCOME EXCLUDES

- **Employment income of children (including foster children) younger than 18.**
- **Food Stamps; meals on wheels or other programs that provide food for the needy; groceries provided by persons not living in the household.**
- **Grants or other amounts received specifically for medical expenses.**
- **Adoption Assistance Payments**
- **Income associated with persons that live in the unit but are not regular household members includes:**
 - **payments received for care of foster children**
 - **income of live-in attendants**
- **Homecare payments**
- **Resident Service Stipends**
- **The principal portion of the payments received on mortgages or deeds of trust.**
- **Earned Income of Full Time Students 18 years or older (except the Head of Household and spouse). The exemption only applies to earning in excess of \$480.00.**

- **Scholarships, veterans benefits or student loans used for tuition, fees, books, equipment or reasonable rent or utility costs for a student living away from home.**
- **State or Local employment training programs and training of resident management staff.**
- **Hazardous duty pay to a family member in the military.**
- **Lump-sum additions to family assets - such as inheritances; one-time lottery winnings; insurance settlements under health and accident insurance and worker's compensation; settlement for personal or property losses.**
- **Exclusion of Deferred Periodic Payments of SSI and Social Security received in lump sum.**
- **Casual, sporadic or irregular gifts (including verified census taker earnings).**
- **Payments, rebates, or credits received under Federal, Low-Income Home Energy Assistance Programs or other government agencies.**

Income excluded by Federal Statute.

C. CONVERTING INCOME

To annualize full employment, multiply:

- hourly wages by 2080 hours**
- weekly wages by 52**
- bi-weekly amounts by 26**
- semi-monthly amounts by 24**
- monthly amounts by 12**

D. IMPUTED INCOME FROM ASSETS

If net family assets exceed \$5,000, annual income must include the greater of:

- **The actual income from assets; or**
- **An imputed income from assets:**
- **Imputed income is calculated by multiplying the total net family assets by the specified interest rate. The current rate established by HUD is 0.00% and will be changed as per regulatory changes.**

Family assets include:

- **Amounts in savings and checking accounts.**
- **Equity in real property or other capital investments is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees, penalties), that would be incurred in selling the asset.**
- **The cash value of trusts that are available to the household.**
- **IRA (an individual retirement account), Keogh and similar retirement savings accounts.**
- **Stocks, Bonds, Treasury Bills, Certificate of Deposits, Money Market Funds.**
- **Contributions to company retirement/pension funds:**

While an individual is employed, count only amounts the family can withdraw without retiring or terminating employment.

After retirement or termination of employment, count as an asset any amount the employee elects to receive as a lump sum.

- **Lump-sum receipts such as inheritances, capital gains, lottery winnings, insurance settlements, and other claims.**
- **Personal property held as an investment.**
- **Cash value of life insurance policies.**
- **Assets disposed of for less than fair market value during the two years preceding application or re-examination.**
- **Business assets disposed of for less than fair market value. (Business assets are excluded from net family assets only while they are part of an active business.)**

E. ASSETS DO NOT INCLUDE

- **Clothing, furniture, cars**
- **Interest in Indian trust lands**
- **Equity in a cooperative unit in which the family lives**
- **Assets that are not accessible to the applicant and provide no income to the applicant. In such cases the asset must be disclosed to the Housing Commission staff and a written affidavit from the client stating the type of asset and that they do not have access to, nor do**

they receive any income from the asset. Should the situation change and the client is granted access, it is incumbent upon the assisted family to disclose the change and report the asset within 10 calendar days of the occurrence.

- The amount of equity in a mobile home for those families participating under the Mobile Home Pad Assistance.

F. ADJUSTED INCOME

Gross annual income minus allowances for dependents, elderly household deduction, child care, medical and handicap expenses equals adjusted income.

1. Dependent Allowance

\$480 for each household member who is under 18 years of age, or is handicapped, disabled or a full-time student.

The head, spouse, foster child or live-in attendant are never counted as dependents.

Cannot count unborn child or child to be adopted until the child is physically in the household.

A full-time student is one carrying a full-time subject load (as defined by the institution) at an institution in a degree or certificate program.

2. Elderly Household Deduction

\$400 per family for all families in which the head or spouse is at least 62 years of age or handicapped or disabled. The \$400 is a household deduction (only one per family, even if both head and spouse are elderly).

3. Child Care

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

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

4. Allowance for Handicapped/Disabled Family Members

Families may deduct anticipated expenses for care attendants and "auxiliary apparatus" for handicapped or disabled family members if such expenses:

- **Enable a family member (including the handicapped family member) to work;**
- **Exceed three percent of Annual Income; and**
- **Do not exceed the earned income of the household member(s).**

"Auxiliary apparatus" are items such as wheelchairs, ramps, adaptations to vehicles, special equipment to enable a blind person to read or type, etc. if directly related to permitting the physically challenged person or other family member to work.

5. Medical Expenses

The medical expense deduction is permitted only for households in which the head or spouse is at least 62 years of age, handicapped or disabled. If the household is eligible for a medical expense deduction, the medical expenses of all family members are counted.

They may include:

- **Services of health care facilities.**
- **Medical insurance premiums.**
- **Prescription/non-prescription medicines.**
- **Transportation to treatment.**
- **Dental expenses, eyeglasses, hearing aids, batteries.**
- **Live-in or periodic medical assistance.**
- **Monthly payment on accumulated medical bills.**

Allowable Medical Expense is that portion of total medical expenses that is in excess of three percent of annual income.

G. SPECIAL CALCULATION FOR HOUSEHOLD WHO ARE ELIGIBLE FOR DISABILITY ASSISTANCE AND MEDICAL EXPENSES

If a family has both medical expenses and disability assistance expenses, a special calculation is required.

Three percent of annual income must first be deducted from the handicap assistance expenses. Any remainder is then deducted from total medical expenses.

H. METHODS OF VERIFYING NECESSARY INFORMATION

- 1. Third Party (Independent) Verification:** This should be used whenever possible as it provides the most reliable results. If other methods are used, the file should contain documentation to explain the reason. This documentation should be used to verify information obtained via the Enterprise Income Verification System (EIV).

Third party verification refers to written or oral verification from employers, public agencies, physicians, etc. If oral, the file must be documented with the date and name of HCAAC staff member receiving the information.

Internal Revenue Service Data: This source can be used for income purposes and is especially useful when self-employment is involved. The information must be from the most recent year filed.

- 2. Review of Documents:** When documents are reviewed they must be photocopied unless prohibited by law. When photocopies cannot be made, information must be recorded, dated, and signed.

Notarized Statement or Signed Affidavits may be accepted from applicants or participants when all other sources have been exhausted. They should not be accepted in lieu of other possible methods.

Verifications for income or expenses must be updated if older than 60 days, for the purpose of certification.

Note: In the case of Child Support and other State provided documents, the amount eligible shall be utilized, not the amount received or historical receipts. If irrefutable evidence exists to prove that the awarded amount is not being dispersed, or no benefits at all, to the family, the average period benefits will be used.

- 3. Enterprise Income Verification (EIV) Data:** This information is provided for all clients and must be reviewed and evaluated. The information provided must be verified by methods identified in parts 1 and 2 of the section. Social Security data provided by EIV does not require further verification.

I. INELIGIBLE DETERMINATION AT TIME OF VERIFICATION

Families may be determined ineligible if their income exceeds the very low income standards prescribed by HUD. Families requesting to transfer their housing assistance from another jurisdiction must meet the HUD established income limits for the Commission's area.

Families may be determined ineligible when their income is such that the Total Tenant Payment is equal to or exceeds the highest rent standard for the unit size for which the family would be eligible.

Families may be determined ineligible if it is discovered that a household member submitted fraudulent information, participated in bribery or any other corrupt or criminal act. Families may be determined ineligible if it is discovered that the use of alcohol/drugs would likely result in conduct that would adversely affect the property environment.

Families may be determined ineligible due to specified criminal activity, or an action or failure to act by a household member as defined and detailed by Federal Statute. The Housing Commission must prohibit admission to the program of an applicant for three years from the date of eviction if a household member has been evicted from federally assisted housing for drug related criminal activity. However, the Housing Commission may admit the household if the Commission determines: (1) that the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation approved by the Commission; or (2) that the circumstances leading to the eviction no longer exist.

The Housing Commission must establish standards that prohibit admission if: (1) the Commission determines that any household member is currently engaging in illegal use of a drug, and (2) the Commission determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, and (3) 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 Housing Commission must establish standards that prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

J. NOTICE OF DECISION AND INFORMAL REVIEW PROCESS

The PHA is required to provide Informal Reviews on Applicants in accordance with federal regulations. The Informal Review and Hearing Policy is incorporated in this Administrative Plan under separate addendum on Page 72.

V. BRIEFING OF FAMILIES AND ISSUANCE OF VOUCHERS

Every effort is made to thoroughly brief potential tenants on all Housing Choice Voucher Programs. This effort includes both individual and group briefings. At the individual briefings, the tenant can ask questions specific to his/her own circumstances. At the group briefing, the following tools may be used:

- An audio-visual presentation;
- An oral presentation;
- A question and answer period; and
- Distribution of related materials.

As a reasonable accommodation the Housing Commission will arrange for any necessary accommodation such as, but not limited to:

“All clients who request a reasonable accommodation to allow them complete access to our briefing and/or issuance process to include a sign language interpreter, braille, large print or provide a reader at the Housing Commission’s expense and as the availability of such providers.”

At the briefings, pertinent information is discussed on all programs. Especially stressed are all tenant responsibilities.

In an effort to aid families in housing selections, a listing of available units is maintained by the Housing Commission. These properties are not pre-screened, and this is so stated to the families. When possible, additional assistance is provided by the Housing Choice Voucher Coordinator for families having difficulty finding housing.

Prior to issuance of a Voucher all income verification must be current within (60) days.

Once issued, a family is given 60 days to locate suitable housing in the locale of its choice. Two additional 30-day extensions can be given upon the family's request by the Department Supervisor(s), provided that the family is able to justify the need for an extension.

If the Voucher expires at the end of the initial 60 day term without an extension or if it expires after any additional term requested and approved, the family may reapply for the program if they so desire, if the waiting list is open, and be placed back on the waiting list according to the date of their reapplication. HCAAC may not determine the family to be ineligible for the program on the grounds that it was not able to utilize a previously issued Voucher. Any expired Vouchers should be reissued to the next eligible applicants on the waiting list as soon as possible.

A. HOUSING QUALITY STANDARDS (HQS) AND INSPECTIONS

Should Law, Regulation or Notice amend the annual inspection requirement to a less often possibility, HCAAC will immediately adopt the less stringent time requirement, ie. biennially.

The HCAAC will use the HUD acceptability criteria in the program regulations and the HUD Inspection booklet (HUD 52580) for all inspections of dwelling units and adheres to the following additions:

- All units must have at least one smoke detector for each living level in the unit.
- At the discretion of HCAAC, subject to HUD approval, landlords will be required to scrape and repaint all surfaces cited for peeling paint with two coats of non-lead paint or otherwise suitable cover where there is a child under seven years of age residing or expected to reside in the unit.

In addition to ongoing inspections, periodic, random review of completed inspections will be performed by supervisory personnel at a minimum of 5% sampling of inspections to ensure quality control.

If the annual inspection reveals that the unit is not in decent, safe and sanitary condition as required by the HQS criteria, HCAAC will immediately notify the owner *and tenant* of the deficiencies and require that the conditions be corrected within 30 days.

If the owner does not take the required action to correct the deficiencies deemed as his/her responsibility within 30 days, HCAAC will abate the housing assistance payments until such time as the owner corrects the deficiencies, not to exceed seven (7) business days. The housing assistance payments will be resumed once the deficiencies are fully corrected by the owner, but HCAAC will not make payments for the period the unit was not in compliance. Tenants who do not correct the deficiencies in a timely manner will have their assistance terminated.

At agency discretion, on a case-by-case basis, physical re-inspections for minor non-life threatening deficiencies may not be required. However, statements, invoices, photographs and documents must be submitted within the allowable time period in lieu of the physical inspection. If the violation(s) are not corrected after a second inspection, within the prescribed time period, the Housing Assistance payments contract will be terminated.

If there are serious deficiencies that present an immediate danger to the health and safety of the family, HCAAC will require a correction of those deficiencies within 24 hours. (The owner however, is not responsible for HQS violations caused by the family. Such violations include damage to the unit by the family or guest beyond normal wear and tear and verification of the absence of tenant paid utilities.)

If the owner does not take the required action to correct the deficiencies deemed as his/her responsibility within 24 hours, HCAAC will abate the housing assistance payments until such time as the owner corrects the deficiencies, not to exceed seven (7) business days. The housing assistance payments will be resumed once the deficiencies are fully corrected by the owner, but HCAAC will not make payments for the period the unit was not in compliance. Tenants who do not correct the deficiencies in a timely manner will have their assistance terminated.

If the violation(s) are not corrected after a second inspection, within the prescribed time period, the Housing Assistance payments contract will be terminated.

Owners who have repeated fail grades on consecutive initial inspections will receive a warning letter notifying them that they are not compliant with program regulations. If units continue to fail thereafter, an owner may be terminated from the program and no additional contracts will be allowed until the owner can prove they have the ability to comply with program obligations.

B. LEASE APPROVAL AND HOUSING ASSISTANCE PAYMENTS CONTRACTS EXECUTION

In the execution of the Lease Agreement and Addendum to the Lease, both parties (tenant and owner) will be made aware of required and prohibited lease provisions. Both parties will receive a copy of pertinent contract documents. Upon receipt of a Request for Tenancy Approval, signed by tenant and owner, HCAAC will insure that the contract rent:

- Is within the applicable Payment Standard and,
- Is reasonable in relation to rents currently being charged for comparable units in the private, unassisted market, also

HCAAC will also ensure:

That the owner of the unit is not subject to certain federal actions such as debarment, suspension or denial of participation under 24 CFR 982.306.

That the owner has not engaged in drug trafficking.

That the owner does not have a history or practice of violating Housing Choice Voucher HQS or applicable Housing Standards.

Upon approval of the Request for Tenancy Approval the voucher becomes suspended, i.e., the expiration date of the voucher is stopped pending the outcome of the unit inspection.

Also, the Housing Commission reserves the right to deny a Request for Tenancy Approval or lease renewal on any unit that has had a history of repeated HQS failures, and/or has had a HAP Contract terminate due to abatement.

Release of Information

HCAAC is required upon request to provide the following information to owner regarding tenants who wish to lease their dwelling unit in accordance with Section 982.307(b).

- The Family's current address as shown in our records.
- The name and address of the Landlord at the Family's current and prior address (if known).

C. PAYMENT STANDARD RENT LIMITATIONS

The Gross Rent for a Voucher Program unit shall not exceed the standards of rent reasonableness according to local market conditions that are applicable for such unit on the date of Lease approval. Federal Statute may impose other limitations that shall become effective to maintain compliance.

D. SEPARATE AGREEMENTS

Owners and tenants may execute agreements for services, appliances (other than for range and refrigerator) and other items outside those which are provided under the lease if the agreement is in writing and approved by HCAAC.

In order for there to be a separate agreement, the tenant must have the option of not utilizing the service, appliance or other item.

HCAAC is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

VI. ANNUAL ACTIVITIES

A. REVIEW OF FAMILY CIRCUMSTANCES, RENT, UTILITIES, AND HOUSING QUALITY

All families (includes all adult members) will be scheduled for recertification interviews to provide information on income, assets, allowances, deductions and family composition at least annually and in accordance with Section 982.516 of the Federal Regulations. (See Verification Procedures)

This annual reexamination of family circumstances is coordinated with the contract anniversary date and an inspection (as identified in Section V, Part A) of the premises for continued compliance with Housing Quality Standards (HQS). Annual reexaminations are started 90 days prior to the anniversary date to assure sufficient time to conclude this process.

Participants will be allowed two appointments for re-certification interviews. Should the participant fail to keep the first appointment, a second appointment will be scheduled and the tenant will be notified that failure to attend may result in termination of assistance for failure to comply with the obligations of their voucher. A thirty (30) day notice of termination of assistance will be sent by Certified Mail if they fail to appear for the second date.

B. INTERIM ADJUSTMENTS OF RENT

Interim adjustments will be conducted, in case where the tenant's rent will decrease due to the adjustment. An interim will also be conducted in cases where the household income increases from a reported amount equaling zero. Families may request that an interim be performed when a change in earned income or family composition has occurred that would result in an increase to the tenant rent portion. Please note that changes reported after the 15th day of any month will be processed by the 1st day of the second month thereafter, retroactive to the 1st of the preceding month. Such changes in Family circumstances would include:

- **Receipt or discontinuance of Public Assistance.**
- **Changes in family composition.**
- **Employment or loss of employment.**
- **Receipt of a deferred payment in a lump sum that represents the delayed start of a periodic payment such as Unemployment Compensation and other compensation.**
- **Changes with the family that will require deductions and allowances to be recalculated.**

C. TIMELY REPORTING STANDARDS AND VERIFICATION OF INFORMATION

Participants must report changes within 10 calendar days of the occurrence in order for the report to be "in a timely manner", and must be made in writing. . Where feasible, third-party written verification or direct document review shall be the preferred method of verifying Participant information, including Income, value of Assets, Medical Expenses, Child Care Expenses, Family composition, age, Disability, Handicap, Student Status, and displacement status. Third-party oral verification may be used if the client file is documented according to identification of all parties, the date, and the content of the information. All information must be verified as a condition of continued assistance and the Head of Household and all other adult members of the assisted family must sign HUD-approved release forms and consent authorizing private and public agencies to furnish and release required information to the Commission. Notarized statements or signed affidavits may be accepted when all other sources have been exhausted. They should not be accepted in lieu of other possible methods.

Decrease in tenant rent will be effective the first of the month following the reported decrease.

Increases in tenant rent will be effective anniversary date of the contract following the change in family circumstances.

If the Housing Commission of Anne Arundel County determines that the tenant has misrepresented the facts, which would result in an increase in tenant rent, at the time of re-certification it shall be computed retroactively to the anniversary date. Depending on the circumstances, the tenant may, at the discretion of the Commission, be allowed to enter into a repayment agreement to repay the program for any over assistance.

The Housing Commission may not require clients to obtain a court-order awarding legal custody of a child or children residing in one of its program units. In cases where the family has physical custody of a dependent but legal custody has not been established the client will be required to provide a written affidavit from the legal custodial guardian or parent that the child will be placed in the care and custody of the client and the document must clearly state the dates for which the care and custody becomes effective and any end date if one is anticipated. The written affidavit must be Notarized by a licensed Notary of the State in order to assure the signature is valid.

D. CONTRACT RENT INCREASES BY OWNER

Rent increases are determined in accordance with annual adjustment factors and other provisions of the Regulations as following:

The amount of the monthly rent payable by the Family to the Owner is determined by the provisions of the Lease between the Owner and the Family. The amount of the monthly rent under the Lease may not be increased during the first year of the term of such Lease. The Lease may provide for increase in such monthly rent after the first year of the term, if the Owner gives at least sixty days written notice to the Family and the family agrees to the increase in rent. The family portion of the rent must remain affordable and feasible.

Owners may not request rent increases prior to the expiration of the first term of lease. As of the first anniversary date of the lease, rent increases may be effective with a 60 days notice to the family and a copy to HCAAC.

Landlords must submit a written request for rent increase to HCAAC, which may or may not be granted.

E. UTILITIES

Utilities include water, electricity, gas, heating, refrigeration, and cooking fuels, trash collection and sewage services.

Allowances for tenant furnished utilities are reviewed in connection with annual reexaminations. When revisions are made, they are implemented at the time of annual rent adjustments and TTP determinations.

F. MINIMUM RENT

In accordance with Section 402(a)(1) and (2) of the Continuing Resolution, assisted families may pay a minimum rent as set by the Housing Commission by internal procedure. The minimum rent may not exceed \$50.00 per month. The minimum rent is currently \$0, however may be changed by procedure to accommodate market conditions.

VII. TERMINATIONS AND SECURITY DEPOSITS

HCAAC may deny or terminate assistance if an applicant or participant:

- Violated any of the "Family Obligations" under the Voucher Program.
- Serious violation of the Lease. Provisions under the Violence Against Women Act will be utilized should the family seek protection under the law and rule.
- Committed any fraud or misrepresentation in connection with any Federal Housing Assistance Program.
- Defaulted on a repayment agreement.
- If the participant's TTP is sufficient to pay full gross rent and six (6) months of zero assistance has elapsed since the last HAP was made.

A. INFORMAL HEARINGS

The PHA is required to provide Informal Hearings in accordance with federal regulations. The Informal Review and Hearing Policy is incorporated in this Administrative Plan under separate addendum on Page 72.

B. OWNER ACTIONS, FRAUD, MISREPRESENTATION, OR BREACH OF CONTRACT

If the landlord has committed fraud, misrepresentation or other breach of the Housing Assistance Payments Contract or Voucher Contract in connection with the Housing Choice Voucher Program, HCAAC will terminate the Contract and review the circumstances and family's involvement to determine if the family is eligible for re-certification to relocate to another unit with continuation of assistance. Actions such as those listed above, failure to abide by program and lease requirements, disrespectful treatment and/or harassment towards staff may be grounds for denial of program participation.

C. FAMILY MOVES

Participants who are in compliance with all regulations and who wish to move to another unit must put their request in writing prior to issuance of a new Voucher. This notice must be forwarded to the Landlord and the Commission. Current program participants may only transfer to a new unit at the time of Annual Recertification except at the request of a Reasonable Accommodation when the owner has initiated the action or if the Housing Commission terminates the Housing Assistance Payments Contract.

If the family moves to another area, the notice must specify where the family wants to move.

Participants, who rescind their action to move with the Landlord's Agreement, may continue leasing where they are currently living, and the Housing Assistance Payment will continue to be paid to the landlord.

Participants who execute the move-out are advised that issuance of a new Voucher for move-out does not preclude them from being responsible for unpaid rent and for damages. Should information be received during the issuance period that the family is not compliant with obligations; any Request for Tenancy Approval will be delayed until a continued eligibility determination and related hearing are completed.

Both assisted households and the Landlord must be notified when the family must move due to a change in the family's composition that changes the subsidy for which they qualify.

D. FAMILY BREAK-UP

Upon break-up of the family, HCAAC will determine which family member (s) will retain the Housing Choice Voucher assistance. The factors which will be considered in making this decision are:

- The household member(s) remaining in the assisted unit.

- **The interest of minor children or of ill, elderly or disabled family members.**
- **Whether family members were forced to leave the unit as a result of actual or threatened physical violence against those family members.**
- **Court determination of which family member(s) will retain housing assistance in cases of divorce or separation.**

E. EVICTIONS

The owner may evict in accordance with Federal Regulations or may institute court action, using the grounds for eviction available through Maryland State Law, or the owner may obtain a signed mutual termination agreement. The housing assistance payment is terminated when the lease is terminated by the owner.

Notice of the eviction must be given to the Commission either by the family or the owner.

F. ABSENCES FROM UNIT

Participants may be absent from the unit for a consecutive period of time not to exceed two (2) weeks, without having their Housing assistance interrupted or terminated.

G. CONTRACT TERMINATIONS

The Landlord may terminate the HAP contract for business or economic reasons with a ninety (90) day notice to the Commission, HUD and the assisted family.

H. SECURITY DEPOSITS

All owners entering into a HAP contract on or after October 2, 1995 may collect a Security Deposit in accordance with CFR Section 982.313 (a). It must be placed in an account that complies with Maryland State Law. The Housing Commission will not impose any limit on the owner Security Deposit providing that the deposit amount does not exceed the private market practices or security deposits collected for the owner's unassisted units.

If a family vacates its unit, the owner, subject to State and local law, may use the Security Deposit as reimbursement for any unpaid family contribution or other amounts owed under the lease.

VIII. REPAYMENT AGREEMENTS

A. USE OF REPAYMENT AGREEMENTS

When a participant owes money to HCAAC, assistance must not be terminated simply because the family has an outstanding debt. When an applicant owes money to HCAAC (or another PHA) placement on the waiting list must not be denied solely because of a previous debt. A Promissory Note in the form of a Repayment Agreement may be executed by the participant or applicant with the HCAAC to permit payback of a debt over a period of time.

Repayment Agreements may be executed for, but are not limited to, the following circumstances:

- failure to report changes in income or family size that results in overpayment of assistance.**

Participants owing money must be notified of their liability and informed that they are not required to enter into a Repayment Agreement as a condition of continued assistance. However, in the absence of a Repayment Agreement or default of a Repayment Agreement, the HCAAC may deny issuance of a new Voucher when the participant wants to move.

There is no dollar limit on the amount of the Repayment Agreement. Payment amounts should however, be affordable for the participant or applicant and for a specified term not to exceed 12 months unless extended by the Department Supervisor.

If an applicant or participant has signed a Repayment Agreement with HCAAC (or any other PHA) and they breach the agreement, HCAAC may deny or terminate assistance.

IX. FINANCIAL MANAGEMENT/REPORTING REQUIREMENTS

A. THE HOUSING ASSISTANCE PAYMENT (HAP) REGISTER

HCAAC will keep a HAP register for each tenant by each project with the required information as attached.

The HAP Register will be kept up-to-date with all initial payments and subsequent changes entered.

B. MONITORING PROGRAM PERFORMANCE

To ensure quality control the HCAAC Department Supervisor conducts monthly monitoring review of all Housing Choice Voucher Programs, activities, which may include the following:

- 1. Review of Waiting List**

2. **Audit of Files**
3. **File Count**
4. **Bi-Weekly Review of HAP Register**
5. **Review of Financial Records**
6. **Review of Monthly Utilization Reports**
7. **Sample Review of Housing Quality Standards**

The Comptroller the HCAAC will closely monitor the Operating Reserve to ascertain that ongoing administrative fees are sufficient to cover ongoing administrative expenses. Proposed expenditures not in accordance with the approved budget require prior approval for a budget amendment by the HCAAC's Executive Director/Chief Executive Officer and Board of Commissioners.

C. HUD REGULATORY AMENDMENTS

Revisions to existing program regulations will be automatically incorporated in this plan subsequent to its effective date. Special rules for use of available funds will be followed when HUD provides funding for a special purpose.

D. PAYMENT STANDARD

The PHA determines the amount of subsidy a family will receive but does not limit the rent charged by the owner.

The maximum subsidy calculation is done at the time a family is issued a Housing Voucher.

Establishing the maximum subsidy enables the family to “shop” for housing.

The actual PHA subsidy can be calculated only after the family has selected a specific unit and the gross rent for the unit is known.

The family may pay more or less than 30% of monthly adjusted income for rent and utilities.

The standards will be reviewed annually.

Adjustments to the payment standards will be made when required due to economic reasons and/or due to an adjustment in the areas Fair Market Rents. In an effort to allow flexibility, the payment standards will be set in accordance with federal regulations between 90% and 110% of the current Fair Market Rent. The factors in determining the standards will largely be affected by market conditions and trends. The Housing Commission reserves the right to establish standards by Census Tract, if applicable and warranted, to encourage de-concentration and enhanced choice.

The payment standard used for a family at regular reexamination will not be less than the applicable standard previously used unless the family's size or

composition increases or decreases in accordance with HCAAC occupancy standards.

X. FAMILY SELF-SUFFICIENCY PROGRAM (FSS)

The FSS Revised Action Plan is now an appendix to the Housing Choice Voucher Administrative Plan and has been incorporated with the HCAAC policies and procedures effective April 16, 2007. The original Plan was submitted on August 3, 1994. The Administrative Plan will be amended to address any revisions to the FSS Comprehensive Strategy as needed.

REVISED GLOSSARY

ABSORPTION- In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.

ACC - Annual contributions contract.

ACC RESERVE ACCOUNT (Formerly Project Reserve) - Account established by HUD from amounts by which the maximum payment to the HA under the consolidated ACC (during an HA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

ADJUSTED INCOME - Annual Income less the following allowances, determined in accordance with HUD instructions:

- (a) \$480 for each Dependent;
- (b) \$400 for any Elderly Family;
- (c) For any Family that is not an Elderly Family but has a Handicapped or Disabled member other than the head of household or spouse, Handicapped Assistance Expenses in excess of three percent of Annual Income, but this allowance may not exceed the employment income received by Family members who are 18 years of age or older as a result of the assistance to the Handicapped or Disabled Person;
- (d) For any Elderly Family
 - (1) That has no Handicapped Assistance Expenses, an allowance for Medical Expenses equal to the amount by which the Medical Expenses exceed three percent of Annual Income;
 - (2) That has Handicapped Assistance Expenses greater than or equal to three percent of Annual Income, an allowance for Handicapped Assistance Expenses computed in accordance with paragraph (c) this section, plus an allowance for Medical Expenses that is equal to the Families Medical Expenses;
 - (3) That has Handicapped Assistance Expenses that are less than three percent of Annual Income, an allowance for combined Handicapped Assistance Expenses and Medical Expenses that is equal to the amount by which the sum of these expenses exceeds three percent of Annual Income; and
- (e) (1) Child care expenses; or
 - (2) in the case of families assisted by Indian housing authorities, the greater of
 - (i) child care expenses, or
 - (ii) excessive travel expenses, not to exceed \$25 per family per week, for employment or education related travel.

ADMINISTRATIVE FEE - Fee paid by HUD to the HA for administration of the program.

ADMINISTRATIVE FEE RESERVE (Formerly Operating Reserve) - Account established by HA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

- (a) **The HA must maintain an administrative fee reserve (formerly operating reserve) for the program. There are separate administrative fee reserve accounts for the HA's voucher programs. The HA must credit to the administrative fee reserve the total of:**
 - (1) **The Amount by which program administrative fees paid by HUD for an HA fiscal year exceed the HA program administrative expenses for the fiscal year; plus**
 - (2) **Interest earned on the administrative fee reserve.**
- (b) (1) **The HA must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for an HA fiscal year. If funds in the administrative fee reserve are not needed to cover HA administrative expenses (to the end of the last expiring funding increment under the consolidated ACC), the HA may use these funds for other housing purposes permitted by State and local law. However, HUD may prohibit use of the funds for certain purposes.**
 - (2) **The HA Board of Commissioners or other authorized officials must establish the maximum amount that may be charged against the administrative fee reserve without specific approval.**
 - (3) **If the HA has not adequately administered any Housing Choice Voucher program, HUD may prohibit use of funds in the administrative fee reserve, and may direct the HA to use funds in the reserve to improve administration of the program or to reimburse ineligible expenses.**

ADMINISTRATIVE PLAN - The administrative plan described HA policies for administration of the tenant-based programs.

- (a) **The HA must adopt a written administrative plan that establishes local policies for administration of the program in accordance with HUD requirements. The administrative plan and any revisions of the plan must be formally adopted by the HA Board of Commissioners or other authorized HA officials. The administrative plan states HA policy on matters for which the HA has discretion to establish local policies.**
- (b) **The administrative plan must be in accordance with HUD regulations and other requirements. The HA must review the administrative plan if needed to comply with HUD requirements. The HA must give HUD a copy of the administrative plan.**
- (c) **The HA must administer the program in accordance with the HA administrative plan.**
- (d) **The HA administrative plan must cover HA policies on these subjects:**
 - (1) **How the HA selects applicants from the HA waiting list, including applicants with federal and other preferences, and procedures for closing and reopening the HA waiting list;**
 - (2) **Issuing or denying vouchers, including HA policy governing the voucher term and any extensions or suspension of the term. Suspension means stopping the clock on the term of a families voucher after the family submits a request for lease approval. If the HA decides to allow extensions or suspensions of the voucher term, the HA administrative plan must describe how the HA determines whether to grant extensions or suspensions, and how the HA determines the length of any extension or suspension;**
 - (3) **Any special rules for use of available funds when HUD provides funding to the HA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families;**

- (4) **Occupancy policies, including:**
 - (i) **Definition of what group of persons may qualify as a family;**
 - (ii) **Definition of when a family is considered to be continuously assisted ;**
- (5) **Encouraging participation by owners of suitable units located outside areas of low income or minority concentration;**
- (6) **Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit;**
- (7) **A statement of the HA policy on providing information about a family to prospective owners;**
- (8) **Disapproval of owners;**
- (9) **Subsidy standards;**
- (10) **Family absence from the dwelling unit;**
- (11) **How to determine who remains in the program if a family breaks up;**
- (12) **Informal review procedures for applicants;**
- (13) **Informal hearing procedures for participants;**
- (14) **For the voucher program: the process for establishing and revising payment standards, including affordability adjustments;**
- (15) **Special policies concerning special housing types in the program (e.g., use of shared housing); and**
- (16) **Policies concerning payment by a family to the HA of amounts the family owes the HA.**

ADMISSION - The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

ANNUAL CONTRIBUTIONS CONTRACT (ACC) - A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.

ANNUAL INCOME:

- (a) **Annual Income is the anticipated total income from all sources received by the Family head and spouse (even if temporarily absent) and by each additional member of the Family, including all net income derived from assets for the 12-month period following the effective date of certification of income, exclusive of certain types of income as provided in paragraph (c) of this section.**
- (b) **Annual Income includes, but is not limited to:**
 - (1) **The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.**
 - (2) **The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family;**

- (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the Family has Net Family Assets in excess of \$5,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate, as determined by HUD;
 - (4) 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, including a lump sum payment for the delayed start of a periodic payment (but see paragraph (c)(13) of this section);
 - (5) Payments in lieu of earnings, such as unemployment and disability compensation, workers compensation and severance pay (but see paragraph (c)(3) of this section);
 - (6) Welfare Assistance. If the Welfare Assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the Welfare Assistance agency in accordance with the actual cost of shelter and utilities, the amount of Welfare Assistance income to be included as income shall consist of:
 - (i) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities, plus
 - (ii) The maximum amount that the Welfare Assistance agency could in fact allow the Family for shelter and utilities. If the Family's Welfare Assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph (b)(6)(ii) shall be the amount resulting from one application of the percentage;
 - (7) Periodic and determinable allowances, such as alimony and the court ordered annual or voluntarily provided child support payments, and regular contributions or gifts received from persons not residing in the dwelling;
 - (8) All regular pay, special pay and allowances of a member of the Armed Forces (but see paragraph (c)(7) of this section); and
- (c) Annual income does not include the following:
- (1) Income from employment of children (including foster children) under the age of 18 years;
 - (2) Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);
 - (3) 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 (but see paragraph (b)(5) of this section);
 - (4) Amounts received by the Family, that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
 - (5) Income of a live-in Aide. A person who resides with an Elderly, Disabled, or Handicapped Person or Persons and who--

- (a) Is determined to be essential to the care and well being of the Person(s);
 - (a) Is not obligated for the support of the Person(s); and
 - (c) Would not be living in the unit except to provide the necessary supportive services.
- (6) The full amount of student financial assistance paid directly to the student or to the educational institution;
 - (7) The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
 - (8)
 - (i) Amounts received under training programs funded by HUD;
 - (ii) Amounts received by a disabled person 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);
 - (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
 - (iv) A resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No Resident may receive more than one such stipend during the same period of time; or
 - (v) Compensation from State or local employment training programs and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance;
 - (9) Temporary, nonrecurring or sporadic income (including gifts);
 - (10) For all initial determinations and reexaminations of income carried out on or after April 23, 1993, 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;
 - (11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
 - (12) Adoption assistance payments in excess of \$480 per adopted child;
 - (13) Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment.
 - (14) 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;
 - (15) Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
 - (16) 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 the United States Housing Act of 1937. A notice will be published in the FEDERAL REGISTER and

distributed to PHA's and owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

- (d) If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a re-determination at the end of the shorter period.
- (e) Any family receiving the reparation payments referred to in paragraph (c)(10) of this section that has been requested to repay assistance under this chapter as a result of receipt of such payments shall not be required to make further repayments on or after April 23, 1993.

APPLICANT (Applicant Family) - A family that has applied for admission to a program, but is not yet a participant in the program.

BUDGET AUTHORITY - An amount authorized and appropriated by the Congress for payment to HA's under the program. For each funding increment in an HA program, budget Authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

CO-HABITANTS - Two (2) or more persons of the opposite sex who, at the time of application, have been living together as a family in a stable relationship.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT (Consolidated ACC)

(a) NATURE OF ACC

- (1) An annual contributions contract (ACC) is a written contract between HUD and an HA. Under the ACC, HUD agrees to make payments to the HA, over a specified term, for housing assistance payments to owners and for the HA administrative fee. The ACC specifies the maximum annual payment by HUD, and the maximum payment over the ACC term. The HA agrees to administer the program in accordance with HUD regulations and requirements.
- (2) HUD's commitment to make payments for each funding increment in the HA program constitutes a separate ACC. However, commitments for all the funding increments in an HA program are listed in one consolidated contractual document called the consolidated annual contributions contract (consolidated ACC). A single consolidated ACC covers funding for the HA voucher program.

(b) BUDGET AUTHORITY AND CONTRACT AUTHORITY

- (1) Budget authority is the maximum amount that may be paid by HUD to an HA over the ACC term of a funding increment. Contract authority is the maximum annual payment for the funding increment. Budget authority for a funding increment is equal to contract authority times the number of years in the increment term. Before adding a funding increment to the consolidated ACC for an HA program, HUD reserves budget authority from amounts authorized and appropriated by the Congress for the program.
- (2) For each funding increment, the ACC specifies the initial term over which HUD will make payments for the HA program, and the contract authority and budget authority for the funding increment. For a given HA fiscal year, the amount of HUD's maximum annual payment for the HA program equals the sum of the

contract Authority for all of the funding increments under the consolidated ACC. However, this maximum amount does not include contract authority for an expired funding increment. If the term of a funding increment expires during the HA fiscal year, this maximum amount only includes the pro-rata portion of contract authority for the portion of the HA fiscal year prior to expiration. (Additional payments may be made from the ACC reserve account described in 982.154.) However, the amount to be paid must be approved by HUD, and may be less than the maximum payment.

CONTIGUOUS MSA - In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

CONTINUOUSLY ASSISTED - An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act Program when the family is admitted to the voucher program.

CONTRACT AUTHORITY - The maximum annual payment by HUD to an HA for a funding increment.

DISABLED PERSON - A person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

DISPLACED PERSON - A person or family displaced by government action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws, defined as follows:

- (a) A definite and final order requiring demolition, closing or improvement and allowing no alternative must have been issued by the appropriate authority.
- (b) The person or family must live in the dwelling at the time of the order is entered or at the time of damage or disaster. In the event a unit becomes occupied subsequent to its having been vacated by a person or by a family entitled to preference, such new occupant shall not also be entitled to preference, even though it may become necessary to serve him with an official notice to vacate.

DOMICILE - The legal residence of the household head or spouse as determined in accordance with State and local law.

DRUG-RELATED CRIMINAL ACTIVITY - Term means:

- (1) Drug-trafficking; or
- (2) Illegal use, or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

DRUG-TRAFFICKING - The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

ELDERLY FAMILY - A Family whose Head of Household or Spouse or whose sole member is:

- (1) At least 62 years old,
- (2) A Disabled Person, or
- (3) A Handicapped Person as defined in this section, and may include two or more elderly (at least 62 years old), Disabled or Handicapped Person living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

ELDERLY PERSON - A person who is at least 62 years of age.

ELIGIBILITY

(a) **WHEN APPLICANT IS ELIGIBLE: GENERAL -** The HA may only admit an eligible family to a program. To be eligible, the applicant must be a family, must be income-eligible, and must be a citizen or a non-citizen who has eligible immigration status as determined in accordance with 24 CFR part 5.

(b) **INCOME**

(1) To be income eligible, the family must be either:

(i) A very low-income family; or

(ii) A low-income family in any of the following categories:

(A) A low-income family that is continuously assisted under the 1937 Housing Act.

(B) A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

(C) A low-income non-purchasing family residing in a HOPE 1 (HOPE for Public and Indian Housing Homeownership) or HOPE 2 (HOPE for Homeownership of Multifamily Units) project.

(D) A low-income non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.173.

(E) A low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of mortgage insurance contract under 24 CFR 248.165.

(F) For the voucher program only, a low-income family residing in a HUD-owned multifamily rental housing project when HUD sells, forecloses or demolishes the project.

(2) The HA determines whether the family is income-eligible by comparing the family's annual income (gross income) with the HUD-established very low-income limit or low-income limit for the area. The applicable income limit for issuance of a voucher when a family is selected for the program is the highest income limit (for the family unit size) for areas in the HA jurisdiction. The applicable income limit for admission to the program is the income limit for the area where the family is initially assisted in the program. The family may only use the voucher to rent a unit in an

area where the family is income eligible at admission to the program.

(c) FAMILY COMPOSITION

- (1) A family may be a single person or a group of persons.
- (2) A family includes a family with a child or children.
- (3) A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family. The HA determines if any other group of persons qualifies as a family.
- (4) A single person family may be:
 - (i) An elderly person.
 - (ii) A displaced person.
 - (iii) A disabled person.
 - (iv) Any other single person.
- (5) A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

(d) CONTINUOUSLY ASSISTED

- (1) An applicant is continuously assisted under the 1937 Housing Act if this family is already receiving assistance under any 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.
- (2) The HA must establish policies concerning whether and to what extent a brief interruption between assistance under one of these programs and admission to the certificate or voucher program will be considered to break continuity of assistance under the 1937 Housing Act.

EXCEPTION RENT - In the certificate program, an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program, the exception rent is approved by HUD, and is used in determining the initial contract rent. In the voucher program, the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.

FAIR MARKET RENT (FMR) - The rent, including the cost of utilities (except telephone), that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms), and are published in the FEDERAL REGISTER in accordance with 24 CFR part 888 as follows.

FAMILY -

- (1) A family may be a single person or a group of persons.
- (2) A family includes a family with a child or children.

- (3) A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family. The HA determines if any other group of persons qualifies as a family.
- (4) A single person family may be:
 - (a) An elderly person.
 - (b) A displaced person.
 - (c) A disabled person.
 - (d) Any other single person.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM) - The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services (42 U.S.C. 1437u).

FAMILY UNIT SIZE - The appropriate number of bedrooms for a family. Family unit size is determined by the HA under the HA subsidy standards.

FMR - Fair market rent.

FMR/EXCEPTION RENT LIMIT - The Housing Choice Voucher existing housing fair market rent published by HUD Headquarters, or any exception rent. In the certificate program, the initial contract rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program, the HA may adopt a payment standard up the FMR/exception rent limit.

FSS PROGRAM - Family self-sufficiency program.

FUNDING INCREMENT - Each commitment of budget authority by HUD to an HA under the consolidated annual contributions contract for the HA program.

HA - Housing Agency.

HANDICAPPED ASSISTANCE EXPENSES - Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled Family member, and that are necessary to enable a Family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source.

HANDICAPPED PERSON - A person having a physical or mental impairment that:

- (a) Is expected to be of a long-continued and indefinite duration,
- (b) Substantially impedes his or her ability to live independently, and
- (c) Is of such a nature that such ability could be improved by more suitable housing conditions.

HAP CONTRACT - Housing assistance payments contract.

HOUSING AGENCY (HA) - A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing, including an Indian housing authority (IHA). (PHA and HA mean the same thing.)

HOUSING ASSISTANCE PAYMENT - The monthly assistance payment by an HA. The total assistance payment consists of:

- (1) A payment to the owner for rent to owner under the family's lease.**
- (2) An additional payment to the family if the total assistance payment exceeds the rent to owner. In the certificate program, the additional payment is called a utility reimbursement.**

HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP CONTRACT) - A written contract between an HA and an owner, in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

HOUSING QUALITY STANDARDS (HQS) - The HUD minimum quality standards for housing assisted under the tenant-based programs. See 24 CFR 982.401 for specifics.

HQS - Housing Quality Standards.

HUD REQUIREMENTS - HUD requirements for the Housing Choice Voucher programs. HUD requirements are issued by HUD headquarters, as regulations, FEDERAL REGISTER notices or other binding program directives.

IHA - Indian housing authority.

INDIAN - Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA) - A housing agency established either:

- (1) By exercise of the power of self-government of an Indian Tribe, independent of State law; or**
- (2) By operation of State law providing specifically for housing authorities for Indians.**

INITIAL CONTRACT RENT -In the certificate program, the contract rent at the beginning of the initial lease term.

INITIAL HA - In portability, the term refers to both:

- (1) An HA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting HA.
- (2) An HA that absorbed a family that subsequently decides to move out of the jurisdiction of the selecting HA.

INITIAL LEASE TERM - The initial term of the assisted lease. The initial lease term must be for at least one year.

INITIAL RENT TO OWNER - The rent to owner at the beginning of the initial lease term.

JURISDICTION - The area in which the HA has authority under State and local law to administer the program.

LEASE:

- (1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP Contract between the owner and the HA.
- (2) In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the members cooperative dwelling unit by the members family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA. For purposes of part 982, the cooperative is the Housing Choice Voucher owner of the unit, and the cooperative member is the Housing Choice Voucher tenant.

LEASE ADDENDUM -In the lease between the tenant and the owner, the lease language required by HUD.

LIVE-IN AIDE -A person who resides with an Elderly, Disabled, or Handicapped Person or Persons and who:

- (a) Is determined to be essential to the care and well-being of the Person(s);
- (b) Is not obligated for the support of the Person(s); and
- (c) Would not be living in the unit except to provide the necessary supportive services.

LOW-INCOME FAMILY -A Family who's Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes. 24 CFR Section 982.201(b) described when a low-income family is income-eligible for admission to the certificate or voucher program).

MSA - Metropolitan statistical area.

1937 HOUSING ACT -The United States Housing Act of 1937 (42 U.S.C. 1437 and following sections). The HUD tenant-based program is authorized by Housing Choice Voucher of the 1937 Housing Act (42 U.S.C. 1437f).

1937 HOUSING ACT PROGRAM - Any of the following programs:

- (1) The public housing program or Indian housing program.**
- (2) Any program assisted under Housing Choice Voucher of the 1937 Act (42 U.S.C. 1437f) (including assistance under a Housing Choice Voucher tenant-based or project-based program).**
- (3) The Section 23 leased housing program.**
- (4) The Section 23 housing assistance payments program. (Section 23 means Section 23 of the United States Housing Act of 1937 before enactment of the Housing and Community Development Act of 1974.)**

NOFA - Notice of funding availability.

NOTICE OF FUNDING AVAILABILITY (NOFA) - For funding (contract or budget authority) that HUD distributes by competitive process, HUD headquarters invites HA applications by publishing a NOFA in the FEDERAL REGISTER. The NOFA explains how to apply for assistance, and the criteria for awarding the funding.

OPERATING RESERVE - Administrative fee reserve.

OWNER - Any person or entity with the legal right to lease or sublease a unit to a participant.

PARTICIPANT (Participant Family) - A family that has been admitted to the HA program, and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (first day of initial lease term).

PAYMENT STANDARD - In the voucher program, an amount used by the HA to calculate the housing assistance payment for a family. Each payment standard amount is based on the fair market rent. The HA adopts a payment standard for each bedroom size and for each fair market rent area in the HA jurisdiction. The payment standard for a family is the maximum monthly subsidy payment.

PBC - Project-based certificate program.

PERSON WITH DISABILITIES (Disabled Person) - A person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

PHA - Public housing agency. (Public housing agency and housing agency mean the same thing.) A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing, including an Indian housing authority (IHA). (PHA and HA mean the same thing.)

PORTABILITY - Renting a dwelling unit with Housing Choice Voucher tenant-based assistance outside the jurisdiction of the initial HA.

PREMISES - The building or complex in which the dwelling unit is located, including common areas and grounds.

PROGRAM - The tenant-based certificate program or voucher program.

PROJECT-BASED - Rental assistance that is attached to the structure.

PROJECT BASED CERTIFICATE PROGRAM (PBC) - Project based assistance under 24 CFR part 983, using funding under the consolidated ACC for the HA certificate program.

PROJECT RESERVE - ACC reserve account.

- (a) (1) HUD establishes an un-funded reserve account, called the ACC reserve account (formerly project reserve), for the HA's program. There are separate ACC reserve accounts for the HA's certificate and voucher programs. The ACC reserve account is established and maintained in the amount determined by HUD.
- (2) At the end of each HA fiscal year, HUD credits the ACC reserve account from the amount by which the sum of contract authority for all funding increments under the consolidated ACC (maximum annual payment) exceeds the amount actually approved and paid for the HA fiscal year. However, the maximum annual payment does not include contract authority for an expired funding increment. If the term of a funding increment expires during the HA fiscal year, this maximum amount only includes the pro-rata portion of contract Authority for the funding increment covering the portion of the HA fiscal year prior to expiration.
- (b) HUD may approve additional payments for the HA program from available amounts in the ACC reserve account.

PUBLIC HOUSING AGENCY (PHA) - A Housing Agency (HA).

REASONABLE RENT - A rent to owner that is not more than either:

- (1) Rent charged for comparable units in the private unassisted market; or
- (2) Rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

RECEIVING HA -In portability, an HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher, and provides program assistance to the family.

RENTAL CERTIFICATE - Certificate.

RENTAL CERTIFICATE PROGRAM - Certificate program.

RENTAL VOUCHER - Voucher.

RENTAL VOUCHER PROGRAM - Voucher Program.

RENT TO OWNER - The monthly rent payable to the owner under the lease. Rent to owner includes payment for any services, maintenance and utilities to be provided by the owner in accordance with the lease.

SPECIAL ADMISSION - Admission of an applicant that is not on the HA waiting list, or without considering the applicant's waiting list position.

SUBSIDY STANDARDS - Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions. See definition of family unit size.

SUSPENSION - Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the HA, from the time when the family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request.

TENANT - The person or persons (other than a live-in aide) who executes the lease as leases of the dwelling unit.

TENANT-BASED - Rental assistance that is not attached to the structure.

TENANT RENT -In the certificate program, total tenant payment minus any utility allowance.

TOTAL TENANT PAYMENT -The portion of the Gross Rent payable by an eligible Family participating in a program covered by this part, determined in accordance with the following:

Total tenant payment for families whose initial lease is effective on or after August 1, 1982. Total Tenant payment shall be the highest of the following, rounded to the nearest dollar:

- (1) 30 percent of Monthly Adjusted Income;
- (2) 10 percent of Monthly Income; or
- (3) If the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's

actual housing costs, is specifically designed by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated. If the Family's Welfare Assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph (a)(3) shall be the amount resulting from one application of the percentage.

UNIT - Dwelling unit.

UNITED STATE HOUSING ACT OF 1937 (1937 Housing Act) - The basic law that authorizes the public and Indian housing programs, and the Housing Choice Voucher programs. (42 U.S.C. 1437 and following sections.)

UTILITY ALLOWANCE - If the cost of utilities (except telephone) and other housing serving for an assisted unit is not included in the Contract Rent but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD under applicable sections of these regulations of the monthly costs of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment. (In the case of shared housing, the amount of the Utility Allowance for an assisted Family is calculated by multiplying the Utility Allowance for the entire unit by the ratio derived by dividing the number of bedrooms in the Assisted Family's private space by the number of bedrooms in the entire unit. In the case of an assisted individual sharing a one-bedroom unit with another person, the amount of the Utility Allowance for the assisted individual is one-half of the Utility Allowance for the entire unit).

UTILITY REIMBURSEMENT - In the certificate program, the amount, if any, by which any utility allowance for family-paid utilities or other housing services exceeds the total tenant payment.

VERY LOW-INCOME FAMILY - A Low-Income Family whose Annual Income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

VIOLENT CRIMINAL ACTIVITY - Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

VOUCHER (Rental Voucher) - A document issued by an HA to a family selected for admission to the voucher program. The voucher describes the program and the

procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

VOUCHER PROGRAM - Rental voucher program.

WAITING LIST ADMISSION - An admission from the HA waiting list.

ADDENDA TO THE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

APPROVED BY THE BOARD OF COMMISSIONERS WITH THE AGENCY PLAN
SUBMISSION ON APRIL 12, 2002.

HOUSING CHOICE VOUCHER HOMEOWNERSHIP PROGRAM

The Housing Commission has successfully completed the final draft of the Housing
Choice Voucher Homeownership Program Plan.

The Housing Commission plans to commence issuance of homeownership vouchers on
or after
July 1, 2002.

The Housing Choice Voucher Homeownership Program was created in compliance with
the Federal Register Notice of September 12, 2000 and was incorporated into the Agency
Plan for FY2002. The Board of Commissioners approved the plan as a component of the
Agency Plan submission and resolution.

The Housing Choice Voucher Homeownership Program Plan is under separate document.

ADDENDA TO THE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

APPROVED BY THE BOARD OF COMMISSIONERS WITH THE AGENCY PLAN
SUBMISSION ON APRIL 17, 2006.

**The Housing Commission of Anne Arundel County has contracted to provide 71
Project Based Vouchers for the Wiley H. Bates Apartment Complex in Annapolis.**

**As agreed with the Developer and Management Company of the complex, a
separate waitlist will be administered for the project-based vouchers.**

**The waitlist will be ranked according to date and time of application only.
There will be no other preferences or priorities assigned to applicants of this
waitlist.**

APPROVED BY THE BOARD OF COMMISSIONER WITH THE AGENCY PLAN
SUBMISSION ON MARCH 19, 2009

The Housing Commission of Anne Arundel County has contracted to provide 16 Project Based Vouchers for the Admiral Oaks Apartment Complex in Annapolis.

As agreed with the Developer and Management Company of the complex, a separate waitlist will be administered for the project-based vouchers.

The waitlist will be ranked according to date and time of application only. There will be no other preferences or priorities assigned to applicants of this waitlist.

APPROVED BY THE BOARD OF COMMISSIONER WITH THE AGENCY PLAN
SUBMISSION ON MARCH 18, 2010

The Housing Commission of Anne Arundel County has contracted to provide 85 Project Based Vouchers for the Glenview Gardens Apartment Complex in Glen Burnie.

As agreed with the Developer and Management Company of the complex, a separate waitlist will be administered for the project-based vouchers.

The waitlist will be ranked according to date and time of application only. There will be no other preferences or priorities assigned to applicants of this waitlist.

FSS ACTION PLAN
REVISED APRIL 16, 2007
JULY 1, 2014

INTRODUCTION

In accordance with Section 23 of the U.S. Housing Act of 1937 and amended by Section 106 of the Housing and Community Development Act of 1992, the Housing Commission of Anne Arundel County (HCAAC) established a Family Self-Sufficiency Program as a result of increased Housing Choice Voucher funding in fiscal year 1994.

The goal of the FSS Program is to assist very low-income families in becoming economically and socially self-sufficient. The US Department of Housing and Urban Development will determine the minimum FSS Program size.

A service plan and FSS contract will be developed and maintained for each qualified participating family member. The program will be available to families in both the Housing Choice Voucher and Public Housing Programs.

This revised and updated FSS Action Plan is hereby made a part of the HCAAC Administrative Plan. The Action Plan describes how HCAAC will administer the FSS Program.

NUMBER OF FSS PROGRAM PARTICIPANTS

The program will consist of the minimum number of HCV families as required by HUD, but will also be open to public housing families wishing to expand economic opportunities. HUD honored the HCAAC waiver request to reduce the required program size to 75 in 2003. Ongoing mandatory program size shall be reduced by one slot for each program graduate completed after October 21, 1998. (24 CFR 984.105(b)(3)).

All of the required FSS slots will be filled with current HCV participants who have volunteered for the program. Up to 25 additional slots will be offered to residents of public housing (PH).

SUPPORTIVE SERVICES NEEDS OF FAMILY

It is anticipated that in order to reach the goals of the FSS program, participants will continue to need the following supportive services:

- Childcare
- Remedial education
- Vocational assessment
- Career Development
- Household management skills
- Financial/money management
- Family counseling
- Case management
- Job training/placement
- Job search assistance
- Resume/job interview skills
- Job retention training
- Secondary education
- Parenting skills
- Homeownership counseling
- Transportation
- Rehabilitation/substance abuse counseling

STIMATE OF PARTICIPATING FAMILIES

Families are recruited to fill all FSS Federally mandated slots. It is anticipated that 100% of the FSS participants will be recipients of various types of supportive services. The type of supportive services received will depend on the family's individual goals and objectives listed in their service plan. The quantity and quality of supportive services received will depend on the resources available in the community and the availability of federal, state, county and private funding.

FSS FAMILY SELECTION PROCEDURES OUTREACH AND RECRUITMENT

Current HCV and PH participants will be informed of the FSS program during briefings, by mail, brochures/ announcements provided in the office lobby, and referral by HCAAC employees. Families will be notified that the FSS program is a volunteer program and that their housing assistance will not be withheld for non-participation or non-completion of program requirements.

Families will be asked to submit an FSS Application. Both minority and non-minority groups currently receiving housing assistance will be targeted for participation in the FSS program.

Families who meet FSS program eligibility requirements will be selected to participate in the FSS program. Families will be selected without regard to race, color, religion, sex, handicap, familial status, or national origin.

When all FSS slots are filled, the remaining eligible FSS applicants and subsequent new applicants will be placed on an FSS waiting list. Families will be placed on the FSS waiting list according to the date and time in which their FSS interest form was received. Port-in FSS participants will be given preference.

FSS program eligibility requirements include, but are not limited to, the following:

1. Family must be currently participating in HCV or public housing
2. Family must attend a mandatory FSS orientation/briefing session
3. Family must have an overall goal to obtain self-sufficiency and be off public assistance as required by the FSS contract.
4. Head of household must be willing to improve their education, seek and/or maintain employment, or work towards homeownership during the FSS contract period.
5. Families must be willing to sign a FSS Service Contract and receive case management as part of their supportive services.

FSS PARTICIPANT INCENTIVE PLAN

As required by HUD, HCAAC will provide incentives for families who participate in the FSS program. The two main incentives that will be provided are the FSS escrow account, and for those who qualify, home ownership opportunities.

FSS ESCROW ACCOUNT

Each FSS participant will have their own Escrow Account established in accordance with HUD Regulations. A database will be maintained to record escrow deposits for each family. FSS escrow funds held by HCAAC will be invested in HUD-approved investments in accordance with HUD Handbook 7475.1, revised Section 4-8. Investment income (interest) will be credited at least annually to each participating family's FSS escrow account. A statement of escrow balance, credits, interest, and payments will be mailed to each family quarterly. Forfeited FSS escrow funds will revert to HCAAC and will be used in accordance with regulations.

The Department Director and Finance Director must also approve disbursement. Escrow funds will be disbursed when the following occurs:

1. The FSS family completes the requirements of the contract of participation on or before the expiration of the contract, or
2. When an HCV family experiences 180 days with a zero HAP payment.

The accrued escrow funds, minus any debts owed to HCAAC, will be disbursed to the designated head of household. HCAAC may consider requests for an interim disbursement of a portion of the FSS escrow, and:

1. The request must be submitted in writing and meet requirements for interim disbursement as stated in the FSS contract. The family will show that the purpose is goal-related and the family has attempted other resources.
2. The FSS Coordinator will make a determination on a case-by-case basis for the early escrow release and the interim goals that must be completed prior to an early escrow disbursement. The Department Director and Finance Director must also approve disbursement.
3. One or more interim withdrawals from escrow may be allowed.
4. Amount of interim withdrawal from escrow may not exceed 50% of participant's current escrow balance.
5. Any interim disbursement will be deducted from the escrow balance.
6. Must be at least 6 months between escrow withdrawals.
7. No more than one interim withdrawal may be allowed if participant has not earned escrow funds since last interim withdrawal.

FORFEITURE OF FSS ESCROW

The FSS families will automatically forfeit their FSS escrow when any of the following conditions apply:

1. The family fails to complete the goals listed on their contract of participation.
2. The family voluntarily withdraws from the program.
3. The family moves to another Housing Authority's jurisdiction, which does not have an FSS program or is not accepted into the receiving FSS program.
4. The family moves to another Housing Authority's jurisdiction but voucher is not absorbed
5. The family is removed from the HCV or PH program for non-compliance of lease agreement and/or HCV or PH policy and rules.
6. The family continues to receive public assistance (welfare) at the end of the FSS contract term. (This does not include Medicaid, childcare assistance, food stamps or housing subsidies.)

If a family is terminated or the contract expires with goals unfulfilled, the family must wait at least 12 months before participating in the program again.

HOMEOWNERSHIP

The FSS program coordinates homeownership workshops and seeks additional homeownership assistance opportunities. Attention is focused on long-term and short-term homeownership preparation and readiness. HCAAC offers a HCV Homeownership program, which requires participation in the FSS program with homeownership goals.

FSS participants may apply to use HCAAC's HCV homeownership option (for which FSS participants are given selection preference) and must be placed upon the HCV Homeownership waitlist.

FSS ACTIVITIES AND SUPPORTIVE SERVICES

The activities and supportive services which will be provided by both private and public resources to FSS families include, but are not limited to, the following: child care, remedial/secondary education, career development, job development and placement, parenting skills, household management skills, homeownership counseling, money management, transportation, family counseling, and case management.

HCAAC has formed partnerships with community social service agencies, many of which are invited to participate on the FSS Program Coordinating Committee. FSS participants will be referred to the agencies listed below for activities and supportive services. Additional services not listed, will be developed for families as stipulated in the Individual Training and Service Plan.

Housing/Homeownership and Case Management:

Habitat for Humanity
Arundel Community Development Services, Inc.
CCS

Child Care:

Headstart
Childcare Resource and Referral
YMCA

Remedial Education:

Anne Arundel County Schools GED Program
Anne Arundel Community College

Secondary Education:
Anne Arundel Community College

Career Development:
Anne Arundel Workforce Development
Department of Social Services

Financial/Money Management
Consumer Credit Counseling
Community Action Network
Arundel Community Development Services, Inc.

Legal and Domestic Issues
Baltimore Neighborhoods Inc.
Legal Aid Bureau, Inc.

METHOD FOR IDENTIFICATION OF FAMILY SUPPORT NEEDS

The FSS Coordinator will assess the individual family needs via an interview of all families participating in the FSS program. From the information gathered from the family, the case manager will develop a service plan for all family participants. The service plan will contain the family's goals, objectives, tasks, and resources that enable them to accomplish their goal of becoming economically self-sufficient. The case manager and the family will together determine the supportive services that the family will need to accomplish their goals. The FSS participant has the ultimate responsibility of pursuing all community resources available.

PORTABILITY

If the family requests portability to another jurisdiction's FSS program, it will be approved if:

1. The receiving agency absorbs the voucher.
2. The family signs an FSS Contract of Participation with the receiving agency's FSS program within 30 days after they lease in the receiving jurisdiction (or within receiving agency's deadline if less than 30 days).
3. The receiving jurisdiction requests transfer of escrow account, if any.

The family's FSS Contract of Participation will be terminated if the receiving agency does not allow the family to participate in its FSS program. The family will forfeit escrow.

The family's FSS Contract of Participation will be terminated if the receiving agency does not absorb the family's voucher. The family will forfeit escrow.

If the family wishes to go portable to another jurisdiction, but does not plan to continue in the FSS Program at the receiving agency, the family's FSS Contract of Participation will be terminated and the family will forfeit any funds in the escrow account.

FSS PROGRAM TERMINATION

The FSS family will be terminated from the FSS Program if the family does not fulfill the requirements of the Contract of Participation and/or violates the HCV or PH regulations. FSS families will be thoroughly briefed prior to signing the Contract of Participation, of the conditions under which the family will be terminated from the FSS Program.

The family will not be allowed to participate in the FSS Program once terminated by HCAAC. However, the family's housing assistance will not terminate for non-compliance with the requirements of the FSS Contract of Participation. Failure of the family to comply with the FSS Contract of Participation or housing program regulations will lead to forfeiture of any FSS escrow money earned.

GRIEVANCE AND REVIEW PROCEDURES

For action of FSS denial or termination not involving termination of housing assistance, HCAAC will give FSS applicants and participants an opportunity for an informal review by the Department Director.

ASSURANCE OF NON-INTERFERENCE

HCAAC assures the participant during the briefing session that a family's election not to participate in the FSS Program will not affect the family's admission to either program or the family's right to occupy in accordance with its lease.

All FSS families volunteer to participate in the program. Families must be current HCV or PH recipients and submit an FSS Application to HCAAC to be selected for the program. HCAAC will select participants who voluntarily commit to the program.

TIMETABLE FOR PROGRAM IMPLEMENTATION

The HCAAC implemented the FSS Program in 1994, and used the previous Action Plan for implementation and start-up of the program. Since that time, the program has been successful and has seen a number of graduates into gainful employment and homeownership. This revised plan is now necessary to maintain and streamline the program and will become effective upon approval of the Agency Plan in 2007. Additional edits to the plan are expected to be implemented as revisions to the Agency Plan in 2014.

CERTIFICATION OF COORDINATION

The HCAAC certifies that the services and activities have been coordinated with the approval of HUD. HCAAC is committed to providing quality supportive services to FSS participants.

Addendum to the Housing Choice Voucher Administrative Plan

PROJECT-BASED VOUCHER (PBV) PROGRAM

On October 13, 2005, HUD published final regulations for the Project-Based Voucher (PBV) program, superseding regulations at 24 CFR part 983 (see 70 FR 59892). This Addendum provides Housing Commission of Anne Arundel County (HCAAC) policies and procedures for its PBV program in accord with the new regulations.

HCAAC's PBV program is subject to the regulations at 24 CFR part 983, which includes regulations governing policies and procedures that are not specified in this Administrative Plan.

In addition to the policies and procedures stated below, and other PBV regulations stated at 24 CFR part 983, HCAAC's PBV program is subject to most of the requirements of the Housing Choice Voucher Program, as specified in this Administrative Plan and in other HUD regulations.

A. JURISDICTION

The jurisdiction for HCAAC's PBV program is within the confines of Anne Arundel County, to include the City of Annapolis.

B. HCAAC's PBV COMMITMENTS AND PRIORITIES

HCAAC's PBV program is designed to ensure that PBV assistance is used to support goals that could not be equally achieved through the use of tenant-based voucher assistance. HCAAC's PBV program has is committed to the following priorities:

1. Expand and/or preserve the supply of affordable housing in an effort increase the affordable housing choices of residents within the jurisdiction
2. Support projects which further revitalize neighborhoods, promote the de-concentration of poverty and generally provide increased housing and economic opportunities.
3. Work with the community to identify and serve populations with particular housing needs, including but not limited to the provision of supportive services to promote self-sufficiency and supportive housing for families with disabilities.

C. PROPOSAL SUBMISSION AND SELECTION

Request for Proposals Process

HCAAC will select PBV proposals through a public Request for Proposals (RFP) process. HCAAC's PBV RFP will be advertised in a manner to provide broad public notice of the opportunity to offer PBV proposals for consideration by HCAAC. The public notice procedures will include publication of the general notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

The public notice of the PBV RFP will specify the submission deadline. The public notice will inform owners or developers seeking project-based assistance of the availability of the full RFP document at HCAAC's main offices at 7477 Baltimore-Annapolis Blvd, Glen Burnie, MD 21060.

The full RFP document will provide detailed information about proposal submission and selection procedures and will be available upon request of interested parties at HCAAC's main offices.

Property owners may submit PBV proposals in accord with the proposal submission guidelines stated in the full RFP document. Proposals will be selected according to explicit criteria specified in the full RFP document, following the selection criteria stated below. Under no circumstances will HCAAC's RFP selection criteria limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.

Alternative Competitive Processes

In lieu of the above RFP process, HUD regulations permit HCAAC to select a PBV proposal for housing assisted under a federal, state, or local government housing assistance, community development, or supportive services program that requires competitive selection of proposals, where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance, or in other circumstances as allowed by the regulations or other PBV requirements.

Proposals for PBV assistance which have been independently selected for housing assistance as described above may be submitted to HCAAC on a rolling basis. HCAAC's selection of proposals under the alternative competitive processes may be contingent upon the owner providing additional information required according to HCAAC's selection requirements and HUD and HCAAC requirements for PBV assistance. HCAAC will inform owners of any additional requirements at the time their proposals are submitted.

Selection Criteria

Proposals will be selected according to the following selection criteria:

- The housing must promote one of HCAAC's priorities for its PBV program;
- The proposal must comply with all HUD program regulations and requirements;
- The property must be eligible housing;
- The proposal must comply with the HUD cap on PBV units per building;
- The housing site must meet the site selection standards detailed at 24 CFR 983.57;

Proposals that have **not been** through a State competition will be subject to the following:

- Proposals for new construction or rehabilitation projects must demonstrate capacity, experience, and successful outcomes in prior projects that indicate their ability to complete the construction work effectively and within the proposed schedule;
- Proposals for all housing must demonstrate capacity, experience, and successful outcomes in property management, particularly management of housing targeted to low income persons and families;
- Proposals for supportive housing must demonstrate the capacity, experience, and successful outcomes of the supportive services provider that indicate its ability to effectively provide sufficient supportive services. More detailed information about minimum supportive services guidelines is provided later in this addendum.
- Proposals must provide evidence of sufficient financing commitments (for construction, operations, and supportive services if applicable) to demonstrate the project’s long-term viability.

Public Notice and Review of HCAAC Proposal Selection

At the conclusion of selection during the competitive process, HCAAC will provide public notice of PBV proposal selections, including publication of public notice in a local newspaper of general circulation and/or other means designed and actually operated to provide broad public notice.

HCAAC will make documentation available for public inspection regarding the basis for HCAAC’s selection of a PBV proposal.

Proposals selected via the alternate competitive process will be identified and included in the annual agency plan update, which includes publication (via public notice) of the process, documents and plans, and allows for public comment on the proposed selection.

D. SITE SELECTION STANDARDS

HCAAC will only select proposals which demonstrate consideration of and compliance with the site selection standards at 24 CFR 983.57, as such may be amended or revised, which shall ensure that selected proposals will meet the above program goals of de-concentrating poverty, expanding housing and economic opportunities, and otherwise providing needed housing support.

E. SUPPORTIVE SERVICES GUIDELINES AND REQUIREMENTS

Pursuant to HUD regulations, project-based assistance will ordinarily be limited to 25% of the units contained within the proposed project. However, for projects providing supportive services, each unit that is occupied by families receiving qualified supportive services shall be an “excepted unit” and shall not apply towards the 25% cap.

Qualifying Supportive Services

- Participation in HCAAC’s FSS program
- Educational Services or Counseling
- Employment or vocational training, counseling or referrals
- Life skills training or counseling
- Credit counseling
- Personal finance training and counseling
- Healthcare prevention and/or Community Outreach
- Supportive housing for persons with developmental disabilities or mental illness
- Supportive housing for persons with legal custody of grandchildren
- Referrals to or provision of day care, after school programs or other youth services.

It is not necessary that the above services be provided by or at the project. However, to qualify for as an “excepted unit” a family must have at least one member receiving at least one qualifying supportive service. Proposals that include supportive services should identify the particular services that will be provided and the service provider(s). HCAAC will evaluate proposals including supportive housing units on the basis of the specific services provided, the intensity of the services and the target population to be served. HCAAC will also evaluate supportive housing proposals based on the history and track record of the proposed service providers and the need for the supportive housing at the proposed site.

Family Responsibility

At the time of the initial lease execution between the family and the owner, the family and HCAAC must sign a Statement of Family Responsibility. The Statement of Family Responsibility must contain all family obligations including the family’s participation in a service program as contemplated within this Administrative Plan.

At the family’s annual income recertification, HCAAC will require written documentation from the service provider indicating the family’s continued compliance with the terms of the supportive services plans. Project owners will also be expected to provide some level of monitoring of the services provided. This monitoring should be detailed in the proposal, and will be evaluated as part of the section process. At HCAAC’s discretion, HCAAC may request additional documentation of compliance with supportive service obligations.

The unit eligible for status as an “excepted unit” so long as at the time of the occupying family’s initial tenancy at least one member of the family is receiving a qualifying supportive service. If the family

completes an FSS contract of participation or the supportive services requirement, the unit will continue to count as an “excepted unit” for as long as the family resides in that unit.

Family Failure to Comply with Supportive Service Requirements

Failure without good cause by a family to complete or comply with its supportive service participation requirements will result in termination of the project based assistance for that unit and may result in the termination of the lease by the project owner.

F. WAITING LISTS

HCAAC will establish individual site-based waiting lists for each PBV project selected.

HCAAC will offer to place applicants who are listed on the waiting list for tenant-based assistance on the waiting list(s) for PBV assistance.

HCAAC will open and close the site-based waiting lists pursuant to the procedures outlined in Administrative Plan.

G. PREFERENCES

HCAAC may establish separate preferences for each PBV project. These preferences may include those for elderly or disabled families, or preferences related to supportive housing programs. Preferences may include those outlined in the Administrative Plan.

Any preferences that would be necessary to the operation of the project, or required by a funding source must be disclosed in the proposal.

Supportive Housing Related Preferences

If PBV units include special accessibility features for persons with disabilities, HCAAC will first refer families who require such accessibility features to the owner. For other units that are designated to receive supportive services, HCAAC may give preference to disabled families who need services offered at a particular project. Project owners may advertise the project as offering services for a particular type of disability, however, the project must be open to all otherwise eligible persons with disabilities who may benefit from services provided in the project.

Only families that meet the following limits will be eligible for any supportive housing preference:

- Families (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain themselves in housing
- Families that without appropriate supportive services will not be able to obtain or maintain themselves in housing
- Families for whom such services cannot be provided in a non-segregated setting.

Disabled residents will not be required to accept the particular services offered at the project.

HCAAC is prohibited from granting preferences to persons with specific disabilities (see 24 CFR 982.207(b)(3)),

H. APPLYING FOR ADMISSION

The process for applying for admission to the PBV program is not different than the process for applying for admission to the tenant-based program, which are provided in HCAAC's Administrative Plan.

At the time of the application, HCAAC will provide applicants with the opportunity to be placed on the tenant-based waiting list if open, or any open site-based waiting lists.

I. TENANT SELECTION

When notified of a vacancy in a PBV unit, HCAAC will refer tenants according to the following procedures:

First-come, first-served among applicants on the specific PBV waiting list.

For PBV waiting lists that include preferences, HCAAC will select applicants from the waiting list on a first-come, first-based basis who:

- Qualified for preference at the time of application; and
- Continue to qualify for preference at the time of admission.

J. TENANT SCREENING

HCAAC's procedures for tenant screening for the PBV program are not different than procedures for screening tenant-based applicants, which are provided in HCAAC's Administrative Plan.

HCAAC's policy for providing information to owners about families referred to PBV units is not different than HCAAC's policies for tenant-based applicants, which are provided in HCAAC's Administrative Plan.

K. PROCEDURES FOR FAMILIES OCCUPYING A UNIT OF THE WRONG SIZE OR AN ACCESSIBLE UNIT WHOSE ACCESSIBILITY FEATURES ARE NOT REQUIRED BY THE FAMILY

If a family is determined by HCAAC to occupy a wrong-sized unit, or a unit with accessibility features that the family does not require (and such unit is needed by a family that requires the accessibility features) then HCAAC must promptly notify the family and the project owner of this determination and must offer continued assistance in another appropriately sized or accessible unit.

Continued assistance after unit, which may include, but is not limited to the following options:

- PBV assistance in an appropriate-sized unit (in the same building or in another building);
- Other project-based housing assistance (including occupancy of a public housing unit)

- Tenant-based rental assistance under the voucher program; or
- Other comparable public or private tenant-based assistance (e.g., under the HOME program).

For families who have been notified that they occupy a wrong-size unit, and offered continued assistance:

- If the PHA offers the family the opportunity receive tenant-based rental assistance under the voucher program, the PHA must terminate the HAP payments for a wrong-sized unit at expiration of the term of the family’s voucher (including any extensions granted by the PHA).
- If the PHA offers the family the opportunity for another form of continued housing assistance (as provided above), and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the PHA, or both, the PHA must terminate the HAP payments for the wrong-sized unit, at the expiration of a reasonable period as determined by the PHA.

L. RIGHT TO MOVE

A family residing in a PBV unit may terminate the assisted lease any time after the first year of occupancy and request comparable tenant-based assistance from the HCAAC.

Should a family terminate its PBV lease and request alternate assistance, the HCAAC shall offer the family the opportunity for continued tenant-based rental assistance, or if such assistance is not immediately available upon termination of the lease, the HCAAC will give the family priority to receive tenant-based rental assistance at the next available opportunity for such tenant-based rental assistance.

If the family terminates the assisted lease before the end of the first year of occupancy, the family will not be entitled to tenant-based assistance or priority for such assistance under this section. However, the family may reapply for tenant-based assistance or other project based assistance as otherwise provided in this Administrative Plan.

HOUSING CHOICE VOUCHER INFORMAL REVIEW AND HEARING POLICY (Housing Commission of Anne Arundel County)

Informal Review Federal Requirements

Pursuant to 24 CFR 982.554:

§982.554 Informal review for applicant.

(a) *Notice to applicant.* The PHA must give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice must contain a brief statement of the reasons for the PHA decision. The notice must also state that the applicant may request an informal review of the decision and must describe how to obtain the informal review.

(b) *Informal review process.* The PHA must give an applicant an opportunity for an informal review of the PHA decision denying assistance to the applicant. The administrative plan must state the PHA procedures for conducting an informal review. The PHA review procedures must comply with the following:

(1) The review may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.

(2) The applicant must be given an opportunity to present written or oral objections to the PHA decision.

(3) The PHA must notify the applicant of the PHA final decision after the informal review, including a brief statement of the reasons for the final decision.

(c) *When informal review is not required.* The PHA is not required to provide the applicant an opportunity for an informal review for any of the following:

(1) Discretionary administrative determinations by the PHA.

(2) General policy issues or class grievances.

(3) A determination of the family unit size under the PHA subsidy standards.

(4) A PHA determination not to approve an extension or suspension of a voucher term.

(5) A PHA determination not to grant approval of the tenancy.

(6) A PHA determination that a unit selected by the applicant is not in compliance with HQS.

(7) A PHA determination that the unit is not in accordance with HQS because of the family size or composition.

(d) *Restrictions on assistance for noncitizens.* The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

HCAAC Policy on Informal Reviews

If the program applicant is denied assistance by the standards set forth in the HCAAC Administrative Plan and believes that the agency made an inaccurate determination or did not follow its policies or HUD rules in making its decision, they may request an informal review. Requests for an Informal Review must be made within 10 business days of HCAAC giving notice of a written denial of assistance/eligibility letter. Requests can be made either orally or in writing, and the agency will schedule the review on the next date available of the hearing officer. Applicants may request a later date for their review if they require more time to prepare, require the assistance of legal counsel or require special assistance or a reasonable accommodation. HCAAC has discretion to deny a postponement.

The Process

A hearing officer presides over the informal review. This person assigned as the Hearing Officer is impartial and has no prior knowledge of the applicant record being presented. The Hearing is informal, and follows a prescribed format that first allows the Housing Commission to present the reason, evidence and/or testimony for denial of assistance. Thereafter, the program applicant (or designee/counsel) is allowed to present their counter argument, reason, evidence and testimony (which may also include witnesses) to allow the Hearing Officer to make a qualified determination on the provision of assistance.

Before the informal review, applicants must be given the opportunity to review any relevant file/determination documents. Applicants may request a copy of any of these documents and the agency will strive to provide them complimentary, within reason. Any person, including a lawyer, may represent the applicant at applicant's expense. Any request to review the documents must be made in a timely in advance of the hearing. Documents will also be available for review at the hearing, but the hearing will not be continued or unreasonably delayed to allow review if the request is not made in advance of the hearing.

Both parties must appear at the scheduled review. If either does not, the hearing officer has two choices: decide that the absent party has given up the right to a review, or postpone the review if reasonable, extenuating circumstance prevented one of the parties from attending.

The hearing officer regulates the process. If any participant, including any witness, is abusive, threatening, or excessively disrespectful, the hearing officer has discretion to continue the review for another time, exclude the offending person from the review, or take such other reasonable action as to allow the review to continue forward without interruption. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Hearing officer has discretion to allow the parties to speak out of turn and allow rebuttal and sur-rebuttal as the situation requires

After the Review

The officer will consider all evidence introduced at the review. He or she will render a decision in writing to the applicant within 10 business days of the date of the review meeting. The notice will include a determination of the officer's reasons, the facts relied upon and a resolution of all material disputes of fact.

The Agency/Hearing Officer will exercise consideration of circumstances in accordance with 24 CFR 982.552 (c) (2):

Consideration of circumstances. In determining whether to deny assistance because of action or failure to act by members of the family:

(i) The agency may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial of assistance on other family members who were not involved in the action or failure.

(ii) *(Not applicable to admissions).*

(iii) In determining whether to deny admission for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the PHA consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the PHA may require the applicant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

(iv) If the family includes a person with disabilities, the PHA decision concerning such action is subject to consideration of reasonable accommodation in accordance with part 8 of this title.

(v) *Nondiscrimination limitation and protection for victims of domestic violence, dating violence, or stalking.* The agency's admission actions must be consistent with fair housing and equal opportunity provisions of §5.105 of this title, and with the requirements of 24 CFR part 5, subpart L, protection for victims of domestic violence, dating violence, or stalking.

HCAAC is not bound by a hearing officer's decision:

(1) Concerning a matter for which HCAAC is not required to provide an opportunity for an informal review under this section, or that otherwise exceeds the authority of the hearing officer under the review procedures.

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

(3) If HCAAC determines that it is not bound by the decision reached after the review, HCAAC must promptly notify the family of the determination, and of the reasons for the determination.

HCAAC is not bound by a hearing officer's decision:

(1) Concerning a matter for which HCAAC is not required to provide an opportunity for an informal review under this section, or that otherwise exceeds the authority of the hearing officer under the review procedures.

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

(3) If HCAAC determines that it is not bound by the decision reached after the review, HCAAC must promptly notify the family of the determination, and of the reasons for the determination.

Review Exceptions (When an Informal Review is Not Required)

The agency does not have to provide an informal hearing to review any of the following:

- (1) Discretionary administrative determinations by HCAAC.
- (2) General policy issues or class grievances.
- (3) A determination of the family unit size under HCAAC subsidy standards
- (4) an HCAAC determination not to approve an extension or suspension of a voucher term.
- (5) an HCAAC determination not to grant approval of the tenancy.
- (6) an HCAAC determination that a unit selected is not in compliance with HQS.
- (7) An HCAAC determination that the unit is not in accordance with HQS because of the family size or composition

Informal Hearing Federal Requirements

Pursuant to 24 CFR 982.555:

§982.555 Informal hearing for participant.

(a) *When hearing is required.*(1) a PHA must give a participant family an opportunity for an informal hearing to consider whether the following PHA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and PHA policies:

(i) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.

(ii) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule.

(iii) A determination of the family unit size under the PHA subsidy standards.

(iv) A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the PHA subsidy standards, or the PHA determination to deny the family's request for an exception from the standards.

(v) A determination to terminate assistance for a participant family because of the family's action or failure to act (see §982.552).

(vi) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.

(2) In the cases described in paragraphs (a)(1) (iv), (v) and (vi) of this section, the PHA must give the opportunity for an informal hearing before the PHA terminates housing assistance payments for the family under an outstanding HAP contract.

(b) *When hearing is not required.* The PHA is not required to provide a participant family an opportunity for an informal hearing for any of the following:

(1) Discretionary administrative determinations by the PHA.

(2) General policy issues or class grievances.

(3) Establishment of the PHA schedule of utility allowances for families in the program.

(4) a PHA determination not to approve an extension or suspension of a voucher term.

(5) a PHA determination not to approve a unit or tenancy.

(6) a PHA determination that an assisted unit is not in compliance with HQS. (However, the PHA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in §982.551(c).)

(7) a PHA determination that the unit is not in accordance with HQS because of the family size.

(8) A determination by the PHA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

(c) *Notice to family.* (1) In the cases described in paragraphs (a)(1) (i), (ii) and (iii) of this section, the PHA must notify the family that the family may ask for an explanation of the basis of the PHA determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.

(2) In the cases described in paragraphs (a)(1) (iv), (v) and (vi) of this section, the PHA must give the family prompt written notice that the family may request a hearing. The notice must:

(i) Contain a brief statement of reasons for the decision,

(ii) State that if the family does not agree with the decision, the family may request an informal hearing on the decision, and

(iii) State the deadline for the family to request an informal hearing.

(d) *Expeditious hearing process.* Where a hearing for a participant family is required under this section, the PHA must proceed with the hearing in a reasonably expeditious manner upon the request of the family.

(e) *Hearing procedures—(1) Administrative plan.* The administrative plan must state the PHA procedures for conducting informal hearings for participants.

(2) *Discovery—(i) By family.* The family must be given the opportunity to examine before the PHA hearing any PHA documents that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the PHA does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.

(ii) *By PHA*. The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at PHA offices before the PHA hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.

(iii) *Documents*. The term "documents" includes records and regulations.

(3) *Representation of family*. At its own expense, the family may be represented by a lawyer or other representative.

(4) *Hearing officer: Appointment and authority*. (i) The hearing may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.

(ii) The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA hearing procedures.

(5) *Evidence*. The PHA and the family must be given the opportunity to present evidence, including but not limited to bringing witnesses, and may question any witness. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

(6) *Issuance of decision*. The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

(f) *Effect of decision*. The PHA is not bound by a hearing decision:

(1) Concerning a matter for which the PHA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the PHA hearing procedures.

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

(3) If the PHA determines that it is not bound by a hearing decision, the PHA must promptly notify the family of the determination, and of the reasons for the determination.

(g) *Restrictions on assistance to noncitizens*. The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

HCAAC Policy on Informal Hearings

Program recipients must follow the terms and conditions of the Housing Choice Voucher issued by the Housing Commission. Should the agency make the determination that a recipient has failed to meet the conditions of the voucher requirements or violated the federal program rules, program assistance may be terminated in accordance with 24 CFR 982.555 aforementioned.

If the program recipient believes that the agency made an inaccurate determination or did not follow its policies or HUD rules in making its decision, they may request an informal hearing. Requests for Informal Hearings must be made within 10 business days of HCAAC giving notice of a written termination (or benefit modification/determination) letter. Requests can be made either orally or in writing. For convenience the agency will include a Request for Hearing Form in the letter.

The Process

A hearing officer presides over the informal hearing. This person assigned as the Hearing Officer is impartial and has no prior knowledge of the case being presented. The Hearing is informal, and follows a prescribed format that first allows the Housing Commission to present the reason, evidence and/or testimony for termination/modification of assistance (which may include witnesses). Thereafter, the program recipient (or designee/counsel) is allowed to present their counter argument, reason, evidence and testimony (which may also include witnesses) to allow the Hearing Officer to make a qualified determination as to continuation, modification or termination of future assistance. The Hearing officer has discretion to allow the parties to speak out of turn and allow rebuttal and sur-rebuttal as the situation requires,

Before the hearing, recipients must be given the opportunity to review any relevant file/determination documents. Recipients may request a copy of any of these documents and the agency will strive to provide them complimentary, within reason. Any person, including a lawyer, may represent the recipient at recipient's expense. Any request to review the documents must be made in a timely in advance of the hearing. Documents will also be available for review at the hearing, but the hearing will not be continued or unreasonably delayed to allow review if the request is not made in advance of the hearing

Both parties must appear at the scheduled hearing. If either does not, the hearing officer has two choices: decide that the absent party has given up the right to a hearing, or postpone the hearing if reasonable, extenuating circumstance prevented one of the parties from attending. HCAAC has discretion to deny a postponement.

The hearing officer regulates the process. If any participant, including any witness, is abusive, threatening, or excessively disrespectful, the hearing officer has discretion to continue the hearing for another time, exclude the offending person from the review, or take such other reasonable action as to allow the review to continue forward without interruption. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Hearing officer has discretion to allow the parties to speak out of turn and allow rebuttal and sur-rebuttal as the situation requires

After the Hearing

The officer will consider all evidence shown at the hearing. He or she will render a decision in writing within 10 business days of the hearing. The notice will include a determination of the officer's reasons.

The Agency/Hearing Officer will exercise consideration of circumstances in accordance with 24 CFR 982.552 (c) (2):

Consideration of circumstances. In determining whether to deny or terminate assistance because of action or failure to act by members of the family:

(i) The agency may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a

family member, and the effects of termination of assistance on other family members who were not involved in the action or failure.

(ii) The agency may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. The PHA may permit the other members of a participant family to continue receiving assistance.

(iii) In determining whether to terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the agency consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the agency may require the applicant or tenant 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.

(iv) If the family includes a person with disabilities, the agency decision concerning such action is subject to consideration of reasonable accommodation in accordance with part 8 of this title.

(v) *Nondiscrimination limitation and protection for victims of domestic violence, dating violence, or stalking.* The agency's termination actions must be consistent with fair housing and equal opportunity provisions of §5.105 of this title, and with the requirements of 24 CFR part 5, subpart L, protection for victims of domestic violence, dating violence, or stalking

HCAAC is not bound by a hearing officer's decision:

(1) Concerning a matter for which HCAAC is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the hearing officer under the hearing procedures.

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

(3) If HCAAC determines that it is not bound by a hearing decision, HCAAC must promptly notify the family of the determination, and of the reasons for the determination.

Hearing Exceptions

The agency does not have to provide an informal hearing to review any of the following:

(1) Discretionary administrative determinations by HCAAC.

(2) General policy issues or class grievances.

(3) Establishment of HCAAC's schedule of utility allowances for families in the program.

(4) an HCAAC determination not to approve an extension or suspension of a voucher term.

(5) an HCAAC determination not to approve a unit or tenancy.

(6) an HCAAC determination that an assisted unit is not in compliance with HQS. (However, the agency must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in §982.551(c).)

(7) an HCAAC determination that the unit is not in accordance with HQS because of the family size.

(8) A determination by HCAAC to exercise or not to exercise any right or remedy against the owner under a HAP contract.