

<b>Annual PHA Plan</b> <i>(Standard PHAs and Troubled PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 9/30/2027
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services. They also inform HUD, families served by the PHA, and members of the public of the PHA's mission, goals, and objectives for serving the needs of low-, very low-, and extremely low- income families.

**Applicability.** The Form HUD-50075-ST is to be completed annually by **STANDARD PHAs or TROUBLED PHAs**. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA **do not** need to submit this form. Note: PHAs with zero public housing units must continue to comply with the PHA Plan requirements until they closeout their Section 9 programs (ACC termination).

**Definitions.**

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

<b>A.</b>	<b>PHA Information.</b>
<b>A.1</b>	<p> <b>PHA Name:</b> _____ <b>PHA Code:</b> _____  <b>PHA Type:</b> <input type="checkbox"/> Standard PHA <input type="checkbox"/> Troubled PHA  <b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): _____  <b>PHA Inventory</b> (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)  <b>Number of Public Housing (PH) Units</b> _____ <b>Number of Housing Choice Vouchers (HCVs)</b> _____  <b>Total Combined Units/Vouchers</b> _____ **GHA administers 105 DV-IKE vouchers   <b>PHA Plan Submission Type:</b> <input type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission         </p> <p> <b>Public Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA and should make documents available electronically for public inspection upon request. PHAs are strongly encouraged to post complete PHA Plans on their official websites and to provide each resident council with a copy of their PHA Plans.         </p>

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

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

**B. Plan Elements**

**B.1 Revision of Existing PHA Plan Elements.**

(a) Have the following PHA Plan elements been revised by the PHA?

Y N

- Statement of Housing Needs and Strategy for Addressing Housing Needs.
- Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.
- Financial Resources.
- Rent Determination.
- Operation and Management.
- Grievance Procedures.
- Homeownership Programs.
- Community Service and Self-Sufficiency Programs.
- Safety and Crime Prevention.
- Pet Policy.
- Asset Management.
- Substantial Deviation.
- Significant Amendment/Modification.

(b) If the PHA answered yes for any element, describe the revisions for each revised element(s):

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(c) The PHA must submit its Deconcentration Policy for Field Office review.

**B.2 New Activities.**

(a) Does the PHA intend to undertake any new activities related to the following in the PHA's applicable Fiscal Year?

Y N

- Choice Neighborhoods Grants.
- Modernization or Development.
- Demolition and/or Disposition.
- Designated Housing for Elderly and/or Disabled Families.
- Conversion of Public Housing to Tenant-Based Assistance.
- Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD.
- Homeownership Program under Section 32, 9 or 8(Y)
- Occupancy by Over-Income Families.
- Occupancy by Police Officers.
- Non-Smoking Policies.
- Project-Based Vouchers.
- Units with Approved Vacancies for Modernization.
- Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

(b) If any of these activities are planned for the applicable Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan.

**B.3**

**Progress Report.**

Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan.

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<b>B.4</b>	<b>Capital Improvements.</b> Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved.
<b>B.5</b>	<p><b>Most Recent Fiscal Year Audit.</b></p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y   N  <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>
<b>C. Other Document and/or Certification Requirements.</b>	
<b>C.1</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y   N  <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>

<p><b>C.2</b></p>	<p><b>Certification by State or Local Officials.</b></p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<p><b>C.3</b></p>	<p><b>Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</b></p> <p>Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<p><b>C.4</b></p>	<p><b>Challenged Elements.</b> If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA’s response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y    N  <input type="checkbox"/>   <input type="checkbox"/></p> <p>(b) If yes, include Challenged Elements.</p>

**C.5 Troubled PHA.**

(a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place?

Y N N/A

(b) If yes, please describe:

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## **Instructions for Preparation of Form HUD-50075-ST Annual PHA Plan for Standard and Troubled PHAs**

### **A. PHA Information.** All PHAs must complete this section (24 CFR 903.4).

**A.1** Include the full **PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), PHA Inventory, Number of Public Housing Units and Number of HCVs, PHA Plan Submission Type,** and the **Public Availability of Information,** specific location(s) of all information relevant to the public hearing and proposed PHA Plan. Note: The number of HCV's should include all special purpose vouchers (e.g. Mainstream Vouchers, etc.) (24 CFR 903.23(e)).

**PHA Consortia:** Check box if submitting a Joint PHA Plan and complete the table (24 CFR 943.128(a)).

### **B. Plan Elements.** All PHAs must complete this section.

#### **B.1 Revision of Existing PHA Plan Elements.** PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the "yes" box. If an element has not been revised, mark "no" (24 CFR 903.7).

**Statement of Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA's strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income); (ii) elderly families (iii) households with individuals with disabilities, and households of various races and ethnic groups residing in the jurisdiction or on the public housing and Section 8 tenant-based assistance waiting lists based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location (24 CFR 903.7(a)(2)(i)). Provide a description of the ways in which the PHA intends, to the maximum extent practicable, to address those housing needs in the upcoming year and the PHA's reasons for choosing its strategy (24 CFR 903.7(a)(2)(ii)).

**Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.** PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see 24 CFR 903.2 (24 CFR 903.23(b)). Describe the PHA's admissions policy for deconcentration of poverty and income mixing of lower-income families in public housing. The Deconcentration Policy must describe the PHA's policy for bringing higher income tenants into lower income developments and lower income tenants into higher income developments. The deconcentration requirements apply to general occupancy and family public housing developments. Refer to 24 CFR 903.2(b)(2) for developments not subject to deconcentration of poverty and income mixing requirements (24 CFR 903.7(b)). Describe the PHA's procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists (24 CFR 903.7(b)). A statement of the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV (24 CFR 903.7(b)). Describe the unit assignment policies for public housing (24 CFR 903.7(b)).

**Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA operating, capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program and state the planned use for the resources (24 CFR 903.7(c)).

**Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies (24 CFR 903.7(d)).

**Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance and management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA (24 CFR 903.7(e)).

**Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants (24 CFR 903.7(f)).

**Homeownership Programs.** A description of any Section 5h, Section 32, Section 8y, or HOPE I public housing or HCV homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval (24 CFR 903.7(k)).

**Community Service and Self Sufficiency Programs.** Describe how the PHA will comply with the requirements of (24 CFR 903.7(l)). Provide a description of: (1) Any programs relating to services and amenities provided or offered to assisted families; and (2) Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs subject to Section 3 of the Housing and Urban Development Act of 1968 (24 CFR Part 135) and FSS (24 CFR 903.7(l)).

**Safety and Crime Prevention (VAWA).** Describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must provide development-by-development or jurisdiction wide-basis: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities (24 CFR 903.7(m)). Note: All coordination and activities must be consistent with federal civil rights obligations. A description of: (1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to survivors of domestic violence, dating violence, sexual assault, or stalking; (2) Any activities, services, or programs provided or offered by a PHA that helps survivors of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and (3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance survivor safety in assisted families (24 CFR 903.7(m)(5)).

**Pet Policy.** Describe the PHA's policies and requirements pertaining to the ownership of pets in public housing (24 CFR 903.7(n)).

**Asset Management.** State how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory (24 CFR 903.7(q)).

**Substantial Deviation.** PHA must provide its criteria for determining a "substantial deviation" to its 5-Year Plan (24 CFR 903.7(s)(2)(i)).

**Significant Amendment/Modification.** PHA must provide its criteria for determining a "Significant Amendment or Modification" to its 5-Year and Annual Plan (24 CFR 903.7(s)(2)(ii)). For modifications resulting from the Rental Assistance Demonstration (RAD) program, refer to the 'Sample PHA Plan Amendment' found in Notice PIH 2019-23(HA), successor RAD Implementation Notices, or other RAD Notices.

If any boxes are marked "yes", describe the revision(s) to those element(s) in the space provided.

PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see 24 CFR 903.2 (24 CFR 903.23(b)).

**B.2 New Activities.** If the PHA intends to undertake any new activities related to these elements in the current Fiscal Year, mark "yes" for those elements, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake these activities, mark "no."

**Choice Neighborhoods Grants.** (1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for Choice Neighborhoods Grants; and (2) A timetable for the submission of applications or proposals. The application and approval process for Choice Neighborhoods is a separate process. See guidance on HUD's website at: <https://www.hud.gov/cn> (Notice PIH 2011-47).

**Modernization or Development (Conventional & Mixed-Finance).** (1) A description of any Public Housing (including name, project number (if known) and unit count) for which the PHA will apply for modernization or development; and (2) A timetable for the submission of applications or proposals. The application and approval process for modernization or development is a separate process. (See 24 CFR part 905 and guidance on HUD's website at: [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/ph/hope6/mfph#4](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6/mfph#4)).

**Demolition and/or Disposition.** With respect to public housing only, (1) describe any public housing development(s), or portion of a public housing development projects, owned by the PHA and subject to ACCs (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition approval under section 18 of the 1937 Act (42 U.S.C. 1437p); and (2) a timetable for the demolition or disposition. This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed as described in the PHA's last Annual and/or 5-Year PHA Plan submission. The application and approval process for demolition and/or disposition is a separate process. Approval of the PHA Plan does not constitute approval of these activities. See guidance on HUD's website at: [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/centers/sac/demo\\_dispo/](https://www.hud.gov/program_offices/public_indian_housing/centers/sac/demo_dispo/) and 24 CFR 903.7(h).

**Designated Housing for Elderly and Disabled Families.** Describe any public housing projects owned, assisted, or operated by the PHA (or portions thereof), in the upcoming fiscal year, that the PHA has continually operated as, has designated, or will apply for designation for occupancy by elderly and/or disabled families only. Include the following information: (1) development name and number; (2) designation type; (3) application status; (4) date the designation was approved, submitted, or planned for submission, (5) the number of units affected and (6) expiration date of the designation of any HUD approved plan. **Note:** The application and approval process for such designations is separate from the PHA Plan process, and PHA Plan approval does not constitute HUD approval of any designation (24 CFR 903.7(i)(c)).

**Conversion of Public Housing under the Voluntary or Mandatory Conversion programs.** Describe (1) any public housing building(s) (including project number and unit count) owned by the PHA that the PHA is required to convert or plans to voluntarily convert to tenant-based assistance; (2) an analysis of the projects or buildings required to be converted under Section 33; and (3) a statement of the amount of assistance received to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at the Special Applications Center (SAC) (<https://www.hud.gov/sac>) and 24 CFR 903.7(j).

**Conversion of Public Housing under the Rental Assistance Demonstration (RAD) program (including Faircloth to RAD).** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA plans to voluntarily convert to Project-Based Rental Assistance or Project-Based Vouchers under RAD. Note that all PHAs shall be required to provide the information listed in Attachment ID of Notice PIH 2019-23(HA) as a significant amendment or its successor notice. See additional guidance on HUD's website at: <https://www.hud.gov/RAD/library/notices>.

**Homeownership Programs.** A description of any Section 5h, Section 32, Section 8y, or HCV homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval (24 CFR 903.7(k)).

**Occupancy by Over-Income Families.** A PHA that owns or operates fewer than two hundred fifty (250) public housing units, may lease a unit in a public housing development to an over-income family (a family whose annual income exceeds the limit for a low income family at the time of initial occupancy), if all the following conditions are satisfied: (1) There are no eligible low income families on the PHA waiting list or applying for public housing assistance when the unit is leased to an over-income family; (2) The PHA has publicized availability of the unit for rental to eligible low income families, including publishing public notice of such availability in a newspaper of general circulation in the jurisdiction at least thirty days before offering the unit to an over-income family; (3) The over-income family rents the unit on a month-to-month basis for a rent that is not less than the PHA's cost to operate the unit; (4) The lease to the over-income family provides that the family agrees to vacate the unit when needed for rental to an eligible family; and (5) The PHA gives the over-income family at least thirty day notice to vacate the unit when the unit is needed for rental to an eligible family. The PHA may incorporate information on occupancy by over-income families into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. (See additional guidance on HUD's website at: Notice PIH-2021-35 (24 CFR 960.503) (24 CFR 903.7(b)).

**Occupancy by Police Officers.** The PHA may allow police officers who would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit. The PHA must include the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing residents. A "police officer" means a person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency

may qualify. The PHA may incorporate information on occupancy by police officers into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. See additional guidance on HUD's website at: Notice PIH 2021-35. (24 CFR 960.505) (24 CFR 903.7(b))  
NOTE: All activities must be consistent with civil rights laws – including ensuring that it does not have a disparate impact on protected class groups based on race, color, religion, national origin, sex (including sexual orientation), familial status, and disability.

**Non-Smoking Policies.** The PHA may implement non-smoking policies in its public housing program and incorporate this into its PHA Plan statement of operation and management and the rules and standards that will apply to its projects. See additional guidance on HUD's website at: Notice PIH 2009-21 and Notice PIH-2017-03 (24 CFR 903.7(e)).

**Project-Based Vouchers.** Describe any plans to use HCVs for new project-based vouchers, which must comply with PBV goals, civil rights requirements, Housing Quality Standards (HQS) and deconcentration standards, as stated in 24 CFR 983.55(b)(1) and set forth in the PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. If using project-based vouchers, provide the projected number of project-based units and general locations (including if PBV units are planned on any former or current public housing units or sites), and describe how project-basing would be consistent with the PHA Plan (24 CFR 903.7(b)(3), 24 CFR 903.7(r)).

**Units with Approved Vacancies for Modernization.** The PHA must include a statement related to units with approved vacancies that are undergoing modernization in accordance with 24 CFR 990.145(a)(1).

**Other Capital Grant Programs** (i.e., Capital Fund Lead Based Paint, Housing Related Hazards, At Risk/Receivership/Substandard/Troubled Program, and/or Emergency Safety and Security Grants).

For all activities that the PHA plans to undertake in the applicable Fiscal Year, provide a description of the activity in the space provided.

**B.3 Progress Report.** For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year PHA Plan (24 CFR 903.7(s)(1)).

**B.4 Capital Improvements.** PHAs that receive funding from the Capital Fund Program (CFP) must complete this section (24 CFR 903.7 (g)). To comply with this requirement, the PHA must reference the most recent HUD approved Capital Fund 5 Year Action Plan in EPIC and the date that it was approved. PHAs can reference the form by including the following language in the Capital Improvement section of the appropriate Annual or Streamlined PHA Plan Template: "See Capital Fund 5 Year Action Plan in EPIC approved by HUD on XX/XX/XXXX."

**B.5 Most Recent Fiscal Year Audit.** If the results of the most recent fiscal year audit for the PHA included any findings, mark "yes" and describe those findings in the space provided (24 CFR 903.7(p)).

#### C. Other Document and/or Certification Requirements.

**C.1 Resident Advisory Board (RAB) comments.** If the RAB had comments on the annual plan, mark "yes," submit the comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations (24 CFR 903.13(c), 24 CFR 903.19).

**C.2 Certification by State of Local Officials.** Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan. (24 CFR 903.15). **Note:** A PHA may request to change its fiscal year to better coordinate its planning with planning done under the Consolidated Plan process by State or local officials as applicable.

**C.3 Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.** Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed*. Form HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed* must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the certification requirement to affirmatively further fair housing if the PHA fulfills the requirements of 24 CFR 5.150 et. seq., 24 CFR 903.7(o)(1), and 903.15.

**C.4 Challenged Elements.** If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public (24 CFR 903.23(b)).

**C.5 Troubled PHA.** If the PHA is designated troubled, and has a current MOA, improvement plan, or recovery plan in place, mark "yes," and describe that plan. Include dates in the description and most recent revisions of these documents as attachments. If the PHA is troubled, but does not have any of these items, mark "no." If the PHA is not troubled, mark "N/A" (24 CFR 903.9).

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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year and Annual PHA Plan.

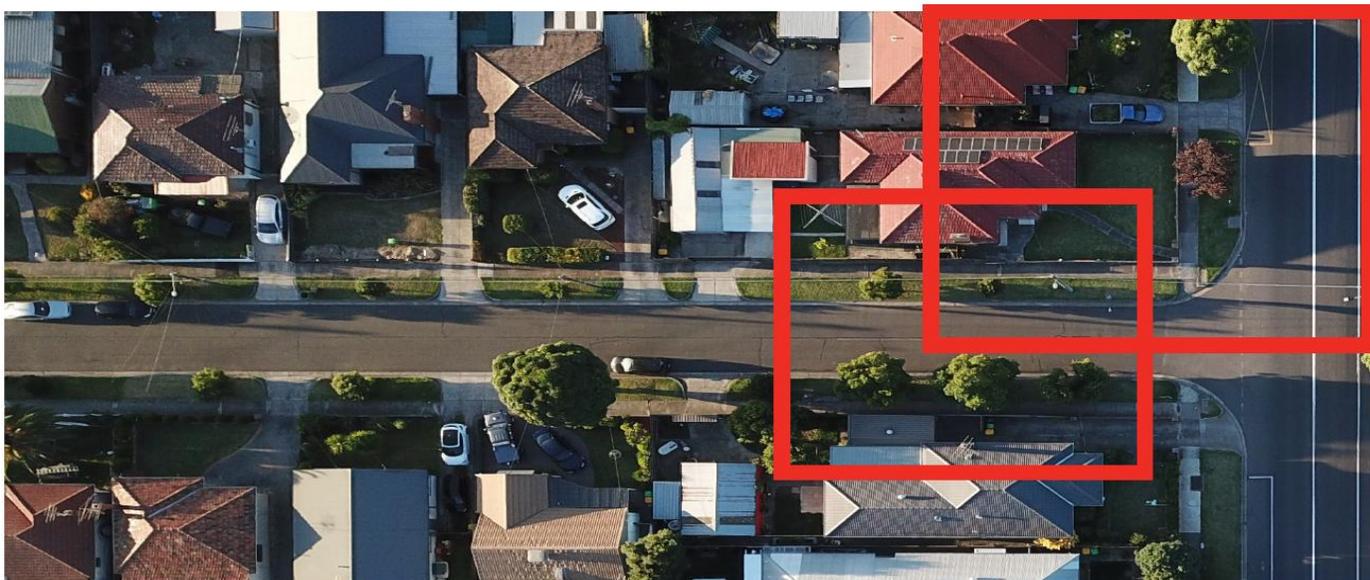
Public reporting burden for this information collection is estimated to average 5.64 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to the Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street, SW, Room 4176, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2577-0226. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.



# Galveston Housing Authority Public Housing Admissions and Continued Occupancy Policy July 2025

QUADEL CONSULTING & TRAINING 



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# CHAPTER 1: PROGRAM AUTHORITY AND OBJECTIVES

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

The Galveston Housing Authority (GHA) manages the Public Housing Program and other housing programs in the geographic area covering Galveston, TX. Through its assisted housing programs, eligible families are provided the opportunity to obtain decent, safe and sanitary housing.

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

## 1.1 Applicable Regulations

- [24 CFR Part 1](#): Nondiscrimination in Federally Assisted HUD Programs
- [24 CFR Part 5](#): General HUD Program Requirements
- [24 CFR Part 8](#): Nondiscrimination
- [24 CFR Part 35](#): Lead-Based Paint
- [24 CFR Part 100](#): Discriminatory Conduct Under Fair Housing Act
- [24 CFR Part 902](#): Public Housing Assessment System
- [24 CFR Part 903](#): Public Housing Agency Plans
- [24 CFR Part 945](#): Designated Housing
- [24 CFR Part 960](#): Admission and Occupancy Policies
- [24 CFR Part 965](#): GHA-Owned or Leased Projects – General Provisions
- [24 CFR Part 966](#): Lease and Grievance Procedures

## 1.2 GHA Mission Statement

GHA's mission is to provide and professionally manage an adequate supply of safe, affordable housing of reasonable quality for low-income people while administering programs that offer opportunities for residents to advance in society. Be a leader and work in partnership with other agencies to enhance the quality of life of all low-income people in the City of Galveston.

The GHA creates excellent housing options in the City of Galveston by fostering public and private partnerships with best-in-class real estate developers, property managers, and service providers to leverage public funds with private investment and strengthen individuals, families and communities within the City of Galveston.

As a public service agency, the GHA is committed to providing excellent service to all public housing applicants, residents, and the public. To provide superior service, GHA resolves to:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.



- Achieve a healthy mix of incomes in its public housing developments by attracting and retaining higher income families and by working toward deconcentration of poverty goals.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human service needs.
- Create positive public awareness and expand the level of family and community support in accomplishing GHA's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.

### 1.3 Purpose of the Admissions and Continued Occupancy Policies (ACOP)

Link: [24 CFR Part 903](#)

This Admissions and Continued Occupancy Policy (ACOP) is the policy of the Board of Commissioners of the GHA to govern the Public Housing Program. Policies contained in this ACOP can be revised only by Board resolution and, if the revision is significant, by amending the Annual Plan.

The ACOP establishes policies for implementation and administration of the Public Housing Program by GHA. Where policies are open to determination by the PHA, this Policy sets forth GHA's policies. The ACOP is designed to be used with a series of Procedures referenced throughout the Policy. The procedures describe how this policy is carried out. Operational details, methods and systems are contained in procedures. The GHA will update or issue new procedures as necessary.

GHA will review the ACOP as needed to reflect changes in regulations, GHA operations, or when needed to ensure staff consistency in operation.

Issues not addressed in this document related to applicants and residents (also referred to as families) are governed by the Department of Housing and Urban Development Code of Federal Regulations, HUD guidance, or other applicable law. If a conflict arises between or among the regulations and/or policies identified in this ACOP, the regulations specifically promulgated for the applicable program will take precedence.

### 1.4 Housing Through Modernization Act

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

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) was enacted on July 29, 2016. Public Housing Authorities such as the GHA implement the provisions of the law following HUD issued guidance. On February 14, 2023, HUD issued the Final Rule Implementing HOTMA Sections 102, 103, and 104 which are effective January 1, 2024 and require compliance by January 1, 2025 unless otherwise extended by HUD. These



sections make changes to the United States Housing Act of 1937, particularly those affecting income calculation, reviews, and program eligibility. While some changes related to HOTMA are effective beginning in 2024 (such as the phasing out of Earned Income Disallowance), other changes cannot be effective until the housing management software and HUD systems are available to accept the new data. This date is referred to as the GHA HOTMA Compliance Date. The GHA will post on its website when the GHA HOTMA Compliance Date has been established.



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# CHAPTER 2: GENERAL ADMINISTRATIVE PROVISIONS AND POLICIES

## 2.1 Confidentiality and Privacy Policy

Link [24 CFR 5.212](#); [HUD Form 9886 \(English\)](#); [HUD Form 9886 \(Other Languages\)](#)

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

This privacy policy does not limit GHA's ability to collect such information as it may need to determine eligibility, compute rent, or determine the applicant's suitability for tenancy, and does not prohibit the GHA from disclosing information to local law enforcement if the resident is suspected of being involved in criminal or legal activity.

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

## 2.2 Record Retention Policy

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

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

In addition, the GHA will keep the following records for at least five years:

- An application from each ineligible family and notice that the applicant is not eligible
- Lead-based paint records
- Documentation supporting the establishment of flat rents and the public housing maximum rent
- Documentation supporting the establishment of utility allowances
- Documentation supporting PHAS scores
- Accounts and other records supporting the budget and financial statements for the program
- Other records as determined by the GHA or as required by HUD
- Longer retention requirements may apply for citizenship status hearing documents



## Records for Environmental Intervention Blood Lead Level

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

The GHA will provide the public health department, the local HUD Field Office and HUD's Office of Lead Hazard Control (OLHCHH) written notice of the name and address of any child identified as having an environmental intervention blood lead level within 5 business days of obtaining this information.

## Upfront Income Verification (UIV) Records

PHA access to UIV data through HUD's Enterprise Income Verification (EIV) System is required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with Federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper).

## Criminal Records

Link: [24 CFR 5.903; 5.905](#)

GHA may only disclose the criminal conviction records which GHA receives from a law enforcement agency to officers or employees of GHA, or to authorized representatives of GHA who have a job-related need to have access to the information.

GHA has established a system of records management that ensures that any criminal record received by GHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing an informal hearing and the disposition of that action.

## Medical/Disability Records

GHA are not permitted to inquire about the nature or extent of a person's disability. GHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If GHA receives a verification document that provides such information, GHA should not place this information in the tenant file. GHA should destroy the document.



# CHAPTER 3: GENERAL FAIR HOUSING POLICIES

## 3.1 Nondiscrimination Policy

Links: [Fair Housing Act \(42 U.S.C\)](#); [Section 504 of the Rehabilitation Action of 1973](#); [Joint Statement of HUD and DOJ 5/17/14](#)

It is the policy of the GHA to accept applications for housing from all persons regardless of race, color, religion, sex, sexual orientation, sexual identity, national origin, familial status, disability, or elderliness. In the selection and admission of tenants the Authority will not discriminate because of race, color, religion, sex, sexual orientation, sexual identity, national origin, source of income, familial status, disability, or elderliness. The Authority will seek to identify and eliminate situations or procedures that create a barrier to equal housing opportunity to all. GHA will make such physical and/or procedural changes as will reasonably accommodate people with disabilities. No quotas or other devices, except as necessitated by allocation of units to ranges of specified rent, will be established to limit the number of such families in residence.

GHA is an equal housing opportunity provider. GHA does not discriminate on the basis of race, color, sex, national origin, religion, disability or familial status (having children under age 18). GHA does not interfere, threaten, or coerce people in the exercise of their fair housing rights. GHA does not retaliate against people who have asserted their rights or people who have assisted someone in asserting their rights.

### Complying with Civil Rights Laws

It is the policy of the GHA to comply with all federal, state and local non-discrimination laws, rules and regulations governing fair housing and equal opportunity in housing and employment now in effect and subsequently enacted, including, but not limited to:

- [Title VI of the Civil Rights Act of 1964](#), which forbids discrimination on the basis of race, color, religion, or national origin.
- [Title VIII of the Civil Rights Act of 1968](#) (as amended by the 1974 HCDA and the Fair Housing Amendments Act of 1988), which extends protection against discrimination based on disability and familial status, and spell out forms of prohibited discrimination
- [Executive Order 11063](#) which banned segregation in federal housing.
- [Executive Order 13166](#) which requires that recipients of Federal financial assistance provide meaningful access to their limited English proficiency applicants and beneficiaries
- [Section 504 of the Rehabilitation Action of 1973](#), which describes specific housing rights of persons with disabilities
- [Age Discrimination Act of 1975](#)
- [Title II of the Americans with Disabilities Act](#), otherwise Section 504 and the Fair Housing Amendments govern (Title II deals with common areas and public space, not living units)
- [Violence Against Women Reauthorization Act 2013](#) (VAWA)
- Any applicable State laws or local ordinances that may apply



GHA will provide information to applicants at the time of admission and residents at the time of annual re-examination about civil rights requirements.

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

Applicants or tenant families who believe they have been subject to unlawful discrimination may notify GHA either orally or in writing. GHA will attempt to remedy discrimination complaints made against GHA. GHA will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

Houston Regional Office of FHEO  
U.S. Department of Housing and Urban Development 1301 Fannin Street  
Room 2200  
Houston, Texas 77002

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

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

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

GHA has determined that most tenants speak English. The GHA staff can communicate in: English and Spanish. Given very limited resources GHA will not develop a written LEP plan but will consider alternative ways to communicate and provide meaningful access.

Every year, as part of GHA's annual plan process, the need for a LEP Plan will be reviewed and a Plan created if needed. The review will assess whether there have been any significant changes in the composition or language needs of the LEP population. The GHA will analyze the various kinds of contacts



it has with the public to assess language needs and decide what reasonable steps should be taken if the costs imposed do not substantially exceed the benefits.

### LEP Options

- When LEP persons request, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the GHA: the staff communicate in English. The interpreter may be a family member or friend.
- The GHA will utilize a language line for telephone interpreter services.
- GHA will inform the tenant association of language assistance services.
- GHA will not provide written translation but will provide written notice in the primary language of the LEP language group of the right to receive oral interpretation of those written materials, free of cost. Translation may also be provided orally.

### 3.3 Family Outreach

Link: [24 CFR Part 903.2](#); [24 CFR 903.7](#)

The GHA publicizes and disseminates information concerning the availability and nature of housing assistance to income eligible families. When the wait list is open, the GHA will publicize the availability and nature of housing assistance through a wide variety of sources including local and State newspapers, minority media and the Housing Authority of Galveston website. Efforts will be made to notify local officials, government agencies, and agencies that specifically address the needs of individuals with disabilities.

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

### 3.4 Affirmatively Furthering Fair Housing

Link: [24 CFR 960.103](#)

GHA will affirmatively further fair housing by marketing as needed so the waiting list includes a mix of applicants with races, ethnic backgrounds, ages and disabilities proportionate to the mix of those group in the eligible population of the area. GHA will review these factors regularly to determine the need for and scope of affirmative marketing efforts.



### 3.5 Deconcentration Policy

Link [24 CFR 903 Subpart A](#)

GHA's de-concentration and income-mixing goal, in conjunction with the requirement to target at least 40 percent of new admissions to public housing in each fiscal year to extremely low income families, will be to admit higher income families to lower income developments, and lower income families to higher income developments. In the event that the target goal is not being met, GHA may skip families with higher preference or earlier date/time in order to reach a family of the extremely low income level.

### 3.6 Reasonable Accommodations

Link: [24 CFR Part 8](#), [24 CFR Part 966.7\(b\)](#)

The GHA is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, or benefit from or otherwise discriminate against individuals with disabilities, based on disability, in connection with the operations of the GHA's programs, services and activities. Therefore, if an individual with a disability requires an accommodation and is verified as having the need such as an accessible feature or modification to a GHA policy, GHA will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program: or an undue financial and administrative burden. In such a case, the GHA will make another accommodation that would not result in a financial or administrative burden.

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

GHA will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, re-examination documents, and notice of adverse action. The notice will include the name and phone number of the GHA contact person for requests for accommodation for persons with disabilities.

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

If a person with a disability requests accommodation to an existing rule, policy, practice, or service in order to fully access and utilize the GHA's housing programs and related services, the GHA will verify and evaluate the request. The GHA is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden.



GHA will post a copy of this Reasonable Accommodation Policy in the administrative office; and the management office in each public housing development.

## Legal Authority

This Policy is compliant with the statutory authority listed below:

- [Section 504 of the Rehabilitation Act of 1973 \(Section 504\)](#);
- [Titles II and III of the Americans with Disabilities Act of 1990 \(ADA\)](#);
- [The Fair Housing Act of 1968, as amended \(Fair Housing Act\)](#);
- [The Architectural Barriers Act of 1968](#); and
- [24 CFR Part 8 Subpart C](#)
- DOJ/HUD Joint Statement on Reasonable Accommodations;
- DOJ/HUD Joint Statement on Reasonable Modifications;
- HUD Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate- Related Transactions;
- FHEO Notice 2013-01: Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs; and
- 42 U.S. Code § 3604: the Fair Housing Act prohibition regarding discrimination against families with children

## Definition of Disability

Person with disabilities is a person who:

- Has a disability, as defined in [42 USC 423](#);
- Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
  - Is expected to be of long-continued and indefinite duration;
  - Substantially impedes his or her ability to live independently, and
  - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
  - Has a developmental disability as defined in [42 USC 15001](#)
- Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
- For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- Means “individual with handicaps”, as defined in [24 CFR 8.3](#) of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

## Examples of Reasonable Accommodations

- Allowing a larger unit size



- Allowing a live-in aide
- Allowing a service animal
- Community service exemption
- Transfer: Examples of a reasonable accommodation transfer include, but are not limited to:
  - A transfer to a first floor unit for a person with mobility impairment, or
  - A transfer to a unit with accessible features.
- Exemption from the two year no transfer policy if a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines
- Alternative measures instead of lease termination
- Rescheduling appointments and/or hearings
- Attendance at a hearing of any other person approved by the GHA
- Permitting an outside agency or family member to assist in an interview or meeting
- Permitting applications and re-examinations to be completed in the manner prescribed by the GHA

### 3.7 Live in Aide Policy

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

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

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

- Is determined to be essential to the care and well-being of the persons
- Is not obligated for the support of the persons, and
- Would not be living in the unit except to provide the necessary supportive services

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

A family's request for a live-in aide must be made in writing. GHA will verify the request. For continued approval, the family must submit a new, written request, subject to the GHA verification at each annual re-examination.

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

- Not obligated for the support of the person(s) needing the care, and



- Would not be living in the unit except to provide the necessary supportive services.

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

- Does not meet GHA's screening and suitability criteria
- Would cause the current unit to become overcrowded according to GHA standards and local codes
- Falls under any category listed in this Policy in the Denials of Admission Section
- Is on the GHA Trespass List

### 3.8 Physical Impairment Policy

Link: [24 CFR Part 8.6](#)

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication is available at the GHA Office.

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

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

### 3.9 VAWA: Violence against Women Reauthorization Act Policy

Link: [Violence Against Women Reauthorization Act 2013](#); [24 CFR 5 Subpart L, PIH Notice 2017-08](#); [VAWA 2022](#)

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

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



## VAWA - Notification of Rights

The GHA will enclose in each application packet a notice advising applicants of their rights under VAWA. The GHA will notify residents of their rights under VAWA during the annual re-examination process and with any adverse action notice along with a copy of the form HUD form 5380 (Notice of Occupancy Rights); HUD form 5382 (Certification of VAWA)([alternate languages](#)).

## VAWA - Confidentiality

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

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

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

## VAWA - Documentation

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

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

- Form HUD-5382; or
- A document:
  - Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse:
  - Signed by the applicant or tenant; and
  - That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the



applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or

- A record of a Federal, State, tribal, territorial, or local law enforcement agency (may include a police report), court, or administrative agency; or
- At the discretion of GHA, a statement or other evidence provided by the applicant or tenant.

### VAWA Lease Bifurcation

The GHA may bifurcate a family's lease and terminate the tenancy of the culpable family member if the GHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, non-culpable family members. In making its decision, the GHA will consider all credible evidence, including, but not limited to, a signed certification (HUD-5832) or other documentation of abuse submitted to the GHA by the victim.

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

### Limitation On VAWA Protection

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

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

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

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



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



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# CHAPTER 4: APPLYING TO THE PROGRAM AND WAITING LIST

## 4.1 Application Process

Link: [24 CFR 1.4](#), [24 CFR 960.202](#)

The GHA will announce the reopening of the waiting list prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice. GHA will advertise through a wide variety of sources including local and State newspapers, minority media, minority civic clubs, service agencies, and broadcast media. An effort will also be made to notify elected officials, government agencies and other agencies that specifically address the needs of individuals with disabilities.

Notices will include: the dates, times and locations where families may apply; the method for acceptance of application; instructions for electronic submission of applications in the event such technology is available, the program for which applications will be taken and; a brief description of the program.

No one will be denied the right to request or submit an application when the Low-Income Public Housing waiting list is open. However, depending upon the composition of the waiting list about family types and preferences and to better serve the needs of the community, the GHA may only accept applications from any family claiming preference(s).

Completed pre-applications must be submitted in the manner specified (e.g. post office box or address; on-line via the internet). GHA reserves the right to accept pre-applications electronically via the internet or other automated system as deemed appropriate. GHA does not charge any fee for any part of the pre-application or application process.

Only those pre-applications received by the due date as indicated by a postmark or other appropriate electronic submission verification tool during the time-period specified by GHA will be accepted as eligible pre-applications. The date the pre-application is received is the date it is postmarked or submitted electronically.

If on-line applications are utilized and an applicant needs assistance completing or submitting the on-line application assistance may be provided via other means as identified by GHA. When the GHA waiting list is open, GHA will offer all applicants the opportunity to be listed on other GHA Program waiting lists, if open.



## 4.2 Preferences

Link: [24 CFR 960.202](#)

GHA will prioritize its waitlist by points. Points will be based on the head of household status. Applicants that meet criteria of more than one preference will have cumulative points awarded.

- GHA Head of Household Disaster Preference: Former GHA public housing families who were receiving GHA public housing assistance immediately prior to being displaced as a result of a natural disaster, will be given preference over all other displaced families and will take precedence over any other preference. (10 points)
- Elderly Preference: Head of household or spouse is 62 years or older. (2 points)
  - If the GHA determines that there are insufficient numbers of elderly families to fill all the units in a project (or portion of a project) designated for occupancy by only elderly families, the agency may provide that near-elderly families with preference to occupy dwelling units in the project (or portion).
- Employment Preference: Employed working a minimum of 30 hours per week. (1 point)
- Local Residency and Work Preference: This preference is for families who live and/or work in the City of Galveston, regardless of the length of time the family has resided and/or worked in the City of Galveston; applicants who have been notified they are hired to work in the City of Galveston; Families whose head or spouse has been given a bona fide offer of employment. Families where the head and spouse, or sole member is a person age 62 or older, or is a person with disabilities, will also be given the benefit of the working preference. (5 points)
  - The use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
- Disabled and/or Handicapped Preference: Head of household or spouse who is disabled or handicapped according to the definition in Section 223 of the Social Security Act. (2 points)
- School/Job Training Preference: Families whose head of household or spouse is currently enrolled and participating in a job training program that prepares them for entering or re-entering the job market. Families enrolled in educational programs working toward a degree. (1 point)
- Veteran Preference: Families whose head of household or spouse is an active-duty member of the U.S. Armed Services, Veteran, or surviving spouse of a Veteran. Verification requires U.S. Government Military documents which indicate the applicant qualifies under the above definition.(1 point)

Within each preference category, applicants will be selected in order of the date and time of their application or randomized lottery number depending on the method established for the wait list opening.

Single applicants who are elderly or disabled single persons will be assisted before other single persons.

When adopting a new preference, GHA will notify all applicants on the current waiting list to determine if any are eligible under the preference. GHA will specify in a public notice of a waiting list opening that current waiting list applicants may qualify for the preference. The notice will include any other information



new applicants and current applicants on the waiting list will need to know about how to successfully apply and establish their preference status, including any partnering agencies with whom the owner may be working to receive referrals or determine preference eligibility.

If an applicant makes a false statement to qualify for a Local preference, GHA will deny the preference.

If the GHA denies a preference, GHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review.

If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if he/she believes they have been discriminated against.

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

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

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

### 4.3 Waiting List Placement

Link: [24 CFR 960.206](#)

It is GHA's policy that each applicant will be assigned an appropriate place on a jurisdiction-wide Waiting List. Applicants will be listed in sequence based upon size and type of unit required, preference, date and time the application is received (or randomized lottery number if based on an on-line application process). In filling actual or expected vacancies, GHA will offer the dwelling unit to an applicant in the appropriate sequence, with the goal of filling units timely, and accomplishing deconcentration of poverty and income-mixing objectives. GHA will offer the unit in the proper applicant sequence until it is accepted.

GHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance). Where the family is determined to be ineligible, GHA must notify the family in writing. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

When the waiting list is open, any family asking to be placed on the waiting list for Public Housing rental assistance will be given the opportunity to complete an application, even if applications are only being accepted from specific groups and the family may not qualify. Based on the GHA's turnover and the availability of appropriate sized units, groups of families will be selected from the waiting list to form a final eligibility "pool." Selection from the pool will be based on completion of verification.



Applicants who owe money to GHA or any other housing authority will be placed on the waiting list but will not be offered a unit until their debt is paid in full.

### Income Targeting Policy

Link [24 CFR 960.202\(b\)](#)

The GHA will monitor progress in meeting the Extremely Low Income (ELI) requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

### Fungibility

Link [Quality Housing and Work Responsibility \(QHWRA\) Act of 1998](#)

GHA will exercise fungibility between the Housing Choice Voucher and public housing programs as allowed by HUD to meet income targeting requirements and as also stated in the GHA's Administrative Plan.

## 4.4 Offer of Placement on the Section 8 Waiting List

GHA does not maintain a merged Waiting List for the public housing and the Housing Choice Voucher Program. Per 24 CFR 982.205, if the Section 8 Waiting List is open when the applicant is placed on the public housing list, GHA will offer to place the family on both lists. If the public housing Waiting List is open at the time an applicant applies for Section 8, GHA will offer to place the family on the public housing Waiting List so long as units of appropriate size are managed by GHA.

## 4.5 Opening and Closing the Waiting List

GHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The decision to close the waiting list will be based on the number of applications available for a particular size and type of unit and the ability of GHA to house an applicant in an appropriate unit within a reasonable period.

GHA may open the waiting list to preference-eligible only families or for special populations.

When GHA opens the waiting list, GHA will advertise through public notice in the local newspapers, minority publications and media. To reach persons with disabilities or special populations, GHA will provide notice to local organizations representing the interests and needs of the disabled.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the GHA address and telephone number, how to apply, and information on eligibility requirements.

The notice at a minimum will contain:

- The dates, times, and the locations where families may apply.
- The means of application submittal (electronic, paper based, etc.)



- The programs for which applications will be taken.
- A brief description of the program.
- Limitations, if any, on who may apply.

The wait list open period will be long enough to achieve a waiting list adequate to cover projected turnover over the next twelve (12) months. GHA will give notice when opening the wait list when the wait list closes. GHA may suspend the acceptance of applications if there are enough applicants to fill anticipated openings for the next twelve(12) months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

GHA will update the waiting list as needed by contacting applicants to determine their continued interest in the program. Those applicants who indicate they are no longer interested or fail to respond to a purge letter will have their names removed from the waiting list. At the time of initial application, GHA will advise families of their responsibility and requirements to notify GHA in writing when mailing address, email or telephone numbers change.

#### 4.6 Maintaining the Waiting List

As authorized by the Quality Housing and Work Responsibility Act of 1998, GHA has implemented one waiting list for its traditional public housing.

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

- Name and address of head of household
- Unit size required (number of family members)
- Social security number (head of household)
- Amount and source of annual income
- Date and time of application or random lottery number

GHA will administer its waiting lists as required by 24 CFR Part 5, Subpart E and Subpart F, Part 945 and 24 CFR 960, Subpart B. The waiting list will be maintained in accordance with the following guidelines:

- The application will be a permanent part of the file.
- All applicants in the pool will be maintained in order of preference and in order of date and time of application receipt.
- Applications equal in preference will be maintained by date and time sequence or randomized lottery number.
- Applicants may qualify for more than one preference.
- All applicants must meet applicable income and other eligibility requirements as established by HUD and GHA.

Every reasonable action will be taken by GHA to assure that applicants can make informed choices regarding the development(s) in which they wish to reside.



## Updating the Waiting List

The waiting list will be updated as needed to ensure that all applicant information is current. The update letter will state that failure to respond will result in the applicant being removed from the waiting list without further notice. The family's response must be in writing and may be delivered in the manner prescribed by the GHA. Responses should be received by the GHA not later than the response date provided in the GHA's letter. If the family fails to respond within the period provided, the family will be removed from the waiting list without further notice. If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice. If the notice is returned by the post office with a forwarding address, the notice will be sent to the address indicated. The family will have to respond by the date indicated in the second letter.

When a family is removed from the waiting list during the update process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent the GHA from making an eligibility determination; therefore, no informal hearing is required. If the family is removed from the waiting list for failure to respond, the Executive Director or designee Director may reinstate the family if s/he determines the lack of response was due to GHA error, or to circumstances beyond the family's control.

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

## Family Changes Prior to Unit Offer

Changes that occur during the period between certification of eligibility and an offer of a suitable unit may affect the family's eligibility or Total Tenant Payment and must be re-verified prior to making the offer. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an informal hearing when applicable.

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open. When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the GHA will make the decision taking into consideration the following factors:

- The interest of any minor child, including custody arrangements
- The interest of any ill, elderly, or disabled family members
- Any possible risks to family members as a result of domestic violence or criminal activity;
- Recommendations of Social Service Agencies, and;
- Which family member applied as Head of Household.



When a family is on the wait list and the head of household is deceased, an adult member who has court ordered final custody of the children listed on the application will be allowed to retain the original application position. The family will take the appropriate place on the waiting list according to the date they first applied.

## 4.7 Removal from the Waiting List

The GHA will remove applicants from the waiting list if:

- The applicant has requested their name be removed. In such cases no informal hearing is required.
- The applicant has failed to advise the GHA of his/her continued interest in public housing during the waiting list update. This includes failing to notify the GHA of any changes in family status, preference status, address, etc.
- The applicant has failed to attend interviews and/or provide documentation in the required timeframes.
- The GHA determines the family is not eligible for admission at any time while the family is on the waiting list.
- The applicant fails to pay an existing utility balance which results in a denial of service by the utility supplier;

The GHA may remove an applicant's name from the waiting list under the following circumstances:

- The applicant fails to pay an outstanding balance owed to the GHA;
- The applicant fails to meet background screening check;
- The applicant fails to complete the Pre-Occupancy Classes or Orientation;
- The applicant fails to pay an existing utility balance which results in a denial of service by the utility supplier;
- The applicant fails the GHA's screening because of a documented tenant history of:
  - Previous removal from the waiting list within the last 12 months;
  - Inability or unwillingness to comply with the terms of the GHA's lease;
  - Misrepresentation of any information related to eligibility, award of preference for admission, allowances, family composition or rent.

If a family is removed from the waiting list because the GHA has determined the family is not eligible for admission, a notice will be sent to the family's address of record. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal hearing.

## 4.8 Resident Selection Policy

Link: [24 CFR 1.4\(b\)\(2\)\(ii\)](#);

### Order of Selection

All housing offers will be made from the approved waiting list of appropriate size and/or suitable type and will be made in accordance with the following:



- If there is a suitable (right size and type) unit available at more than one location, the applicant is offered a unit at the location with the oldest vacancies. If the applicant refuses the first offer, the applicant will be offered a second choice. If the applicant refuses the second offer without good cause, the applicant removed from the waiting list. The two offers can be made in sequence and the applicant should refuse one offer before another is made.
- If there is only one location at which suitable units are available (e.g. only one development has units that are large enough), the applicant is offered a unit at that location that has been ready to rent the longest. If the applicant refuses the offer, the applicant is offered a second unit at that location that has been ready to rent the longest. If the applicant refuses the second offer without good cause, the applicant is removed from the waiting list.

Applicants must accept a unit offer within 2 business days of the date the offer is made.

GHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

If, for good cause, an applicant rejects a unit offer or is willing to accept the unit offered but is unable to take occupancy at the time of the offer, the applicant will not be repositioned on the waiting list.

Examples of "good cause" reasons for the refusal to take occupancy of a housing unit include, but are not limited to:

- An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing. [24 CFR 945.303(d)].
- Inaccessibility to source of employment or children's day care such that an adult household member must quit a job, drop out of an educational institution or a job training program;
- The family demonstrates to GHA's satisfaction that accepting the offer will result in a situation where a family member's life, health or safety will be placed in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders, or risk assessments related to witness protection from a law enforcement agency. The reasons offered must be specific to the family. Refusals due to the location of the unit alone are not considered to be good cause.
- A qualified, knowledgeable, health professional verifies the temporary hospitalization or recovery from illness of the principal household member, other household members, or a live-in aide necessary to care for the principal household member.
- The unit does not meet the verified accessibility needs of the applicant.

### Resident Selection Notification

Link: [24 CFR 960.208](#)

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

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



- Who is required to attend the interview
- Documents that must be provided at the interview

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

## 4.9 Occupancy Standards

### Determining Unit Size

Link: [24 CFR 960.206\(c\)](#)

The Occupancy Guidelines are established by GHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. These Occupancy Guidelines are used to determine minimum and maximum unit sizes for various sized families when they are selected from the waiting list, or when a family's size changes, or when a family requests an exception to the Occupancy Guidelines.

### Occupancy Standards Chart

Bedroom Size	Minimum Occupants	Maximum Occupants
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10

Applicants will be approved for admission as well as continued occupancy based upon the standard of two persons per bedroom with the exceptions listed below:

- The GHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom.
- The GHA will consider factors such as family characteristics including sex, age, or relationship, the number of bedrooms and size of sleeping areas or bedrooms and the overall size of the dwelling unit.
- For occupancy standards, an adult is a person 18 years or older or an emancipated minor.
- Consideration will also be given for medical reasons and the presence of a live-in aide.
- Generally, the GHA will assign one bedroom to two people within the following guidelines:



- Single person families will be allocated a zero or one bedroom.
- Foster children will be included in determining unit size only if they are in the unit for more than nine months. A household that contains a family member (not the head of household or spouse) who is enrolled as a full-time student at an institution of higher learning and who is on the lease will be counted for the purposes of establishing occupancy standards for unit size if:
  - The family member is enrolled and actively attending a two-year or four-year college or university; and
  - The family member resides in the unit during school breaks and holidays.
- A household in which the parent shares joint custody of a dependent child shall include the child on the lease and will be counted for purposes of establishing occupancy standards for unit size if:
  - The head of household is legally entitled to physical possession of the child more than 50% of the time; and
  - The child actually physically resides in the unit with the head of household more than 50% of the time.

In the event that the primary custody of a child is disputed by either custodial parent or guardian, the GHA may examine additional documentation to determine the household where the child's residence will receive subsidy. The GHA may request to examine:

- Documentation provided to the Internal Revenue Service which provide for tax allowance for dependent child; and
- If the child is school age, the head of household is listed as the legal guardian on the child's school enrollment documentation, and the address of record is the head of household's address.

### Occupancy Standards Exceptions

An exception may be granted to allocate a separate bedroom to a family member, if a larger bedroom size is needed for medical equipment due to its size and/or function, or as reasonable accommodation for a person with disabilities. Written verification of disability and need for the medical equipment may be required by GHA prior to allocation of the separate bedroom. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the apartment size in which the family resides (according to the Occupancy Standards Chart) and the family does not want to transfer to a larger apartment.



# CHAPTER 5: INITIAL AND CONTINUING ELIGIBILITY

## 5.1 Qualifications for Admission

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

- Are a family as defined by HUD and GHA
- Qualify on the basis of citizenship or the eligible immigrant status of family members.  
Link [24 CFR Part 5, Subpart E](#)
- Provide documentation of Social Security numbers for all household members, or certify that they do not have Social Security numbers  
Link [24 CFR Part 5, Subpart B](#)
- Have income at or below HUD-specified income limits.  
Link [24 CFR Part 5, Subpart F](#)
- Meet the Applicant Suitability and Selection Criteria stated in these policies
- Consent to GHA's collection and use of family information as provided for in GHA consent forms.
- Applicants who are listed as a head of household or spouse of a head of household on a current GHA Public Housing lease are not qualified for admission.

## 5.2 Restrictions on Eligibility due to Family Net Assets

Link: 24 CFR 5.618(a); 24 CFR 5.618(a)(ii)

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

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

The restriction on owning real property does not apply to:

- A family that receives assistance for the property under the Low Income Public Housing Program for:
  - Manufactured home (24 CFR 982.620)
  - Homeownership Option
  - Property jointly owned with someone else, and occupied by the other owner who is not a member of the household receiving benefits.
  - A victim of domestic violence, dating violence, sexual assault, or stalking.
  - A family that is offering property for sale.



A family that owns a property may show it is not “suitable for occupancy” if it:

- Does not meet the disability-related needs for all members of the family.
- Is not sufficient for the size of the family.
- Is located where it would be a hardship for the family.
- Example: the location would be a hardship for the family’s commute to work or school
- Is unsafe because of physical condition.
- Unless issues can be “easily remedied”
- Cannot be a residence per local or state laws.

### 5.3 Family Definition

Link: [24 CFR 5.403](#)

To be eligible for admission, an applicant must qualify as a family. Family as defined by HUD includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- A single person, who may be an elderly person, displaced person, or:
  - Is an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age;
  - Has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)); and
  - Is homeless or is at risk of becoming homeless at age 16 or older
- The above statement meets the HUD definition; however, GHA does not have zero or one bedroom units to accommodate single persons in the public housing program.
- A group of persons residing together, and such group includes, but is not limited to:
  - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
  - An elderly family;
  - A near-elderly family;
  - A disabled family;
  - A displaced family; and
  - The remaining member of a resident family.

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

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



- Near elderly family means a family whose head (including co-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.

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

Child (minor) relationship is determined only by: birth, adoption, a court order establishing custody, or a legal order from the social service agency, (i.e. Child Protective Services, DES, etc.).

Each family must identify the individuals to be included in the family at the time of application, and must notify the GHA if the family's composition changes within 15 calendar days.

#### Foster Youth/Foster Adult/Live In Aide

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

#### Family Break up

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open. If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will retain occupancy of the unit.

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

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

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



- The recommendations of social service professionals

### Remaining Family Member

As defined by HUD and previously approved by GHA to live in the unit. Live-in aides, foster children and foster adults do not qualify as remaining family members.

If the head of household dies or leaves the unit for any reason other than termination of the tenancy by GHA, continued occupancy by remaining household members is permitted only if:

- The household reports the departure (or death) of the head of household in writing within 15 calendar days of the occurrence; and
- A replacement head of household is identified and reported to GHA in writing within 30 calendar days of the occurrence; and
- If after 30 days of the occurrence, no head of household is reported, GHA will proceed with eviction;
- The household member seeking to become the head of household must meet GHA's screening and eligibility requirements;
- The member seeking to become the head of household has reported all income as required by GHA policy;
- The member seeking to become the head of household has not committed any violation of the lease agreement during their tenancy;
- The household agrees to occupy an appropriately sized unit based on GHA's Occupancy Standards.

Except in cases where the member seeking to become the head of household is the parent or legal guardian of a remaining minor(s) (under 18), the proposed head of household has been listed on the lease for at least 12 consecutive months, or since the previous head of household's tenancy (if less than 12 consecutive months).

The head of household agrees to a written payback agreement for any arrearages incurred by the former head of household.

Those under 18 seeking to become the head of household must provide proof of emancipation, including but not limited to: marriage license, divorce decree, emancipation or military enlistment or discharge papers.

An adult who becomes the guardian or other caretaker of remaining household member(s), who are minors, may apply to become head of household and must meet GHA's screening and eligibility criteria.

GHA may deny tenancy if an action to terminate the former head of household's tenancy began prior to the former head of household's departure from the unit.



## Head of Household

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

## Joint Custody

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

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

## Mixed Family

GHA will verify the citizenship/immigration status of applicants at the time other eligibility factors are determined.

## 5.3 Citizenship Requirements

At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance. Each family member must declare whether the individual is a citizen, national or an eligible noncitizen. Members who elect to not contend their status are considered to be ineligible noncitizens. Family members who declare citizenship or national status will be required to provide additional documentation supporting the individual's declaration of citizenship and national status. Documents accepted include original birth certificate, original naturalization certificate, unexpired INS card or Social Security card.

## 5.4 Social Security Number Disclosure

The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN.

If GHA determines that the applicant is otherwise eligible to participate in a program, the applicant may retain its place on the waiting list for the program but cannot become a resident until it can provide the documentation to verify the SSN of each member of the household. The GHA may accept the self-certification of the family member SSN when a third party verification, such as bank account statement, is provided.



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

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

## 5.5 Criminal Background Policy

Link [24 CFR 5.903](#); [24 CFR 5.905](#); [24 CFR 960.204](#)

GHA will perform criminal records checks for all adult members of households (defined as 18 years of age or older):

- At application;
- When adding an adult;
- When moving to a new unit; or
- When it has come to the attention of the GHA, either from local law enforcement or by other means, an applicant or family member has engaged in the destruction of property, engaged in violent activity against another person, or has interfered with the right to peaceful enjoyment of the premises of other residents.

Such checks will also include sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis.

If an applicant is about to be denied housing / tenant is about to be terminated or facing eviction based on either the criminal check or the sex offender registration program, the applicant/tenant will be informed of this fact and given an opportunity to dispute the accuracy of the information and/or to provide circumstances to mitigate the activity before the denial or eviction occurs.

### Drug Abuse Treatment Information

Link [24 CFR 5.905](#)

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



## 5.6 Suitability Screening

Applicant families will be evaluated to determine whether, based on their recent behavior, such behavior could reasonably be expected to result in compliance with the public housing lease. The GHA will look at past conduct as a potential indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development environment, other tenants, GHA employees, or other people residing in the immediate vicinity of the property. Otherwise eligible families will be denied admission if they fail to meet the suitability criteria.

GHA will consider objective and reasonable aspects of the family's background, including the following:

- History of meeting financial obligations, especially rent and any utility payments;
- Ability to maintain (or with assistance would have the ability to maintain) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants;
- History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well being of other tenants or staff or cause damage to the property;
- History of disturbing neighbors or destruction of property;
- Having committed fraud in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from; and
- History of abusing alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

GHA will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease. GHA will verify the information provided. Such verification may include but may not be limited to the following:

- A credit check of the head, spouse, co-head, and any other adult family members;
- A rental history check of all adult family members;
- A criminal background check on all adult household members, including live-in aides at no cost to the applicant. This check will be made through State or local law enforcement. Where the individual has lived outside the local area, GHA may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). This criminal background check will proceed after each adult household member has signed a consent form.
- The information received because of the criminal background check shall be used solely for screening, lease enforcement and eviction purposes. The information derived from the criminal background check shall be shared only with employees of GHA who have a job-related need to have access to the information. The information shall be maintained confidentially, not misused



or improperly disseminated, and destroyed once the purpose(s) for which it was requested has been accomplished and the period for filing a challenge to the GHA;s action has expired without a challenge or final disposition of any litigation has occurred;

- A check of the State's lifetime sex offender registration program for each adult household member, including live-in aides. No household with an individual registered under a State sex offender registration will be admitted to public housing. GHA will check with our State registry and if the applicant has resided in another State(s), with that State(s)'s list. The GHA will utilize the US Department of Justice's Dru Sjodin National Sex Offender website as an additional resource. The Dru Sjodin National Sex Offender Database is an online, searchable database, hosted by the Department of Justice, which combines the data from individual state sex offender registries.

If an applicant is about to be denied housing based on either the criminal check or the sex offender registration program, the applicant will be informed of this fact and given an opportunity to dispute the accuracy of the information and/or to provide circumstances to mitigate the activity before the denial or eviction occurs.

## 5.7 Eligibility Determination

### Eligibility Interview

Families selected from the waiting list are required to participate in an eligibility interview. The family will be sent an interview notice to their last known address indicating the date, time, place, who must attend and what documents must be presented at the interview. The family will either be mailed a packet of documents to complete or will be provided with the packet at the interview. The packet must be complete in order for eligibility to be determined.

The family must provide the information necessary to establish the family's eligibility, including criminal background record, and to determine the appropriate amount of rent the family will pay. The family must also complete required forms, provide required signatures, and submit required documentation. If the family does not provide the required documentation at the time of the interview, the interview will not take place and may be rescheduled when all the documents are submitted by the family. The family will be given a list of missing documents and the timeframe for returning the document. If the documents are returned complete within the period allowed the interview will be rescheduled. If the documents are not returned complete within the period, GHA will determine that the applicant is no longer interested in housing assistance and will be removed from the waiting list. Extensions to the timeframe may be allowed based on emergencies and reasonable accommodation.

If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the



required time frame (plus any extensions) the family will be sent a notice of denial. An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

### Rescheduling the Interview

If the family is unable to attend a scheduled interview for good cause, the family must contact the GHA in advance of the interview to schedule a new appointment. If a family does not attend a scheduled interview without prior notice the GHA will send a denial letter. The applicant may contact the GHA within 24 hours after the scheduled appointment and the appointment will be rescheduled once. Failure to attend the second scheduled interview will result in denial of admission. GHA may permit a third scheduled appointment in certain circumstances where the family was unable to attend due to good cause, such as documented and verified hospitalization of a family member of the family or other medical emergency.

### Eligibility Notification

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

## 5.8 Determination of Annual Income

### Definition of Income

Link [24 CR 5.609](#)

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

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

All amounts received by the head of household, co-head, or spouse, including the income of a day laborer, independent contractor, and seasonal worker are included in annual income regardless of age, unless otherwise excluded in paragraph (b) of 24 CFR § 5.609.

Annual income also includes all actual anticipated income from assets even if the asset is excluded from net family assets but the income from the asset is not otherwise excluded. Annual income will include the income from assets, if known, for total family net assets less than \$50,000 (an amount to be



adjusted annually by HUD). Imputed returns on net family assets are included in annual income only when net family assets exceed \$50,000 (an amount that HUD will adjust annually for inflation) and actual asset income cannot be calculated for all assets.

### Earned Income

Link: [24 CFR § 5.100](#)

Earned Income is defined as income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare assistance, Social Security, and other governmental subsidies / benefits), or any cash or in-kind benefits.

### Unearned Income

Unearned income means any annual income, as calculated under 24 CFR § 5.609, that is not earned income.

### Non-recurring income

Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. The list of exclusions is codified at 24 CFR § 5.609(b)(24) as nonrecurring income.

### Incremental Earnings

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

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

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

### Earned Income Disallowance Policy

Link [24 CFR 960.255](#)

The following provision of EID Policy expired on January 1, 2024. Families enrolled in the EID policy on or before December 31, 2023, will be allowed to complete the income phase in periods pursuant to the provisions below.



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

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

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

### Disallowance of Earned Income

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

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

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

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

### Alimony and Child Support

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



- If payments are made through a state or local entity, GHA will request copy of the receipts and/or payment stubs for the previous 60 days and request that the entity disclose any known information about the likelihood of future payments.
- Copy of the latest check and/or payment stubs over the last 60 days.
- Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
- Third-party verification form from the person paying the support
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received

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

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

### Self Employment Income

Gross income received through self-employment or operation of a business; with the exception of the following which is considered income:

Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness will 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 IRS regulations; and

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.

Note: gross income is the total income that a business brings in and is not reflective of the costs of operating a business or of being self-employed.

### **Co-Owned Businesses**

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

## 5.9 Assets

Net family assets are defined as the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of investment, except as excluded. See Appendix B: Asset Exclusions.



If the Household has net assets valued in excess the maximum amount currently set at \$50,000 (to be adjusted annually by HUD), the annual income will include the greater of the actual income derived from all assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

### Joint Owned Assets

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

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

### Disposed Assets

The GHA will include the value of assets disposed of for less than fair market value during the past two years. Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

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

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

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

### Asset owned by business entity.

If a business entity (e.g., limited liability company or limited partnership) owns the asset, then the family's asset is their ownership stake in the business, not some portion of the business's assets. However, if the family holds the assets in their own name rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets.



## Necessary and Non-Necessary Personal Property

Link: 24 CFR § 5.603

Effective upon the GHA HOTMA Compliance Date, necessary personal property is excluded from net family assets. Non-necessary personal property with a combined value greater than \$50,000, (amount to be adjusted by HUD annually), is considered part of net family assets. When the combined value of all non-necessary personal property does not exceed the annual maximum amount, all non-necessary personal property is excluded from net family assets.

Necessary personal property are items essential to the family for the maintenance, use, and occupancy of the premises as a home; or they are necessary for employment, education, or health and wellness. Necessary personal property includes more than merely items that are indispensable to the bare existence of the family. It may include personal effects (such as items that are ordinarily worn or utilized by the individual), items that are convenient or useful to a reasonable existence, and items that support and facilitate daily life within the family's home. Necessary personal property also includes items that assist a household member with a disability, including any items related to disability-related needs, or that may be required for reasonable accommodation for a person with a disability. Necessary personal property does not include bank accounts, other financial investments, or luxury items.

## Trusts as Net Family Assets

Link: 24 CFR §§ 5.603 and 5.609

The value of irrevocable trusts and revocable trusts that are not under the control of the family are both excluded from net family assets.

Revocable trust that is under the control of the family or household (e.g., the grantor is a member of the assisted family or household) is included in net family assets, and, therefore, income earned on the trust is included in the family's income from assets.

GHA will calculate imputed income on the revocable trust if net family assets are more than \$50,000, as adjusted by inflation, and actual income from the trust cannot be calculated (e.g., if the trust is comprised of farmland that is not in use)

## Trust Distributions and Annual Income

If the value of the trust is considered part of the family's net assets, then distributions from the trust are not considered income to the family. If the value of the trust is not considered part of the family's net assets, then distributions from the trust are treated as follows:

- All distributions from the trust's principal are excluded from income.



- Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust's principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor.

### Excluded Assets

The following are examples of assets excluded under HOTMA. The full list of exclusions is provided in Appendix B, Excluded Assets. If the family owns an excluded asset its value does not count toward the restriction due to net family assets, however income derived from the asset may be counted as income unless otherwise specifically excluded.

- Necessary items of personal property (such as medical devices, vehicle for commute)
- Non-necessary items of personal property if the combined total value does not exceed \$50,000 (amount to be adjusted annually)
- Retirement account recognized by IRS
- Real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member, for an incident resulting in a disability
- The value of certain education or disability support savings accounts
- Income earned on amounts placed in a family's FSS account.

### 5.10 Excluded Income

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

The following are types of excluded income. The full list of exclusions is provided in **Appendix A**, Excluded Income:

- Earned income of children (including foster children) under the age of 18 years
- Earned income of dependent full-time students in excess of the amount of the deduction for a dependent.
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the family, who are unable to live alone);
- All income of foster child or foster adult
- 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
- Income and distributions from any Coverdell educational savings account or any qualified tuition program under IRS sections 529 and 530



- Income earned by government contributions to, or distributions from, ‘baby bond’ accounts created, authorized, or funded by federal, state, or local government.
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
- Income of a live-in aide, as defined [in 4 CFR §5.403](#);
- Reimbursements for Health and Medical Care Expenses. Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member.
- Insurance payments and settlements for personal or property loss including, but not limited to: payments through health insurance, motor vehicle insurance, and workers’ compensation.
- Income received from any account under an IRS-recognized retirement plan. However, any distribution of periodic payments from these accounts shall be income at the time they are received by the family.
- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- Payments related to aid and attendance for veterans under 38 U.S.C. 1521.
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family having a disability.
- Deferred periodic amounts from supplemental security income and Social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit
- Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs. That includes assistance under any program to which the exclusions set forth in [24 CFR 5.609\(c\)](#) apply

### Income from Training Programs

Incremental earnings and benefits from training programs funded by HUD or qualifying federal, state, tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff.

Excluded amounts must be received under employment training programs with clearly defined goals and objectives and only excluded during participation in the program unless the amounts are excluded as Federal Financial Aid (§ 5.609(b)(9)(i)).

### Student Financial Assistance (24 CFR 5.609(9)(i), (ii))

#### Title IV HEA Assistance



Any assistance that section 479B of the Higher Education Act of 1965, as amended (20 U.S.C. 1087uu), requires to be excluded from a family's income including Bureau of Indian Affairs or Department of Education student assistance

#### Other Student Financial Assistance

Student financial assistance, not excluded under the HEA for "actual covered costs" of higher education paid directly to the student or to the educational institution on the student's behalf.

#### State Payments to Allow Individuals with Disabilities to Live at Home

These payments must be made by or authorized by a state Medicaid managed care system or other state agency (includes: state Medicaid-managed care system, other state agency, or authorized entity) to a family to enable a family member who has a disability to reside in the family's assisted unit.

### 5.11 Deductions from Income

Link: 24 CFR 5.611

#### Dependent and Elderly Family Deduction

Dependent Deduction

The dependent deduction amount is \$480 (2025). Effective upon the GHA HOTMA Compliance Date, HUD will adjust this amount annually and applies to a family's next annual or interim reexamination after the annual adjustment, whichever is sooner.

#### Elderly/Disabled Family Deduction

Effective upon the GHA HOTMA Compliance Date, the elderly/disabled family deduction increases from \$400 (current amount) to \$525 and applies to a family's next interim or annual reexamination, whichever is sooner. HUD will adjust this amount annually.

#### Health and Medical Expenses

Health and medical care expenses, as defined in 24 CFR § 5.603, include costs incurred for the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed. Medical insurance premiums continue to be eligible health and medical care expenses.

The sum of unreimbursed health and medical care and reasonable attendant care and auxiliary expenses that exceed 3 percent of the elderly or disabled family's annual income can be deducted from annual income. Effective upon the GHA HOTMA Compliance Date, this threshold will increase to 10 percent of the annual income.



### Unreimbursed Auxiliary Apparatus Expenses

Auxiliary apparatus items can include, for example, expenses for wheelchairs, ramps, adaptations to vehicles, guide dogs, assistance animals, or special equipment to enable a person who is blind or has low vision to read, or type or special equipment to assist a person who is deaf or hard of hearing. Some examples of attendant care expenses can include teaching a person with disabilities how to perform day-to-day tasks independently like cleaning, bathing, doing laundry, and cooking. Attendant care can be 24-hour care, or care during sporadic periods throughout the day.

In order to claim the deduction for the cost of unreimbursed reasonable attendant care and auxiliary apparatus expenses, the family must include a person with a disability, and the expenses must enable any member of the family (including the member who is a person with a disability) to be employed. If the unreimbursed reasonable attendant care and auxiliary apparatus expense exceeds the amount earned by the person who was enabled to work, the deduction will be capped at the amount earned by that individual.

### Both Medical and Disability Expenses

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

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

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



## Childcare

Childcare is allowed as a deduction from income for children less than 13 years of age. The family must identify the family member(s) enabled to pursue an eligible activity: seeking work, pursuing an education or being gainfully employed.

### ***Allowable Childcare Activities and Expenses***

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

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

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

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

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

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

### ***Seeking Work***

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

### ***Furthering Education***

If the childcare expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program.



The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

### ***Being Gainfully Employed***

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

When the childcare expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, the GHA generally will limit allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work. This exception only applies when there are no other unemployed family member(s) who would otherwise be eligible to care for the minor child(ren).

### **Permissive Deductions**

The GHA has not established permissive deductions as permitted by HUD.

## **5.12 Restriction on Over Income Public Housing Families**

### **[83 FR 35490](#)**

When the GHA becomes aware, through an annual reexamination or an interim reexamination for an increase in income, that a family's income exceeds the applicable income limit, the GHA will document that the family exceeds the threshold and will begin to monitor the family income over a 24-month grace period. The over income limit is set by multiplying the very low-income level for the applicable area by a factor of 2.4 (a limit equal to approximately 120% of the area median income).

If the family's income has fallen below the over income limit at any time during the 24-month grace period, the family will remain public housing program participants and return to regular income reexamination periods. If the family becomes over income again, the PHA begins a new 24-month grace period.

At the end of the 24 month period, the GHA will re-examine family income and the family, if above the established income threshold, will be terminated from the Public Housing program following appropriate notice.



# CHAPTER 6: VERIFICATIONS

Links: [24 CFR 5.230](#), [24 CFR 5.609\(d\)](#); [Notice PIH 2017-12](#);

The family must supply any information that GHA or HUD determines necessary to the administration of the program and must consent to the GHA verification of that information. All adult applicants and residents must sign the [HUD-9886, Authorization for Release of Information](#). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Failure to sign consent forms will result in denial of admission for applicants and lease termination for residents. The family will be informed of the denial or termination in accordance with GHA policies, and will be provided information on requesting an informal hearing.

## 6.1 Methods of Verification

Link: [Notice PIH 2017-12](#); [24 CFR §5.233](#)

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

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

### EIV Verification Process

Link: [24 CFR 5.233](#)

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

The GHA will inform all applicants and residents of its use of the following UIV resources during the admission and re-examination process: HUD's EIV system.

### Third Party Written Verifications

Third party written verification is an original or authentic document generated by a third-party source dated either within the 120-day period preceding the re-examination or GHA request date. Such documentation may be in the possession of the tenant (or applicant) and is commonly referred to as tenant-provided documents. GHA may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.



GHA will request third party written verification:

- To supplement EIV reported income sources and when EIV has no data;
- For non-EIV reported income sources;
- When the tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute.
- If written third party verification documents are not available or rejected by the GHA;
- When the applicant or tenant is unable to provide acceptable documentation

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

### Third Party Oral Verifications

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

### Family Self-Certifications

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

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

The GHA will accept a self-certification from a family as verification of assets disposed of for less than fair market value and will accept self-certification of ownership in real property.

## 6.2 Eligibility Verifications

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

- Household composition, demographics and type (Elderly/Disabled/Non-elderly)
- Annual Income
- Assets and Asset Income
- Deductions from Income



- Social Security Numbers of all household members
  - Pending disclosure and documentation of social security numbers, the GHA will allow the family to retain its place on the waiting list for 90 calendar days. If not all household members have disclosed their SSNs at the next time a unit becomes available, the GHA will offer a unit to the next eligible applicant family on the waiting list.
  - Citizens and lawfully present noncitizens who state that they have not been assigned an SSN by the SSA will make such declaration in writing and under penalties of perjury to GHA.
  - If the family provides an unacceptable document, the GHA will explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the GHA within 60 calendar days. The GHA may accept the family self-certification of SSN when accompanied by a third party document such as a bank account statement.
  - If the family certifies that the required evidence is temporarily unavailable and it needs more time, the GHA may provide an extension of up to 30 days to submit evidence of eligible status if the family has submitted the required declaration of eligible immigration status. To obtain an extension, the family must also certify that prompt and diligent efforts will be undertaken to obtain the evidence.
  - Once an individual's status is classified as "verified" in HUD's EIV system, the GHA may remove and destroy copies of documentation accepted as evidence of social security numbers.
- Applicant Criminal History Information
- Citizenship or eligible immigration status

### 6.3 Legal Identity Verification

The GHA will require families to furnish verification of legal identity for each household member. A photo ID is required for each adult family member. Legal identity will be verified at application and on an as needed basis. Only the following identify documents are acceptable, in addition to the photo ID for each adult:

- Adults: Birth Certificate or Naturalization Papers
- Children: Birth Certificate, Adoption Papers, Court Award documents, Social Service Agency Award documents

#### Marriage Verification

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



### Separation or Divorce Verification

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced. A copy of a court-ordered maintenance or other court record is required to document a separation. If no court document is available, documentation from a community-based agency will be accepted.

### Adult Member Absence Verification

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

### Foster Children and Foster Adults Verification

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

### Student Status Verification

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

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

### Disabled Status Verification

For family members claiming disability who receive disability payments from the SSA, the GHA will use HUD's EIV system to verify the disability. If documentation from HUD's EIV System is not available, the GHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the GHA will ask the family to request a benefit verification letter by either calling the SSA at 1-800-772-1213, or by requesting it from [www.ssa.gov](http://www.ssa.gov).

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

### Reasonable Accommodation

GHA may request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation Form. In addition, GHA may request that the individual provide suggested reasonable accommodations.



The GHA may verify a person's disability only to the extent necessary to ensure that individuals who have requested a reasonable accommodation have a disability-based need for the requested accommodation.

However, the GHA may not require individuals to disclose confidential medical records in order to verify a disability. In addition, the GHA may not require specific details regarding the individual's disability. The GHA may only request documentation to confirm the disability-related need(s) for the requested reasonable accommodation(s). The GHA may not require the individual to disclose the specific disability(ies); or the nature or extent of the individual's disability(ies).

The following may provide verification of a resident's disability and the need for the requested accommodation(s):

- Physician;
- Licensed health professional;
- Professional representing a social service agency; or
- Disability agency or clinic.

### US Citizens and Nationals

Family members who claim US citizenship or national status will not be required to provide additional documentation unless the GHA receives information indicating that an individual's declaration may not be accurate.

### Eligible noncitizens

All noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the GHA.

- Elderly Noncitizens
  - A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.
- All other Noncitizens
  - Noncitizens that claim eligible immigration status also must present the applicable USCIS document.

### Verification of Preference

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference at the time of the interview.

If at the time the family applied the family claimed a preference and at the time of eligibility the family cannot verify their eligibility for the preference as of the date of application, the family will remain on list without preference.



GHA may verify the family qualifies for the working family preference based on the family's submission of the working member's most recent paycheck stub indicating the working member works at least 30 hours per week. The paycheck stub must have been issued to the working member within the last thirty days.

GHA may also seek third party verification from the employer of the head, spouse, co-head or sole member of a family requesting a preference as a working family.

## 6.4 Verification of Income

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

### Prior Year Wage Income

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

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

### Current Wage Verification

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

### Tip Income Verification

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

### Bonus Income Verification

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

### Business and Self Employment Income Verification

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

- An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted, and the business owner or self-employed person must certify its accuracy.



- All schedules completed for filing federal and local taxes in the preceding year. If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
- The GHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify its accuracy at all future re-examinations.
- At any re-examination the GHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.
- If a family member has been self-employed less than three months, the GHA will accept the family member's certified estimate of income and schedule an interim re-examination in three months.
- If the family member has been self-employed for three to twelve months the GHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

### Social Security and SSI Benefits Verification

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

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

### Alimony and Child Support Verification

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

- Copy of the receipts and/or payment stubs for the 60 days prior to GHA request
- Third-party verification form from the state or local child support enforcement agency
- Third-party verification form from the person paying the support
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received

### Zero Income Verification

The GHA will check EIV to determine zero income. GHA will require all adult family members to complete a Zero Income Form and Expenses Form.



## Student Financial Assistance

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

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

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

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

If the GHA is required to determine the income eligibility of a student's parents, the GHA will request an income declaration and certification of income from the appropriate parent(s). The GHA will send the request directly to the parents, who will be required to certify to their income under penalty of perjury. The parents will be required to submit the information directly to the GHA. The required information must be postmarked within 15 business days of the date of the GHA's request or within any extended timeframe approved by the GHA.

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

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

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

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

## Income from Rental Verification

The family must provide:

- A current executed lease for the property that shows the rental amount or certification from the current resident
- A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E



(Rental Income). If schedule E was not prepared, the GHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

## 6.5 Verification of Expenses

### Medical Expenses

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

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

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

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

### Disability Assistance Expenses

Expenses for attendant care will be verified through:

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

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- Third-party verification form signed by the provider, if family-provided documents are not available.

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



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

### Childcare Expense Verification

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

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

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

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

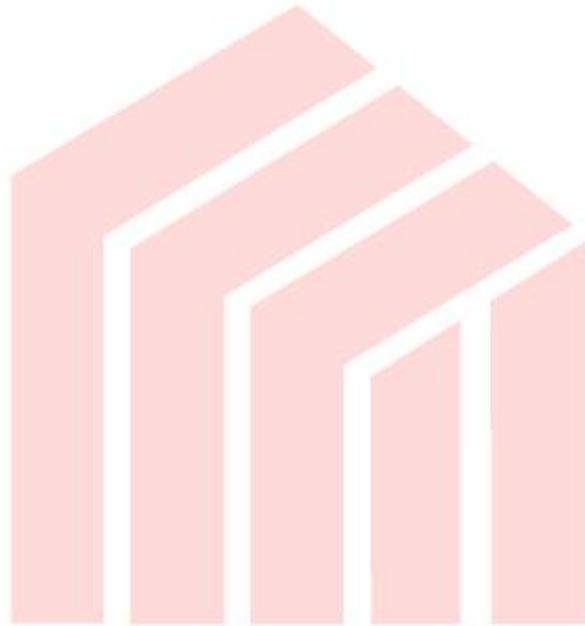
The GHA will seek third-party verification of the work schedule of the person who is permitted to work by the childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the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

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

- The GHA will verify that the type of childcare selected by the family is allowable.
- The GHA will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).
- The GHA will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.
- The actual costs the family incurs will be compared with the GHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.



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



# QUADEL CONSULTING



# CHAPTER 7: UNIT OFFER AND LEASING

## 7.1 Unit Offers

Unit offers will not be made until the applicant has submitted all required documentation and is determined eligible for the program. The GHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

The applicant will be offered the first available unit. If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

### Offer of Accessible Units

GHA has a limited number of units designed for persons with mobility, sight and hearing impairments, referred to as accessible units. The GHA maintains a list of units with accessibility features for the properties within its portfolio. GHA will offer these accessible units to families in the following order:

- First: Current occupant of a public housing unit who has a disability that requires the special features of that unit;
- Second: An eligible qualified applicant on the public housing waiting list having a disability that requires
- Third: If there are no eligible qualified applicants on the public housing waiting list, a non-disabled applicant will be offered the unit. GHA will require that the non-disabled applicant agree to sign a lease addendum that requires the applicant to move to an available non-accessible unit when either a current resident or applicant needs the special features of the unit.

A Reasonable Accommodation Waiting List will be created and maintained by date and time of request and will include an estimated timeframe for when accommodation may be provided.

The first qualified current resident in sequence on the list of residents seeking reasonable accommodations will be offered a unit of the appropriate size with the special features required. If more than one unit of the appropriate size and type is available, the first unit offered will be the first unit that is ready for occupancy.

Upon inspection of the offered unit, the resident or applicant will be required to sign a Letter of Acceptance/Rejection of an Accessible Unit. GHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection and the reason for the rejection.

A current resident will receive two (2) offers of an accessible unit before his/her name is removed from the Reasonable Accommodations Waiting List.

An applicant will receive two (2) offers of accessible units before his/her name is removed from the Public Housing Waiting List.



No non-mobility impaired families will be offered these units until all eligible mobility-impaired applicants have been considered. When offering an accessible/adaptable unit to a non-disabled applicant, GHA will require the applicant/tenant to agree to move to an available non-accessible unit within thirty (30) days when either a current resident or an applicant needs the features of the unit and there is another unit available for the applicant/tenant. This requirement will be a provision of the lease agreement.

### General Occupancy Units

General occupancy units are designed to house all populations of eligible families. In accordance with GHA's occupancy standards, eligible families not needing units designed with special features or units designed for special populations will be admitted to GHA's general occupancy units.

### Designated Housing Units

Link: [24 CFR 945.201](#)

In accordance with the 1992 Housing Act, elderly families whose head, co-head, spouse, or sole member is at least 62 years of age, and disabled families whose head, co-head or spouse or sole member is a person with disabilities, will receive equal preference to such units.

If the GHA determines that there are insufficient numbers of elderly families to fill all the units in a project (or portion of a project) designated for occupancy by only elderly families, the agency may provide that near-elderly families with preference to occupy dwelling units in the project (or portion).

No limit will be established on the number of elderly or disabled families that may occupy a mixed-population property. All other GHA preferences will be applied.

### Mixed Population Development Policy

Link: [24 CFR 945.303](#)

A mixed population development is a public housing development, or portion of a development that was reserved for elderly families and disabled families at its inception (and has retained that character), or that was subsequently approved by HUD to be designated as such. In accordance with local preferences, elderly families whose head, co-head or spouse or sole member is at least 62 years of age, and disabled families whose head, co-head or spouse or sole member is a person with disabilities, will receive equal preference to such units.

No limit will be established on the number of elderly or disabled families that may occupy a mixed population property.

### Showing Units Prior to Leasing

Applicants may have an opportunity to see the unit being offered or a similar unit before they accept the offer and lease the unit.



## Rejecting the Unit

If an applicant receives an offer of housing and rejects the offer, the GHA will provide one additional offer of housing prior to removing the applicant from the Waiting List. GHA will notify the applicant in writing and will inform the family of their right and the process to request an informal hearing. The applicant may re-apply for assistance is the waiting list if open. If the waiting list is not open, the applicant must wait to reapply until the GHA opens the waiting list.

Applicants may refuse to accept one unit offer for good cause. Good cause includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship.

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.
- The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

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

## 7.2 Leasing

The GHA may permit police officers and other security personnel to reside in a public housing units to increase security for its public housing residents. The rent charged to a police officer for occupancy of a public housing unit will be the minimum rent amount. However, if the police officer resides in a public housing site where residents are required to pay utilities in addition to rent, the police officer will also be responsible for paying the utilities in accordance with the terms of the lease.

### Leasing Orientation

After unit acceptance but prior to occupancy, a GHA representative will provide a lease orientation to the family. The head of household and co-head( or spouse) ares required to attend. The orientation may be conducted with more than one family and will include the orientation agenda and leasing documents.

### Lease Provisions

Link [24 CFR 960, Subpart A](#)

The following provisions govern lease execution and amendments:

- The head of household, spouse or co-head, and all other adult members of the household will be required to sign the public housing lease prior to admission. An appointment will be scheduled for the parties to execute the lease if all adult members are not present at the leasing orientation.



The head of household will be provided a copy of the executed lease and the GHA will retain a copy in the resident's file.

- A new lease is executed at the time of transfer of a resident from one GHA unit to another
- If, for any reason, any signer of the lease ceases to be a member of the household, the lease will be amended by drawing a line through the party's name and both parties will be required to initial and date the change.
- The names and birth dates of all household members are listed on the lease at initial occupancy and on the Application for Continued Occupancy each subsequent year. Only those persons listed on the most recent certification will be permitted to occupy a dwelling unit.

## Vehicles

All residents must provide the GHA at the time of each annual re-examination:

- Register permitted vehicles with GHA
- Maintain a GHA issued parking sticker on each vehicle
- Provide proof of current registration
- Provide proof of current insurance

## Revising the Lease

Link: [24 CFR 966.3](#)

When the GHA proposes to modify or revise the lease, the GHA will post a copy of the notice and revised lease in the GHA office, and will provide a copy of the notice to each resident family. A copy of the notice will be placed in each resident file.

The family will have 30 days to accept the revised lease. If the family does not accept the offer of the revised lease within that 30 day timeframe, the family's tenancy will be terminated for other good cause.

## 7.3 Community Service Policy

Links: [24 CFR Subpart F, 960.605](#) ; [Notice PIH 2015-12](#), [PIH Notice 2016-06](#)

GHA will provide documentation to the family including:

- Community Service policy and procedure
- Process for claiming exempt status
- How GHA verifies exempt status
- GHA's determination of exempt and non-exempt family members
- Notice that GHA will validate a sample of community service self-certifications



All non-exempt households in the Public Housing Program must comply with the following Community Service Requirements:

- Each non-exempt household member must perform at least 8 hours of community service activity each month when the household is paying at least the minimum rent.
- The required activity may be a combination of volunteer community service or self-sufficiency activity.
- The required community service or self-sufficiency activity may be completed at 8 hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as 96 hours is completed by each annual re-examination.
- Activities must be performed within the jurisdictional area of the GHA.

### Exempt Households

The GHA makes the final determination whether or not to grant an exemption from the community service requirement. All assisted members and those members on Food Stamps will be included in the determination notice. If a resident does not agree with the GHA's determination, they may dispute the decision through the GHA's grievance procedures. When a non-exempt person becomes exempt, it is their responsibility to report and document the change to GHA within 10 business days of the change. When an exempt person becomes non-exempt, it is his/her responsibility to report and document the change to GHA within 10 business days of the change.

The following household members are exempt from the Community Service Requirement:

- Household members who are under the age of 18 years of age
- The following household members over the age of 18
  - Household members who are 62 years of age or older
    - Verification of this exemption status will be done only at the initial application
  - Household members who are blind or disabled as defined in the social security Act ([Section 216\(i\)\(1\)](#) or [Section 1614 of the Social Security Act \(42 USC 416\(i\)\(1\)](#)); 1382c)
  - Household members who are the primary care giver of a blind or disabled individual as defined above
  - Household members who are engaged in work activity
    - 30 hours per week is the minimum number of work hours to qualify for a work activity exemption
- The Supplemental Nutrition Assistance Program (SNAP) qualifies as a welfare program of the state. Therefore, if a resident is a member of family receiving assistance under SNAP, and has been found by the State of Texas to be in compliance with the program requirements, that resident is exempt.

Work activities include but are not limited to the following:

- Unsubsidized employment
- Subsidized private sector employment



- Work experience, including work associated with refurbishing: publicly assisted housing, if sufficient private sector employment is unavailable
- On the job training
- Job search and job readiness assistance
- Community service programs
- Vocational educational training directly related to employment
- Job skills training directly related to employment
- Education directly related to employment for a household member who has not received a high school diploma or a certificate of high school equivalency
- Satisfactory attendance at a secondary school or higher
- Satisfactory attendance in a course of study leading to a certificate of general equivalence for a household member who has not completed high school or received such a certificate
- The provision of childcare services to an individual who is required to perform the Service Requirement.
- Household members who meet the requirements for being exempted from the work activity under Part A of Title IV of the Social Security Act (42 USC Section 601 et seq.) or under any other state welfare program, including a state-administered welfare to work program and who has not been found in non-compliance with that program by the State or other administering party.

Community services at profit-motivated entities, volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work will not be considered eligible community service activities.

### Program Design

The GHA's goal is to provide broad choice and design a service program that gives residents viable opportunities to become involved in the community and to gain competencies and skills. The GHA will:

- Work with resident organizations and community organizations to design, implement, assess and recalibrate its community service program as needed;
- Make efforts to identify volunteer opportunities throughout the community, especially those in proximity to the public housing development;
- Provide available names and contacts at agencies that can provide opportunities for residents; and
- Provide in-house opportunities for volunteer work or self-sufficiency programs when possible.

### Notice and Documentation

The GHA will provide the family with a copy of the Community Service Procedure at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement and at any time upon the family's request. GHA permits resident self-certification of compliance with the CSSR. The adult family members must sign a certification that they have received and read the policy and



procedure and understand that if he/she is not exempt failure to comply with the policy and procedure will result in non-renewal of their lease.

At the time of annual re-examination, the GHA will review and verify the exemption status of all adult family members. This verification will only be done on an annual basis unless the family reports a change or the GHA has reason to believe that an individual's exemption status has changed. The GHA will notify the family in writing of the family members who are subject to the community service requirement and the family members who are exempt.

At least 30 days before the effective date of the annual re-examination, GHA will review and verify non-exempt family members Community Service compliance. Documentation of the Community Service will include the following:

- statement that the resident has completed the number of hours listed and this statement is subject to penalties of perjury;
- the number of hours and type of activity (community service or self-sufficiency) that the resident completed;
- the name of the organization or person for which the activity was completed;
- the address of the organization or person;
- the phone number of the organization or person; and
- a contact person in the organization or the person for which the activity was completed

GHA will maintain documentation of service requirement performance or exemption in the resident files.

## 7.4 Pet Policy

The GHA pet policy establishes clear guidelines for ownership of pets and ensures that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets.

Residents who have been approved to have a pet must enter into a Pet Agreement with the GHA, or the approval of the pet will be withdrawn. The Pet Agreement is the resident's certification that he or she has received a copy of the GHA's pet policy, Pet Procedures, and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them.

The resident further certifies by signing the Pet Agreement that he or she understands that noncompliance with the GHA's pet policy and Pet Procedures, and applicable house rules may result in the withdrawal of GHA approval of the pet or termination of tenancy.

Pets must be registered with the GHA before they are brought onto the premises. Pets will not be approved to reside in a unit until completion of the registration requirements.



## Assistance (Service) Animals Policy

Links [Section 504 of the Fair Housing Act \(42 U.S.C.\); 24 CFR 5.303; 960.705; 966.7](#)

A Service Dog is a type of assistance dog that is trained to work with individuals with a disability. Assistance Dog is a general term referring to any dog that assists an individual with a specific task or tasks. A service/assistance animal is not a pet. It is an animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. A pet deposit is not charged for an assistance animal. For an animal to be excluded from the Pet Policy and be considered a service/assistance animal, there must be a person with a disability in the household, and the family must request and GHA must approve a reasonable accommodation.

Residents must care for service/assistance animals in a manner that complies with state and local laws, including anti-cruelty laws. Residents must ensure that service/assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit or property of other residents.

Residents will not allow their assistance animal to disturb, interfere or diminish the peaceful enjoyment of other residents. The terms disturb, interfere and diminish include, without limitation, excessive barking, defecating and/or urinating in hallways, common areas or doorways, howling, chirping, biting, scratching and other like activities.

When a resident's care or handling of a service animal or assistance animal violates these policies, GHA can consider whether the violation could be reduced or eliminated by a reasonable accommodation. If GHA determines that no such accommodation can be made, GHA may withdraw the approval of a particular service or assistance animal.

GHA will consider the following:

- Does the person making the request have a disability-related need for an assistance animal
- What work or tasks has the animal been trained to perform
- Does the specific assistance animal in question poses a direct threat to the health or safety of others that cannot be reduced or eliminated by another reasonable accommodation,
- Would the specific assistance animal in question would cause substantial physical damage to the property of others that cannot be reduced or eliminated by another reasonable accommodation.



## 7.5 Smoke Free Environment

Link: **Federal Register** / Vol. 81, No. 233 / Monday, December 5, 2016 / Rules and Regulations; 24 CFR § 965.653(c)

GHA prohibits the use of prohibited tobacco products in all public housing living units, indoor common areas in public housing including, but not limited to bathrooms, lobbies, hallways, stairways, elevators, management offices, community rooms and balconies, and in GHA administrative offices. The smoke-free policy extends to all outdoor areas up to 25 feet from the public housing and administrative office buildings.

GHA will post no-smoking signs, promote the policy as appropriate in meetings and discussions with residents, and enforce compliance with the policy. Residents are expected to comply with the policy as they would any section of the GHA lease.

A breach of this policy constitutes grounds for initiation of the enforcement remedies of the smoke-free policy. Breach of the provisions of the policy by a household member or guest of the resident constitutes a breach of the GHA lease.

## 7.6 Rent and Other Charges

Link: [24 CFR 966.4](#); [966.5](#);

### Security Deposit

Residents must pay a security deposit to the GHA at the time of admission. The GHA reserves the right to change or increase the required deposit by amendment to these rules after appropriate notification to GHA residents. The amount of the security deposit will be equal to:

- 1 Bedroom = \$100
- 2 Bedroom = \$100
- 3 Bedroom = \$150
- 4 Bedroom = \$150
- 5 Bedroom = \$200

GHA may permit installment payments of security deposits when a new tenant demonstrates a financial hardship to the satisfaction of GHA. However, no less than one-half of the required deposit must be paid before occupancy. The remainder must be paid within 90 days.

If the resident transfers to another unit, the GHA will transfer the security deposit to the new unit. The resident will be billed for any maintenance or other charges due for the “old” unit and the difference of the security deposit for the new unit, if applicable.

The GHA will hold the security deposit for the period the family occupies the unit. The GHA will not use the security deposit for rent or other charges while the resident is living in the unit.



The resident must leave the dwelling unit in a clean and undamaged condition and must furnish a forwarding address to the GHA. All keys to the unit must be returned to GHA upon vacating the unit.

The GHA will provide the resident with a written list of any charges against the security deposit within 30 days of the move-out and will refund to the resident the amount of the security deposit, less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and other charges due under the lease. If the resident disagrees with the amount charged, the GHA will provide a meeting to discuss the charges.

### Rent Changes

If a family's resident rent changes, the GHA will notify the family of the new amount and the effective date by sending a Notice of Rent Adjustment which will become an attachment to the lease.

### Maintenance Charges

When applicable, families will be charged for maintenance and/or damages according to the GHA's current schedule of maintenance charges. Work that is not covered in the schedule will be charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable).

Schedules of charges for services and repairs will be posted at the GHA office, and provided to applicants and residents upon request.

If the family requests a grievance hearing within the required timeframe, the GHA will not take action for nonpayment of the charges until the conclusion of the grievance process.

Nonpayment of maintenance and damage charges is a violation of the lease and is grounds for eviction.

## 7.7 Visitors/Guests

Visitors are permitted in a dwelling unit as long as they have no previous history of behavior on GHA premises that would be a lease violation. A list of individuals not allowed (trespassed) to return to the property for any reason will be maintained for public view in the leasing office.

GHA visitor policy includes the resident may not allow visitors to stay overnight for more than fourteen (14) consecutive days or fourteen (14) cumulative days in a twelve (12) month period.

Visitors who remain beyond this period will be considered trespassers, and their presence constitutes breach of the lease. Absence of evidence of any other address will be considered verification the visitor is an unauthorized household member.

Statements from neighbors and/or GHA staff will be considered in making the determination if the person is a visitor or unauthorized household member. GHA will consider:

- Statements from neighbors and/or GHA staff;
- Vehicle license plate verification;
- Post office records;



- Driver's license verification;
- Law enforcement reports;
- Credit reports.

Use of the unit address as the visitor's current residence for any purpose is not explicitly temporary will be construed as permanent address.

The burden of proof the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the family and GHA will terminate the family's lease since prior approval was not requested for the addition.

A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 20 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, are not included as a family member because they live outside of the public housing unit more than 50% of the time, are not subject to the time limitations of guests as described above.

Former residents who have been evicted are not permitted as overnight guests.

Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence constitutes violation of the lease.

## 7.8 Absence from the Unit

### Absent Family Member

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

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

Generally an individual who is or is expected to be absent from the assisted unit for 3 consecutive months or 90 days or more in a 12 month period of time is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 90 consecutive days is considered permanently absent and no longer a family member.



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

### Absence of Entire Family

Families are required to notify the GHA before they move out of a unit in accordance with the lease. Absence means that no family member is residing the unit. In order to determine if the family is absent from the unit, the GHA may:

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

Prior to temporarily leaving the unit, residents must advise the GHA in writing days when all family members will be absent from the unit for more than thirty (30) consecutive days and provide a means for the GHA to contact the resident in the event of an emergency. Failure to advise the GHA of absences is grounds for termination of the lease. A person with a disability may request an extension of time as an accommodation.

The family must supply any information or certification requested by the GHA to verify that the family is living in the unit, or relating to family absence from the unit, including any GHA requested information or certification on the purposes of family absences.

Absence with Notice: If a family is absent from the unit for more than 180 consecutive days the GHA will terminate the lease for other good cause.

Absence without Notice: If the entire family is absent from the unit without GHA permission for more than thirty (30) consecutive days, the unit will be considered vacant and the GHA will terminate tenancy.

### Absent Student

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



### Absences Due to Placement in Foster Care

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

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

### Caretaker for a Child

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

- If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
- If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 consecutive days. After the 90 consecutive days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the GHA will extend the caretaker's status as an eligible visitor.
- During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify for any deductions from income.
- If the caretaker is considered a family member, the caretaker must submit an eligibility application, pass all eligibility criteria, and his/her income will be counted as part of the household. Once eligibility is passed, the lease will be transferred to the caretaker as head of household. The Head of Household must provide evidence of legal custody of any minor children.

### Absent Head or Spouse Due to Employment

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

### Individuals Absent (Confined) for Medical Reasons

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

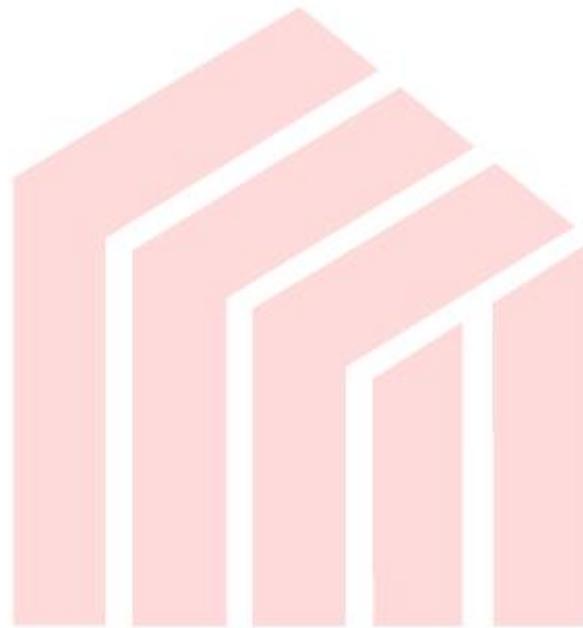
### Absence Due To Incarceration

If the sole member is incarcerated for more than 180 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered



permanently absent if s/he is incarcerated for 180 consecutive days. The rent and other charges must remain current during any period of incarceration.

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



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## CHAPTER 8: RENT CALCULATION

Rent under the low-rent housing program is the amount of money charged to the tenant for the use of the leased dwelling and installed equipment (such as range and refrigerator), certain services (such as maintenance), and reasonable amounts of utilities (see dwelling lease). Rent includes miscellaneous charges imposed by Galveston Housing Authority for repairs, sales, and charges for abuse or misuse by the tenant(s), members of the tenant's household or guests, legal costs, late fees, etc. Rent means all money, other than a security or pet deposit, owed or paid to GHA under the rental agreement, including prepaid rent paid more than one month in advance of the rent due date.

### 8.1 Prior Year Income

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

### 8.2 Anticipating Income

The GHA will use current income to anticipate the annual household income for the purposes of initial eligibility, new admission and interim recertifications. Until the GHA HOTMA Compliance Date, the GHA will use current income to anticipate household income for the purposes of annual re-examination for continued eligibility. In such cases, the GHA will review and analyze current data to anticipate annual income.

### 8.3 Choice of Rent: Income Based or Flat Rent

Link [24 CFR 960.253](#)

The annual GHA offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual re-examination. The GHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the resident file as part of the admission or annual re-examination process.

### 8.4 Utility Allowances

Link [Public Housing Guidebook, p. 138](#)



The GHA establishes separate allowances for each utility and category of units based on reasonable utility usage. The GHA has installed air conditioning. The GHA annually reviews the utility allowances and revises if necessary. The allowances are based on the monthly cost of reasonable consumption utility in an energy conservative household, not on a family's actual consumption. Adjustments to resident payments as a result of such changes shall be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective. Such rate changes shall not be subject to the 60 day notice requirement of § 965.502(c).

## 8.5 Utility Reimbursements

For families paying income-based rents, utility reimbursements occur when any applicable utility allowance for tenant-paid utilities exceeds the family's TTP. The GHA will make utility reimbursements to the family.

## 8.6 Reasonable Accommodations in Adjusting the Utility Allowances

It is the policy of the GHA to adjust the amount of tenant-paid utilities or GHA consumption levels for tenant allowances in documented situations when a qualified family is entitled to the adjustments. Such adjustments shall be made based on the qualification of the disabled individual's special need, and shall be no more than the difference of the usage of the reasonable cost of a reasonable increased consumption level for the additional required apparatus used to address the need.

## 8.7 Flat Rents

Link PIH Notice [2017-23](#)

The GHA will review flat rents on an annual basis, and adjust them as necessary to ensure that flat rents are set at no less than 80 percent of the applicable Fair Market Rent (FMR) or Small Area FMR (SAFMR). The GHA will post the schedule of flat rents at the GHA office. GHA will revise the flat rents no later than 90 days after HUD issues new FMR's, if necessary. If a new flat rent causes the family's rent to increase more than 35%, the rent increase will be phased in at 35% annually until such time the family chooses to pay income based rent or the family is paying the full new flat rent. [[24 CFR 960.253](#)]

### Change in Flat Rents

Changes to flat rents, up or down, will not affect families paying flat rent until their next annual flat rent offer, at which time the family will be given the choice of switching back to income-based rent or of remaining on flat rent at the current (most recently adjusted) flat rent for their unit.

### Switching from Flat Rent to Income-Based Rent Due to Hardship

Link [24 CFR 960.253\(f\)](#)



A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. The GHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent. Upon determination by the GHA that a financial hardship exists, the GHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request. The GHA will immediately provide for the family to pay rent in the amount determined under income-based rent, during the period for which such choice was made, upon a determination that the family is unable to pay the flat rent because of financial hardship.

## 8.8 Maximum Rents

Maximum rents are used to calculate the resident rent for a mixed family, where at least one member is ineligible for assistance (not a citizen or national of the U.S., or with eligible immigration status).

Revised public housing maximum rents will be applied to a family's rent calculation at the first annual re-examination after the revision is adopted.

The GHA will review and if necessary re-calculate the public housing maximum rents annually and will post the maximum rents at the GHA office. The GHA will maintain records that document the methodology used to determine maximum rents for each unit size.

## 8.9 Welfare Rent

Welfare rent does not apply.

## 8.10 Rent

Link [24 CFR 5.630](#)

The GHA minimum rent is Fifty Dollars (\$50).

### Health and Medical Care Expense Hardship

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

The hardship remedy will be phased in as follows:



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

### General Financial Hardship

Effective upon the GHA HOTMA Compliance Date, to receive general relief, an elderly or disabled family or a family that includes a person with disabilities must demonstrate that the family's unreimbursed health and medical care expenses or unreimbursed reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim reexamination. Examples of circumstances constituting a financial hardship may include the following situations:

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

The hardship remedy for this provision is the deduction of expenses exceeding 5% of their annual income for the next 90 days or when the circumstances end, whichever occurs first. The GHA may, at their discretion, extend the relief for one or more additional 90-day periods while the family's hardship continues.

Families must report to the GHA when the circumstances that made the family eligible for the hardship exemption are no longer applicable.

### Hardship for loss of Childcare Expense

Effective upon the GHA HOTMA Compliance Date, a family whose eligibility for the childcare expense deduction is ending may request a financial hardship to continue the childcare expense deduction. The GHA will recalculate the family's adjusted income and continue the childcare deduction if the family demonstrates that they are unable to pay their rent because of loss of the childcare expense deduction, and the childcare expense is still necessary even though the family member is no longer employed or furthering his or her education. For purposes of this hardship exemption, the inability to pay rent is defined as the current tenant portion with monthly qualified expense is greater than 40% of family income.



The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days but may extend such hardship exemptions for additional 90-day periods based on family circumstances. Families receiving a Hardship exemption for Childcare expense must report to the GHA when the circumstances that made the family eligible for the hardship exemption are no longer applicable.

### Minimum Rent Hardship

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

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



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

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

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

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

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

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## CHAPTER 9: INSPECTIONS

The GHA will inspect all dwelling units prior to move-in, at move-out and during occupancy. GHA may conduct annual or biennial inspections. If GHA determines that a family requires annual inspections for a particular unit, GHA will inspect that unit annually. The GHA may require additional inspections in accordance with GHA policy.

### 9.1 Move-In/ Initial Inspections

Link [24 CFR 966.4\(e\)](#)

The head of household is required to attend the initial inspection and sign the inspection form. A copy of the initial inspection, signed by the GHA and the resident, will be provided to the resident and kept in the resident file.

### 9.2 Move-Out Inspections

GHA will perform a move-out inspection when the family vacates the unit and will encourage the family to participate in the move-out inspection, unless the resident vacates without notice to the GHA. The purpose of this inspection is to determine necessary maintenance and whether there are damages that exceed normal wear and tear. The GHA will determine if there are residents who caused damages to the unit. Resident caused damages may affect part or all of the family's security deposit.

The move-out inspection also assists GHA in determining the time and extent of the preparation and repairs necessary to make the unit ready for the next resident.

When giving a thirty (30) day notice to vacate, the resident has a right to request a pre-inspection prior to moving out in order to determine what items may need attention or repair. This is to allow the resident the opportunity to complete these repairs and avoid charges against the family's security deposit.

### 9.3 Annual Inspections

The GHA, or its designee (e.g. third party inspector), will inspect all units annually using HUD's National Standards for Physical Inspection of Real Estate (NSPIRE) as a guideline. An adult member of the household is required to attend the annual inspection. If an adult member cannot be present for good cause, the GHA will conduct the inspection. If minors are present in the unit with no adults, the inspection may be rescheduled once. If GHA is not able to conduct the rescheduled inspection due to only minors being present in the unit, it will be considered a lease violation for not providing access to the unit for inspection. If no one is at the unit at the time of the inspection, GHA will conduct the inspection and leave notice that the inspection occurred. GHA will conduct additional inspections if it is determined an inspection is needed.



## 9.4 Quality Control Inspections

The GHA will conduct periodic quality control inspections to determine the condition of the unit and to identify problems or issues. The purpose of these quality control inspections is to assure that repairs were completed on time and accurately.

## 9.5 Special Inspections

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

- a) Housekeeping
- b) Unit condition
- c) Suspected lease violation
- d) Preventive maintenance
- e) Routine maintenance
- f) There is reasonable cause to believe an emergency exists

Building exteriors, grounds, common areas and systems will be inspected according to the GHA Maintenance Procedures. The GHA Preventive Maintenance Procedure is stated in the GHA Maintenance Procedures.

HUD representatives or local government officials may review GHA operations periodically and as a part of the monitoring may inspect a sampling of GHA's inventory.

## 9.6 Emergency Inspections

The GHA may conduct an emergency inspection without advance notice when there is reasonable cause to believe that an emergency exists. The person(s) that enters the unit will leave a written notice to the resident that indicates the date and time the unit was entered and the reason why it was necessary to enter the unit.

GHA will allow access to the unit to the proper authorities when issues of health or safety of the resident are concerned.

## 9.7 Inspections Notices and Attendance

### Inspection Notices

The GHA may enter the unit, with reasonable advance notice to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing.

### Inspection Scheduling

Inspections will be conducted during business hours. If a family needs to reschedule an inspection, they must notify the GHA at least 24 hours prior to the scheduled inspection. The GHA will reschedule the



inspection once unless the resident has a verifiable good cause to delay the inspection. The GHA may request verification of such cause.

### Inspection Attendance Requirements

Link: [24 CFR 966.4\(i\)](#)

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

If no one is at home, the inspector will enter the unit, conduct the inspection and leave a copy of the inspection report in the unit. If only a minor(s) is present in the unit, the inspection will not be conducted and the inspection will be rescheduled once.

### Family Responsibility to Allow Inspection

If the resident refuses to allow the inspection, the resident will be in violation of the lease. GHA must be allowed to inspect the unit at reasonable times (normal business hours) with reasonable notice. 48 hour written notice will be considered reasonable in all cases. GHA can enter the unit without notice if housing staff reasonably believes an emergency exists within the unit

## 9.8 Hazardous Conditions/Emergency Repairs

Link [24 CFR 966.4\(e\)](#)

When conditions in the unit are hazardous to life, health, or safety, the GHA will make repairs or otherwise abate the situation within 24 hours. Defects hazardous to life, health or safety include, but are not limited to, the following:

1. Any condition that jeopardizes the security of the unit
2. Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
3. Natural or LP gas or fuel oil leaks
4. Any electrical problem or condition that could result in shock or fire
5. Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit
6. Utilities not in service, including no running hot water
7. Conditions that present the imminent possibility of injury
8. Obstacles that prevent safe entrance or exit from the unit
9. Absence of a functioning toilet in the unit
10. Inoperable smoke detectors
- 11.

### Non-Hazardous Inspection Repairs



The GHA will correct non-life-threatening health and safety defects within 15 business days of the inspection date. If the GHA is unable to make repairs within that period due to circumstances beyond the GHA's control (e.g. required parts or services are not available, weather conditions, etc.) the GHA will notify the family of an estimated date of completion. The family must allow the GHA access to the unit to make repairs.

## 9.9 Resident-Caused Damages

Damages to the unit beyond wear and tear will be billed to the resident.

If a unit fails inspection due to housekeeping or resident-caused damages, the resident will be given 15 calendar days to correct noted items, after which a follow-up inspection will be conducted. Residents will be issued a copy of the inspection report with required corrections. If a unit fails the follow-up inspection and if necessary to bring the unit into NSPIRE compliance, needed repairs will be completed by GHA and charged to the resident.

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

### Housekeeping

Residents whose housekeeping habits pose an emergency, health or safety risk, encourage insect or rodent infestation, or cause damage to the unit are in violation of the lease.

A re-inspection will be conducted within 15 calendar days to confirm that the resident has complied with the requirement to abate the problem. Failure to abate the problem or allow for a re-inspection is considered a violation of the lease and may result in termination of tenancy.

Notices of lease violation will also be issued to residents who purposely disengage the unit's smoke detector. Only one warning will be given. A second incidence will result in lease termination.

## 9.10 Lead Safe Homes

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

In the event that the GHA finds that a child under age 6 or under has a EBLL (see section 2.2), GHA will conduct an environmental investigation of the child's unit and the common areas servicing that unit within 15 calendar days. If lead-based paint hazards are found in the index unit in a multiunit property, perform risk assessments in other covered units with a child under age 6 and the common areas servicing those units.

GHA will ensure that any lead-based paint hazards identified by the environmental investigation are controlled within 30 calendar days by a certified lead-based paint abatement firm or certified lead renovation firm. If lead-based paint hazards are found in the index unit in a multiunit property, and the



risk assessments in other covered units with a child under age 6 and the common areas servicing those units identified lead-based paint hazards, the GHA will control those lead-based paint hazards.

The GHA will notify all residents of lead evaluation and hazard control activities and will notify the HUD Field Office of the results of the environmental investigation and then of the lead hazard control work within 10 business days of each activity.

GHA will ensure that the unit and common areas are maintained as lead-safe for continued occupancy and will conduct periodic reevaluations of lead mediated areas every two years or as otherwise required under regulation.



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# Chapter 10: ONGOING PROGRAM OPERATIONS

## 10.1 Annual Re-Examinations

Links [24 CFR 960.257\(c\)](#); [24 CFR § 960.259\(c\)](#)

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

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

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

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

Residents will be provided with up to two opportunities to complete the re-examination requirements within the prescribed timeframes. People with disabilities who require assistance completing required documents will be granted a reasonable accommodation to complete documents within prescribed timeframes. The GHA will provide the participant no more than two requests for documentation (the initial request and one follow-up request). If the family fails to provide verification of student status, medical expenses, or childcare expenses the GHA will not include these deductions in the determination of adjusted annual income. If all required documents and information are not submitted to GHA within the timeframe specified, the resident may be terminated effective on the family's reexamination effective date for the family's failure to comply with their family obligations.

### Streamlined Income Determinations

For any family member with a fixed source of income, the GHA may determine that family member's income using a streamlined income determination by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

A family member with a fixed source of income is a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources: Social Security, Supplemental Security Income, Supplemental Disability Insurance; Federal, state, local, or private pension plans; Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or



other similar types of periodic receipts; or Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

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

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

### Streamlined for Elderly and Disabled Families

GHA will conduct a streamlined re-examination of income for elderly families and disabled families when 90% or greater of the family's income consists of fixed income, applying any published cost of living adjustments to the previously verified income amount. GHA will verify current income using EIV where applicable.

Fixed income includes income from:

- Social Security payments, Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);
- Federal, state, local and private pension plans;
- Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments that are of substantially the same amounts from year to year.

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

### Re-Examination for Families Paying Flat Rent

For families who choose flat rents, the GHA will conduct a re-examination of family composition at least annually, and will conduct a re-examination of family income at least once every three years. The GHA will follow the same reporting and verification procedures for flat rent annual re-examinations as for income-based.

In any year in which a family chooses the flat rent option but the GHA chooses not to conduct a full examination of family income and composition for the annual rent option, the GHA will:

- Use income information from the examination of family income and composition from the first annual rent option
- Inform the family of the updated flat rental amount and the rental amount determined by the most recent examination of family income and composition
- Inform the family of the GHA's policies on switching rent types in circumstances of financial hardship



- Apply the family's rent decision at the next lease renewal.

### Safe Harbor Income Determination

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

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

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

## 10.2 Interim Re-examinations

Link [24 CFR 960.257](#); [24 CFR 966.4](#)

### Changes to Household Composition

The family must report changes household composition to GHA within 15 calendar days of the change. Families, including those who pay income-based rent as well as those paying flat rent, must report all changes to household composition that occur between annual re-examinations in writing within 15 calendar days. The GHA will conduct interim re-examinations to account for any changes in household composition that occur between annual re-examinations.

### Household Additions

Families must request in writing GHA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than



14 cumulative calendar days during any 12-month period (not a guest). If the family adds a member by birth, adoption or court-awarded custody, the family must notify GHA within 15 calendar days of the addition.

The family must inform the GHA of an addition of a family member as a result of marriage, birth, adoption, or court-awarded custody of a child or the removal of a family member from the household within 15 calendar days. If adding a person to a household (other than a child by birth, adoption, or court-awarded custody) the GHA will approve the addition only if:

- There is no addition to the unit size; or
- If the family can demonstrate that there is a verified reasonable accommodation need.

Following a receipt of a family's request for approval, the GHA will conduct a pre-admission screening, including the Criminal History Report, of the proposed new member. The GHA will not approve the addition of a new family or household member unless the individual meets the GHA's suitability, screening and eligibility criteria and documentation requirements.

The following factors apply when determining household additions:

- Household additions subject to screening:
  - Resident is awarded custody of a child over the age for which juvenile justice records are available;
  - Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren).
  - A unit is occupied by a remaining family member(s) under the age of 18 (not an emancipated minor) and an adult who was not a member of the original household requests permission to take over as the head of household.
- Household additions are not subject to screening:
  - Children born to a family member or whom a family member legally adopts are exempt from the pre-screening process;
  - The family must inform GHA of the birth, adoption, or court-awarded custody of a child within ten business days.
  - Household additions which may be subject to screening, depending on GHA discretion:
  - Children below the age under which juvenile records are made available, who are added through a kinship care arrangement are not exempt from the pre-screening process;
  - GHA will request the public housing tenant provide GHA with a signed consent form from the parent(s) or legal guardian(s) allowing GHA to check the juvenile records for the child;
  - Sources to be checked may include any of the following: school records (attendance, behavior) juvenile probation, court records, and police records.

If a new household member is approved by the GHA to reside in the unit, the person's name and birth date will be added to the lease. The head of household and GHA will be required to initial and date the change. If the new member of the household is an adult, s/he will also be required to sign and date the



lease. Only people listed on the most recent certification form and lease, or added in accordance with these policies will be permitted to occupy a dwelling unit.

If the GHA determines that an individual does not meet the GHA's suitability, screening, eligibility criteria or documentation requirements, the GHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

Residents who fail to notify the GHA of additions to the household, or who permit persons to join the household without undergoing screening, are in violation of the lease. Such persons are considered to be unauthorized occupants by the GHA, and the entire household will be subject to lease termination and eviction.

When a change in the circumstance of resident family requires another unit size, the family's move depends upon the availability of a suitable size and type of unit. If the unit is not available at the time it is requested, the family will be placed on the Transfer List.

### **Household Member Removals**

The resident must notify the GHA of a family member move-out within 15 calendar days of its occurrence. The family may either provide verification of the adult member move out, such as lease at another location, or may provide a self-certification that the family member is no longer part of the household.

### **Changes Affecting Income or Expenses**

This section applies to families paying income-based rent. Families paying flat rent are not required to report change in income or expenses.

- All **increases** in income must be reported to the GHA within 15 calendar days of the change.
  - The GHA will conduct an interim recertification when the amount of unearned income is greater than 10% of the income on the most current recertification; or
  - The GHA may conduct an interim recertification when the earned income is greater than 10% following an interim for a loss of income.
- All **decreases** in income must be reported to the GHA within 15 calendar days of the change.
  - GHA will only conduct an interim recertification when the amount of income loss (either at a single occurrence or cumulatively) equals 3% or more of the income on the most current recertification.
- A family must report an increase in income/assets that occurs during the recertification period (within 120 days of the effective date anniversary, if the increase occurs after the family has completed the recertification packet and was not included).

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



## GHA-Initiated Interim Re-Examinations

Links [24 CFR 960.257](#); [24 CFR 966.4](#)

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

- Any decrease in income due to the removal of a family member, regardless if the amount of lost income meets the 3% threshold.
- Until the completion of the EID program, for families receiving the allowance (EID), the GHA will conduct an interim re-examination at the start, to adjust the exclusion with any changes in income, and at the conclusion of the second 12 month exclusion period (50 percent phase-in period).
- If at the time of the annual re-examination, participant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the GHA will conduct an interim re-examination.
- The GHA may conduct an interim re-examination at any time in order to correct an error in a previous re-examination, or to investigate a participant fraud complaint.

The family must complete an Interim Change form and provide necessary information within 15 calendar days of the GHA request.

### Interim Re-Examination Effective Dates

If the family rent is to increase:

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

If the family rent is to decrease:

- If the tenant has complied with the interim reporting requirement and the tenant's rent is anticipated to decrease, rent decreases will be effective on the first day of the month after the decrease has been reported.
- Effective upon the GHA HOTMA Compliance Date, if the tenant has complied with the interim reporting requirement and the tenant's rent is anticipated to decrease, rent decreases will be effective on the first day of the month after the date of the actual change leading to the interim reexamination of family income.
- GHA may apply rent decreases retroactively for circumstances in which families fail to report changes in a timely manner in the event of verified circumstances beyond the control of the family (example: hospitalization). A retroactive rent decrease may not be applied prior to the later of either the first of the month following the date of the actual decrease in income, or the first of the month following the most recent previous income examination.

### 10.3 Transfer Policy

The GHA will maintain a transfer list and that transfers are processed in the correct order. Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date. Transfers will be processed in the following order:

- **Category 1 – Emergency Transfers**

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case-by-case basis. If the emergency is not finally resolved by temporary accommodation, and the resident requires a permanent transfer, that transfer will be placed at the top of the transfer list. The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

- Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours.
  - Examples of such unit or building conditions would include a gas leak, no heat in the building during the winter, no water, toxic contamination, and serious water leaks.
- Emergency transfers within sites or between sites may be made to repair unit defects hazardous to life, health, or safety, alleviate verified medical problems of a life threatening nature, or, based on documentation provided by a law enforcement agency (or other permissible documentation), protect members of the household from attack by the criminal element in a particular property or neighborhood, including Violence Against Women's Act.

Residents will receive one offer of an emergency transfer.

When the transfer is required by GHA, refusal of that offer without good cause will result in lease termination.

When the transfer has been requested by the resident, refusal of that offer without good cause will result in the removal of the household from the transfer list and the family must wait six months to reapply for another transfer.

- **Category 2 – Administrative Transfers**

These transfers will take priority over new admissions and include:

- Transfers within or between sites to alleviate verified medical problems of a serious nature.
- Permit modernization of units.
- Permit a family that requires a unit with accessible features to occupy such a unit, remove residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency).



- For families that occupy an accessible unit but do not require the accessible features, GHA will require the family to agree to transfer to a non-accessible unit when a non-accessible unit becomes available. GHA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features of the accessible unit.
- Provide housing options to residents who are victims of hate crimes.

- **Category 3 – Administrative Transfers**

These transfers do not automatically take priority over new admissions, and include transfers:

- Within or between sites may be made to correct occupancy standards (i.e. over/under housed conditions). GHA will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over housed) for the unit occupied.
  - Overcrowded is the number of household members exceeds the maximum number of people allowed for the unit size in which the family resides.
  - Over housed is the family no longer qualifies for the bedroom size in which they are living.
- Address situations such as neighbor disputes are not criminal but interfere with the peaceful enjoyment of the unit or common areas.

### GHA Required Transfers

The types of transfers that may be required by the GHA, include, but are not limited to:

- Transfers to make an accessible unit available for a disabled family
- Transfers to comply with occupancy standards
- Transfers for revitalization, rehabilitation, demolition, disposition
- Emergency transfers

Transfers required by the GHA are mandatory for the resident. If the resident does not move, the resident is in violation of the lease which is grounds for lease termination.

### VAWA Transfer Policy

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD’s regulations at [24 CFR part 5, subpart L](#) is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

GHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. GHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and



safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. GHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If GHA has no safe and available units for which a tenant who needs an emergency is eligible, GHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, GHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

GHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives GHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant.

### Adverse Action Transfers

A GHA-required move is an adverse action, and is therefore subject to notice requirements for adverse actions.

The GHA will pay the reasonable costs of transfers that the GHA requires, except that residents will be required to pay the cost of occupancy standards transfers. The reasonable costs of transfers include the cost of packing, moving, and unloading. GHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, GHA will collect information from companies in the community that provide these services. GHA will reimburse the family for eligible out-of-pocket moving expenses up to GHA's established moving allowance.

### Resident-Requested Transfers

The types of requests for transfers that GHA will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to GHA's occupancy standards, and transfers to a location closer to employment, a relative who will care for children of a working mother, medical treatment, in areas providing more opportunity for economic self-sufficiency, or to move from an upstairs to a downstairs unit for medical or accessibility reasons. GHA will always consider a request to transfer as a reasonable accommodation for a person with a disability.



### Reasonable Accommodation Transfers

In case of a reasonable accommodation transfer, the GHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the GHA will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted. If the request is submitted orally, GHA will document the request in writing, with: the resident name, reasonable accommodation request, date, and signature of GHA staff taking the request.

The GHA will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family.

GHA shall never offer a unit as a fully accessible unit to an applicant, resident, or program participant when the unit only has accessible features. Any offer of a unit in GHA with accessible features to an applicant, resident, or program participant shall include a written notice of what features are accessible in the unit and the ability of the person to reject the unit for not meeting their disability-related needs without losing their place for the next available accessible unit.

### Re-examination Policies for Transfers

If the family transfers to a new unit, GHA may perform a new annual re-examination (unless a re-examination has occurred in the last 120 days), and the anniversary date will be changed.

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# CHAPTER 11: DENIAL OF ASSISTANCE AND LEASE TERMINATIONS

Link: [24 CFR 960.203](#)

## 11.1 Evidence and Considerations

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

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

- Evidence of the applicant or resident's participation in or willingness to participate in social service or other appropriate counseling service programs
- The age of the applicant and the circumstances surrounding the unfavorable event or history
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully
  - GHA will require the applicant/resident to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.
- Whether the cause of the unfavorable information may be that the applicant/resident is the victim of domestic violence, dating violence, sexual assault or stalking.
  - GHA acknowledges that a victim of domestic violence, dating violence, sexual assault or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to a unit, a prior arrest record) that would warrant denial under GHA's policies. Therefore, if GHA makes a determination to deny admission to an applicant family, GHA will include in its notice of denial/termination a statement of the protection against denial provided by VAWA, a description of GHA confidentiality requirements.
  - A request that an applicant/resident wishing to claim this protection submit to GHA documentation meeting the specifications below with her or his request for an informal hearing for an applicant and a grievance hearing for a resident.
- The existence of mitigating factors, such as loss of employment or other financial difficulties.
- If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission or termination of assistance, GHA will determine whether the behavior is related to the disability. If so, upon the family's request, GHA will determine whether alternative measures are appropriate as a reasonable accommodation. GHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial or termination.



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

## 11.2 Denial of Assistance

Link: [24 CFR 960.204](#); [24 CFR 5.Subpart I](#)

GHA is required to deny admission if the applicant has:

- Engaged in criminal activity or GHA has reasonable cause to believe a household member's current use or pattern of use of illegal drugs or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to a peaceful enjoyment of the premises by other residents.
  - In determining reasonable cause, GHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. GHA will also consider evidence from treatment providers or community-based organizations providing services to household members.
- Any member of the household has been evicted from federally assisted housing in the last three years for drug related criminal activity.
  - GHA will admit an otherwise-eligible family who was evicted from federally- assisted housing within the past 3 years for drug-related criminal activity, if GHA is able to verify the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by GHA, or the person who committed the crime is no longer living in the household.
- Any household member is currently engaged in the use of illegal drugs.
  - Currently engaged in is defined as any use of illegal drugs during the previous six months.
- Any household member has ever been convicted of drug related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- And any other HUD required reason.

GHA may deny admission to an applicant family if GHA determines the family:

- Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past five years.
- Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past five years which may adversely affect the health, safety, or welfare of other tenants.



- Has a pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances).
- Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program.
- Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent.
- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last five years.
- The applicant or any member of the applicant household is not a former resident of a public housing authority, or a former participant in the Housing Choice Voucher program, who had a record of lease violations or whose tenancy was terminated by the Housing Authority or private landlord.
- No previous resident may be readmitted unless all previous amounts owed have been paid to public housing authority; but payment of such debt does not necessarily entitle an applicant to eligibility under this section unless GHA has agreed in writing to grant eligibility upon payment of amounts due.
- Has engaged in or threatened violent or abusive behavior toward GHA personnel.
- Abusive or violent behavior towards GHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
  - Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- And any other HUD required reason.

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

- Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.
- Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.
- Other criminal activity means a history of criminal activity involving crimes of actual or threatened persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents. For the purposes of this policy, this is construed to mean a member of the current family has been arrested or convicted of any criminal or drug-related criminal activity within the past three years.
- Criminal activity that may threaten the health, safety, or welfare of other tenants, including the possession of illegal firearms.



- Criminal activity that may threaten the health or safety of GHA staff, contractors, subcontractors, or agents.
- Criminal sexual conduct, including but not limited to sexual assault, incest, statutory sexual seduction, open and gross lewdness, or child abuse, and are required by law to register as a sex offender.
- Civil disobedience.

### 11.3 Notice of Denial

Link: [24 CFR 960.208](#)

GHA will notify applicant families in writing of any decision to deny assistance.

If, based on a criminal record or sex offender registration information an applicant family appears to be ineligible, GHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given ten business days to dispute the accuracy and relevance of the information. If the family does not contact GHA to dispute the information within that ten day period, GHA will proceed with issuing the Notice of Denial of Admission.

A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal hearing process.

If the reason an applicant with disabilities did not respond to GHA's attempts to contact him/her is related to the disability, GHA will, as a reasonable accommodation, reinstate the applicant in the former position on the waiting list.

### 11.4 Denial of Assistance for Noncitizens

Link: [24 CFR 5.514\(d\)](#); [\[24 CFR 5.508\(g\) \(5\)\]](#)

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

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



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

## 11.5 Informal Hearing Policy

Link: [24 CFR 966 Subpart B](#)

GHA will only offer informal reviews to applicants for the purpose of disputing denials of admission.

A request for an informal hearing must be made in writing and delivered to GHA either in person, email or by first class mail, by the close of the business day no later than 15 calendar days from the date of GHA's notification of denial of admission. If the applicant requests a review because GHA denied admission based on an incomplete application, the applicant must submit the required documentation that is missing from the application with the request for an informal review. The applicant may request an extension in writing before the expiration of the 15 calendar day period. GHA will grant an extension of 15 calendar days. If, after reviewing the documentation provided by the applicant, GHA determines the family is eligible for assistance, no informal hearing will be scheduled, and GHA will proceed with admission of the applicant family.

An informal hearing appointment notice will be sent to the applicant at their address of record within ten business days of the family's request.

An applicant may request to reschedule the informal reviews once for good cause, but such request must be made in writing and received by GHA no later than 24 hours before the scheduled review. The tenant may request to reschedule a review for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a review must be made orally or in writing prior to the review date. At its discretion, GHA may request documentation of the "good cause" prior to rescheduling the review.

The informal hearing will be conducted by a person other than the one who made the decision under review or a subordinate of this person. The applicant will be provided an opportunity to present written or oral objections to the decision of GHA.

The person conducting the informal hearing will make a recommendation to GHA, but GHA Director of Housing is responsible for making the final decision as to whether admission should be granted or denied.

GHA will notify the applicant of GHA's final decision, including a brief statement of the reasons for the final decision. The notice will be sent, in writing, to the applicant at the address on record.

GHA will also retain a copy of such decision, with all names and identifying references deleted, in a special file and made available for inspection by a prospective complainant, his representative or the Review Officer. In rendering a decision, GHA will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice.



- The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in GHA policy, then the decision to deny assistance will be overturned. The validity of the evidence. GHA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove there are grounds for denial, and the denial is required by HUD, GHA will uphold the decision to deny admission.
- If the facts prove the grounds for denial, and the denial is discretionary, GHA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission.
- If the informal hearing decision overturns the denial, processing for admission will resume.
- If the family fails to appear for their informal review, the denial of admission will stand and the family will be so notified.
- The family will be allowed to copy any documents related to the review at a cost of \$.10 per page. The family must request discovery of GHA documents no later than 12:00 p.m. on the business day prior to the review.
- The complainant or GHA may arrange, in advance and at the expense of the party making the arrangements, for a transcript of the review. Any interested party may purchase a copy of such transcript.

### Informal Hearing for Citizenship

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

## 11.6 Lease Terminations

Link [24 CFR 966.4](#)

### Resident Initiated Terminations

1. **Required Notice:** Before a resident vacates the unit, the resident is required by the lease to give a 30-day written notice terminating the lease to the management office. The resident's obligation to pay rent continues until the end of the notice period and the keys are returned to Management, except if the unit is re-rented sooner.
2. **Vacates Due to Death, Illness, or Nursing Home Admission:** In general, a 30-day written notice from a family member will be required. However, the management staff will attempt to balance the needs of the family at the time of crisis against the need for time to prepare and re-rent the unit. The GHA may allow more time if circumstances warrant it.
3. **Moving Without Notice:** If a resident moves without giving proper notice (known as a "skip") or does not return the keys to Management, the resident may be sent an abandonment notice specifying the date management became aware of the "skip" and follow up with legal action to recover the unit.



4. Negotiated Vacates or Evictions: Occasionally a vacate date is negotiated as part of a court settlement, a hearing settlement, or to avoid a termination action or if the Resident is evicted. In these cases, no further written notice is required.
5. Rent Cut-off Dates: Rent will be charged through the effective date of the vacate notice. If the resident vacates before the end of notice period, turns in the keys to management, the unit is readied, and the unit is re-rented to a new resident before the end of the notice period, the vacating Resident will not be liable for rent from the date the new resident signs the lease for that unit until the end of the notice period.

#### Effect of Giving Notice to Vacate:

1. Except as provided below, once a resident has given written notice to GHA management that he or she is terminating the dwelling lease and vacating his or her unit, the resident will not be allowed to cancel, revoke, or otherwise change the notice.
2. If the unit has not been shown and accepted for re-rental by a new or transferring resident, the vacating resident may request GHA management to agree to an extension of the vacate date or, in a case of hardship, may request management to allow the notice to be cancelled by the resident. Any agreement to a change in the vacate date or a cancellation of the notice is at the discretion of management and will be made in writing.
3. If a resident fails to vacate the unit on the vacate date stated in the notice to management or as otherwise agreed in writing between the resident and management, management may file an Unlawful Detainer action in court alleging an illegal holdover past the termination of the lease.

## GHA Terminations

### *Termination of Lease for Nonpayment of Current or Retroactive Rent*

If rent is not delivered timely, the Property Manager will proceed to terminate the lease as indicated in that procedure. If retroactive rent becomes due, the Resident must promptly pay such rent. No extension of payment of retroactive rent will be made except as provided for under the hardship provision of payment of security deposit, rent, and other charges. Procedure for termination for nonpayment of retroactive rent is the same as termination for current rent.

*Timing of Notice:* If rent is not paid in full by the eighth day of the month, a Late Payment Notice and a Notice of Termination, terminating the dwelling lease in 30 days will be sent to the resident.

*Writ of Eviction; Physical Eviction:* If the court rules in the GHA's favor and issues a writ of eviction and the writ of eviction is served on the resident, acceptance of the rent payment is at the discretion of management and the resident must voluntarily move or be physically moved out in the presence of the sheriff.



## Consideration of Termination of Lease for Violations Other Than Non-Payment of Rent

When it becomes necessary to consider termination of a lease for other than nonpayment of rent, and prior to sending a termination notice, management may meet with the tenant, or make reasonable efforts to arrange such a meeting, to determine the reason for failure to comply with the lease.

If the breach is the result of criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a resident's household or any guest or other person under the resident's control then VAWA protections may be enacted. All families will be provided with a notice of rights under VAWA upon notification of eviction or termination of assistance.

## Lease Termination for Cause

The Dwelling Lease may be terminated at any point during tenancy for serious or repeated violations of the lease terms. Management will act promptly to propose termination in serious situations that affect any of the following:

1. Any violent or drug-related criminal activity on, near or off premises;
2. Health and Safety;
3. The property, other residents, staff, or neighbors, or;
4. The well-being of the building, development, or neighborhood.

## Non-Renewal of Lease

- Reasons for Non-Renewal: Serious or repeated violations of the Dwelling Lease, including chronic late payment of rent, failure to comply with community service program, record of disturbing other residents, failure to pay on other charges, unsafe and unsanitary housekeeping, are grounds for non-renewal of the lease.
- Timing of a Non-Renewal of a Lease: 30 calendar days prior to the effective date of the annual re-examination, the Property Manager will review the tenant's file to determine if there is cause for non-renewal. If there is sufficient cause, the manager will send the Resident a notice denying the renewal of the lease and informing the Resident that he or she must vacate the dwelling unit by the end of the month following the month in which the notice is given.
- Rights to Hearing: Residents who are notified of the non-renewal of their lease have a right to a hearing in accordance with the Tenants Grievance Procedure. The non-renewal notices will include a notice of the right, and must be filed in writing within ten business days of the termination notice.

## 11.7 Termination Notices

GHA will attempt to deliver notices of lease termination directly to the resident or an adult member of the household. If such attempt fails, the notice will be sent by email or first-class mail the same day.



All notices of lease termination will include a statement of the protection against termination provided by the [Violence against Women Reauthorization Act of 2005](#) (VAWA) for victims of domestic violence, dating violence, sexual assault or stalking. The notice will also include a copy of [HUD form 5382 \(alternate languages\)](#), Certification of Domestic Violence, Dating Violence, or Stalking.

GHA will give written notice of 14 calendar days for nonpayment of rent. For all other lease terminations GHA will give 30-days written notice or, if state or local law allows less than 30 days, such shorter notice will be given.

Expedited Notice (Notice of Violation of Lease with Intent to Terminate) is served in cases of drug-related criminal activity, criminal activity, or any activity of an extreme nature that pose a threat to the health/safety of others including but not limited to a threat to the safety of staff.

**Terminations for Unacceptable criminal activity for Low Income Public Housing Applicants and Residents will be based on the following:**

Drug related convictions; Alcohol related convictions (if it indicates an ongoing pattern); Fraud; Acts of violent behavior convictions; and or Crimes of violent behavior residents will be terminated from the programs.

Applicants/ residents must report any convictions from criminal activity which occurs after the application review (this includes residents, tenants and those that have not yet moved into GHA assisted housing program(s)).

GHA will allow applicants and residents to address and present mitigating circumstances regarding criminal background checks prior to final decision.

## 11.8 Repayment Agreements

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

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

Any repayment agreement between the GHA and a family must be signed and dated by the GHA and by the head of household and spouse/co-head (if applicable). If the family chooses to enter into a repayment agreement, the GHA will require a minimum down payment of 20% of the amount owed. The term of repayment agreement will not exceed twenty-four (24) months, except as provided below. In no event will the GHA enter into a repayment agreement for retroactive rents whereby the monthly amount of the repayment plus TTP is greater than 40% of the family's adjusted monthly income.

### Repayment Agreement Options

Tenants can repay in a lump sum; through a Repayment Agreement (installment payments), or a combination: paying a lump sum when the Repayment Agreement is signed and the remainder in monthly payments not to exceed 24 months.



### **Creating and Reporting Tenant Repayment Agreements**

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

The repayment agreement will be renegotiated when financial circumstances of the household change.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the GHA will terminate the family's tenancy and utilize other available collection alternatives including, but not limited to, the following:

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

### **Rules Governing Payments and Changes to Existing Agreements**

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

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

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

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

## **11.9 Evictions**

When a family does not vacate the unit after receipt of a termination notice, by the deadline given in the notice, GHA will follow state and local landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases. If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, GHA will seek the assistance of the court to remove the family from the premises as per state and local law.



- A written record of every termination and/or eviction will be maintained by GHA at the development where the family was residing, and will contain the following information:
- Name of resident, number and identification of unit occupied;
- Date of the notice of lease termination and any other notices required by state or local law;
- These notices may be on the same form and will run concurrently;
- Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR 5.903 and 5.905).

### Eviction Information

A written record of every termination and/or eviction will be maintained by GHA and will contain the following information:

- Name of resident, number and identification of unit occupied
- Date of the notice of lease termination and any other notices required by state or local law; these notices may be on the same form and will run concurrently
- Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail
- Date and method of notifying the resident
- Summaries of any conferences held with the resident including dates, names of conference residents, and conclusions

## 11.10 Grievance Policy

Links: [24 CFR 966, Subpart B](#); [Notice PIH 2016-05](#)

Grievance is defined as any dispute a tenant may have with respect to a GHA action or failure to act in accordance with the individual tenant's lease or GHA regulations that adversely affects the individual tenant's rights, duties, welfare, or status.

GHA has established a Public Housing Grievance Policy and Procedure (Grievance Procedure) that includes, but is not limited to, applicability of rules, an explanation of the grievance process, identification of applicable time lines, and procedures governing the hearing.

The Grievance Procedure is provided to tenants at the time the lease is signed and is also available in the property management offices and the Public Housing Office.

Grievances related to any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents, neighbors, or employee of GHA (to include but not limited to drug related criminal activity on or off the premises or alcohol abuse) and are excluded from the Grievance Procedures.

The Grievance Procedure will be incorporated by reference in the tenant lease.



Residents and resident organizations will have 30 calendar days from the date they are notified by GHA of any proposed changes in the Grievance Procedure, to submit written comments to GHA.

GHA will accept requests for an informal settlement of a grievance either orally or in writing, to GHA office within ten business days of the grievance event. Within ten business days of receipt of the request, GHA will arrange a meeting with the tenant at a mutually agreeable time and confirm such meeting in writing to the tenant. The written request will specify the reason for the grievance and the relief sought.

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

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

- The names of the participants;
- Date and time of meeting;
- Nature of the complaint;
- Proposed disposition of the complaint and specific reasons thereof;
- The right of the complainant to a hearing;
- The procedures by which a hearing may be obtained.

The resident must submit a written request for a grievance hearing to GHA within ten business days of the tenant's receipt of the summary of the informal settlement.

Within thirty calendar days of receiving a written request for a grievance hearing (hearing), the hearing officer will schedule and send written notice of the hearing to both the complainant and GHA. The written notice will specify the time, place, and the procedures governing the hearing, and will be delivered to the complainant and the appropriate GHA official.

If the tenant does not appear at the scheduled time of the hearing, the hearing officer will wait up to 15 minutes. If the tenant appears within 15 minutes of the scheduled time, the hearing will be held. If the tenant does not arrive within 15 minutes of the scheduled time, they will be considered to have failed to appear.

If the tenant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact GHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the tenant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

### Escrow Deposits

Before a hearing is scheduled for any grievance involving the amount of rent that GHA claims is due, the family will pay an escrow deposit to GHA. GHA will waive the requirement for an escrow deposit where the family has requested a financial hardship exemption from minimum rent requirements or is grieving the effect of welfare benefits reduction in calculation of family income. These requirements may also be waived by GHA in extenuating circumstances.



## Grievance Hearing

Link: [24 CFR 966, Subpart B](#)

The GHA will promptly schedule the hearing. Hearings will be held at the GHA office. Hearing notices containing the date, time, location and hearing procedures governing the hearing will be provided to the resident and the hearing officer.

GHA grievance hearings will be conducted by a single impartial hearing officer and not a panel. The hearing officer will be someone other than the person who made or approved the decision or a subordinate of that person. The GHA lease states the hearing officer selection policy.

Grievance hearings may be attended by the following applicable persons:

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

If the resident does not attend the hearing, the hearing officer will rule in favor of the GHA.

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence:

- Oral evidence: the testimony of witnesses;
- Documentary evidence: a writing which is relevant to the case, for example, a letter written to GHA. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof.
- Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram;
- Real evidence: A tangible item relating directly to the case.
- Hearsay evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If GHA fails to comply with the discovery requirements (providing the tenant with the opportunity to examine GHA documents prior to the grievance hearing) the hearing officer will refuse to admit such evidence.

Other than the failure of GHA to comply with discovery requirements, the grievance hearing officer has the authority to overrule any objections to evidence.



If the complainant would like GHA to record the proceedings by audiotape, the request must be made to GHA by 12:00 p.m. on the business day prior to the hearing. GHA will consider an audio tape recording of the proceedings is a transcript.

### Hearing Decision

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

- GHA Notice to the Family
- GHA Evidence to Support the GHA Decision
- Resident Presented Evidence
- Validity of Grounds for Termination of Tenancy

The hearing officer will prepare a written decision. A copy of the decision will be sent to the resident and the GHA. The GHA will retain a copy of the decision in the tenant's folder. The GHA will maintain a log of all hearing officer decisions, the date of the decision, the general reason for the grievance hearing. The hearing officer log will be available upon request of the hearing officer, the resident, or a resident's representative.

The decision of the hearing officer will be binding unless the GHA Board of Commissioners determines that:

- The grievance does not concern GHA action or failure to act in accordance with or involving the resident's lease on GHA regulations, which adversely affects the resident's rights, duties, welfare or status; or
- The decision of the hearing officer is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and the GHA.

A decision by the hearing officer or Board of Commissioners in favor of the GHA or which denies the relief requested by the resident in whole or in part will not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial or judicial review in any judicial proceedings, which may thereafter be brought in the matter.



## CHAPTER 12: PROGRAM INTEGRITY

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

GHA will initiate an investigation of a Resident family only in the event of one or more of the following circumstances:

- Referrals, Complaints, or Tips. GHA will follow up on referrals from other agencies, companies or persons which are received by mail, or in person, which allege that a Resident family is in non-compliance with, or otherwise violating the lease or the program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the Resident file.
- Internal File Review. A follow-up will be made if GHA staff discovers (as a function of a [re]certification, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, GHA's knowledge of the family, or is discrepant with statements made by the family.
- Verification or Documentation. A follow-up will be made if GHA receives independent verification or documentation that conflicts with representations in the Resident file (such as public record information or credit bureau reports, reports from other agencies).

The management and occupancy staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and Resident families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by Resident families.

1. *Things You Should Know:* The program integrity bulletin ([form HUD-1140-OIG](#) created by HUD's Inspector General) will be furnished and explained to all applicants to promote understanding of program rules, and to clarify the PHA's expectations for cooperation and compliance.
2. *Program Orientation Session:* Mandatory orientation sessions will be conducted by Housing Management at the time of initial occupancy. At the conclusion of all New Resident Orientation sessions, the family representative must sign all applicable forms to confirm that all rules and pertinent regulations were explained to them.
3. *Resident Counseling:* GHA will routinely provide resident counseling as a part of every re-examination interview in order to clarify any confusion pertaining to program rules and requirements.
4. *Review and Explanation of Forms:* GHA will explain all required forms and review the contents of all (re)certification documents prior to signature.
5. *Use of Instructive Signs and Warnings:* Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse.



6. *Third-Party Verifications*: GHA will use third party verification whenever possible, and if using Resident supplied or other documents for verification purposes, GHA will document the attempts to obtain third party verification

## 12.1 Detecting Errors and Program Abuse

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

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

For each investigation the GHA will determine

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

## 12.2 Family Prohibited Actions

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

Offering bribes or illegal gratuities to the GHA Board of Commissioners, employees, contractors, or other GHA representatives;

- Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to GHA on the family's behalf;
- Use of a false name or the use of falsified, forged, or altered documents;
- Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition); Omitted facts that were obviously known by a family member (e.g., not reporting employment income);
- Admission of program abuse by an adult family member;

GHA may determine other actions to be program abuse based upon a preponderance of the evidence.

## 12.3 GHA Prohibited Activities

GHA's Crime and Safety measures are stated in the GHA Crime and Safety Procedure.

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

- Failing to comply with any public housing program requirements for personal gain;
- Failing to comply with any public housing program requirements as a result of a conflict of interest relationship with any applicant or resident;
- Seeking or accepting anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to GHA;



- Disclosing confidential or proprietary information to outside parties;
- Gaining profit as a result of insider knowledge of GHA activities, policies, or practices;
- Misappropriating or misusing public housing funds;
- Destroying, concealing, removing, or inappropriately using any records related to the public housing program;
- Committing any other corrupt or criminal act in connection with any federal housing program.

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

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

## 12.4 De Minimis Errors

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

As the GHA becomes aware of the existence of an income calculation error, it will correct the error(s) retroactive to the effective date of the action the error was made. Depending upon the family circumstances and when errors are detected, the GHA may take one of the following corrective actions to credit or repay the family.

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

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

## 12.5 Consideration of Remedies

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

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



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

### Disposition of Cases Involving Misrepresentation

- In all cases of misrepresentations involving efforts to recover monies owed, GHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:
  - Criminal Prosecution: If GHA has established criminal intent, and the case meets the criteria for prosecution, GHA may refer the case to HUD's OIG, and terminate rental assistance.
- Administrative Remedies: GHA may:
  - Terminate tenancy and demand payment of restitution in full.
  - Terminate tenancy and execute an administrative repayment agreement in accordance with the GHA's Repayment Policy.
  - Permit continued occupancy at the correct rent and execute an administrative repayment agreement in accordance with GHA's Repayment Policy.

## 12.5 Notice and Appeal

GHA will inform the relevant party in writing of its findings and remedies within seven (7) business days of the conclusion of the investigation. The notice will include:

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

Increases in the tenant rent will be implemented only after the family has received a 30-day notice. Any decreases in tenant rent will become effective the first of the month following the discovery of the error.

## 12.6 Firearms Policy

Except for sworn Law Enforcement Officers, in accordance with State of Texas Laws and Regulations, any person owning, transporting, or possessing firearms on GHA property:

- Must follow all Federal laws and regulations as well as State of Texas laws and Regulations covering the Possession, Ownership and Transportation of Firearms;
- Must not openly or conceal carry firearms into or at:
  - The rooms or facilities used during the GHA Board of Directors meetings, as defined by the "Open Meetings Act"; And
  - The rooms or facilities used by the Texas Head Start education program.



- Firearms and ammunition kept inside of GHA owned rental units must be secured in such a way as to prevent unauthorized access and comply with any state or local laws and ordinances.

For each violation of this Policy, GHA reserves the right to pursue:

- Eviction of GHA unit resident or lease holder;
- Termination of “Rental Assistance” to resident, lease holder or HCV client; and
- Removal of violators of this policy by law enforcement officials.

GHA will post written signs in compliance with the law of the State of Texas at every entrance where firearms may be prohibited.



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## Appendix A: Excluded Income

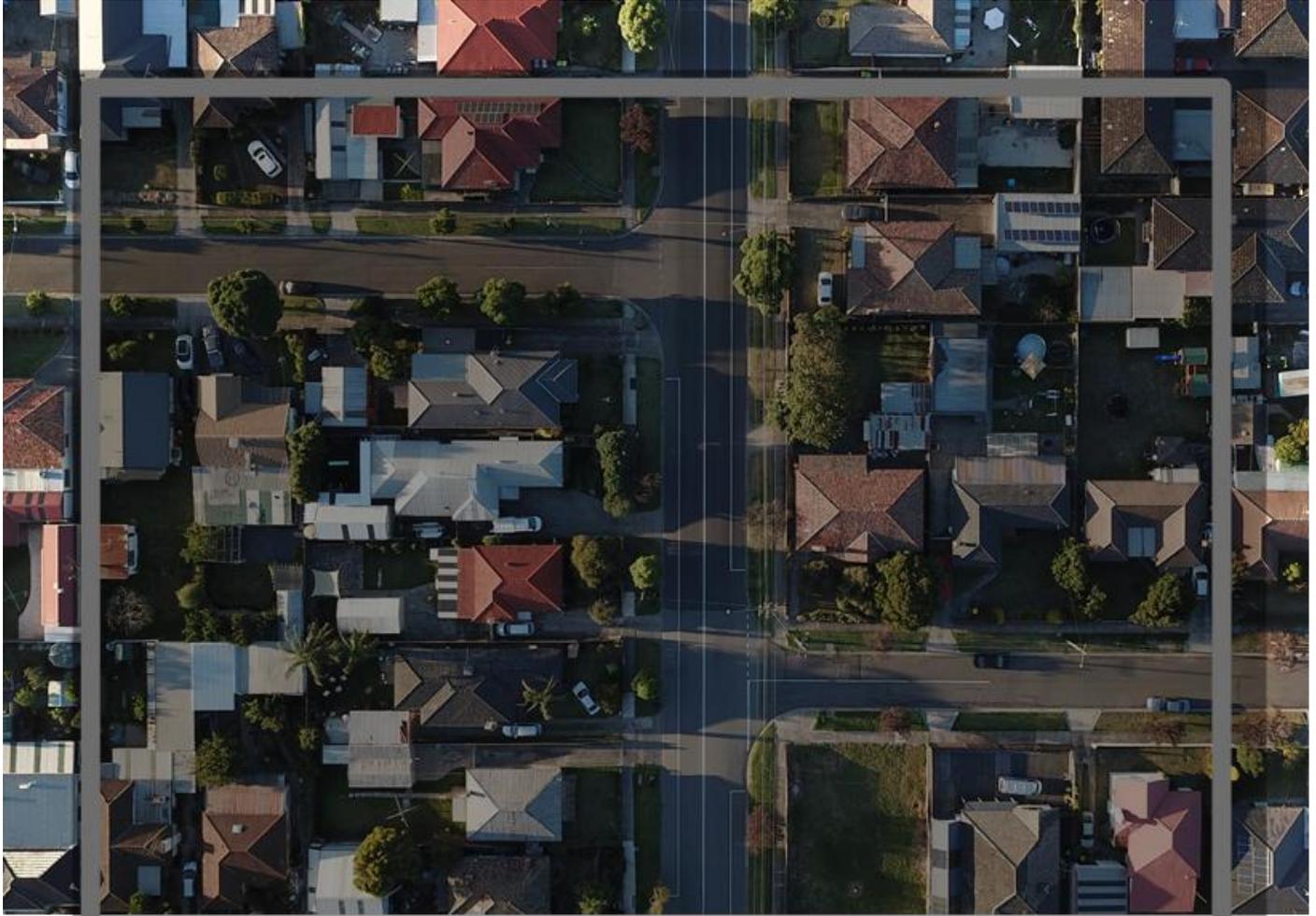
Category	Exclusion	CFR	Description
Other	Federally Mandated Income Exclusions	24 CFR 5.609(b)(22)	Amounts that must be excluded by federal statute. HUD will publish a Federal Register notice that includes the qualifying benefits.
Assets	Imputed Income from Assets	24 CFR 5.609(b)(1)	Any imputed return on an asset when net family assets total \$50,000 (adjusted annually) or less and no actual income from the net family assets can be determined.
Non-recurring income	Non-recurring income	24 CFR 5.609(b)(24)	Income that will not be repeated in the coming year based on information provided by the family.
Self-employment	Gross Self-employment Income	24 CFR 5.609(b)(28)	Gross income received through self-employment or operation of a business
Dependents	Minors (children under the age of 18 years)	24 CFR 5.609(b)(3)	All earned income of all children under the age of 18, including foster children.
Dependents	Adoption assistance payments	24 CFR 5.609(b)(15)	Adoption assistance payments for a child in excess of the amount of the dependent deduction.
Students	Earned Income of Dependent Students	24 CFR 5.609(b)(14)	Earned income of dependent full-time students in excess of the amount of the dependent deduction.
Students	Title IV HEA Assistance	24 CFR 5.609(b)(9)(i)	Any assistance that Section 479B of the Higher Education Act (HEA) of 1965, as amended, requires to be excluded from a family's income.
Students	Other Student Financial Assistance	24 CFR 5.609(b)(9)(ii)	Student financial assistance, not excluded under the HEA, for actual covered costs of higher education.
Students	Educational Savings Account	24 CFR 5.609(b)(10)	Income and distributions from any Coverdell educational savings account or any qualified tuition program under IRS section 530 or any qualified tuition program under section 529.
Baby bonds	Baby bonds	24 CFR 5.609(b)(10)	Income earned by government contributions to, or distributions from, "baby bond" accounts created, authorized or funded by federal, state or local government.
Foster children / adults	Payments for Foster Children / Adults	24 CFR 5.609(b)(4)	Payments received for the care of foster children or adults, including State kinship, guardianship care payments, or tribal kinship payments.
Foster children / adults	Income of foster children / adults	24 CFR 5.609(b)(8)	Income of a live-in aide, foster child, or foster adult as defined in 24 CFR 5.403 and 5.603.
Live-in Aide	Income of a Live-in Aide	24 CFR 5.609(b)(8)	Income of a live-in aide, foster child, or foster adult.
People with Disabilities	ABLE accounts	24 CFR 5.609(b)(22)	Will be included in federally mandated excluded amounts. Notice PIH 2019-09/H-2019-06 details when ABLE account income is excluded.
People with Disabilities	State Payments to Allow Individuals with Disabilities to Live at Home	24 CFR 5.609(b)(19)	Payment made by an authorized by a state Medicaid managed care system or other state agency to a family to enable a family member to live in the family's assisted unit.
People with Disabilities	Plan to Attain Self-Sufficiency (PASS)	24 CFR 5.609(b)(12)(i)	Amounts set aside for use under a Plan to Attain Self-Sufficiency (PASS).
People with Disabilities	Reimbursements for Health and Medical Care Expenses	24 CFR 5.609(b)(6)	Amounts for, or in reimbursement of, health and medical care expenses for any family member.

(continued)

Category	Exclusion	CFR	Description
Trusts	Trust distributions	24 CFR 5.609(b)(2)	Any distributions of a trust's principal are excluded. PHAs and owners must count any distributions of income from an irrevocable trust or a trust not under the control of the family (e.g., distributions of earned interest) as income to the family with the expectation of distributions used to pay the health and medical care expenses of a minor.
Insurance	Insurance payments and settlements for personal or property loss	24 CFR 5.609(b)(5)	Insurance payments and settlements for personal or property loss including, but not limited to: payments through health insurance, motor vehicle insurance, and workers' compensation.
Retirement	Retirement plan	24 CFR 5.609(b)(26)	Income received from any account under an IRS-recognized retirement plan. However, periodic payments are income at the time of receipt.
Military	Hostile fire special payment	24 CFR 5.609(b)(11)	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
Veterans	Veterans aid and attendance payments	24 CFR 5.609(b)(17)	Payments related to aid and attendance for veterans under 38 U.S.C. 1521.
Lawsuits	Lawsuit Settlements	24 CFR 5.609(b)(7)	Amounts recovered in a civil action or settlement based on malpractice, negligence and other breach of duty claim resulting in a family member becoming disabled.
Lawsuits	Reparations for Persecution	24 CFR 5.609(b)(13)	Reparation payments paid by a foreign government for claims by people persecuted during the Nazi era.
Lawsuits	Tribal Claims Payments	24 CFR 5.609(b)(21)	Payments received by tribal members from claims relating to the mismanagement of assets held in trust by the United States.
Lawsuits	Lawsuits related to civil rights	24 CFR 5.609(b)(25)	Civil rights settlements or judgments, including settlements or judgments for back pay.
Reimbursements	Reimbursements from publicly assisted programs	24 CFR 5.609(b)(12)(ii)	Amounts received by a participant in other publicly assisted programs for or in reimbursement of expenses to allow program participation (e.g., special equipment, clothing, transportation, child care, etc.).
Resident Services Stipend	Resident Services Stipend	24 CFR 5.609(b)(12)(iii)	Resident service stipends of \$200 or less per month for performing a part-time service for the PHA that enhances the quality of life in the development.
Employment training programs	Employment training programs	24 CFR 5.609(b)(12)(iv)	Incremental earnings and benefits from training programs HUD and qualifying employment training programs and training of a family member as resident management staff.
FSS	Family Self Sufficiency Account	24 CFR 5.609(b)(27)	Income earned on amounts placed in a family's FSS account.
Housing gap payments	Housing "gap" payments	24 CFR 5.609(b)(23)	Replacement housing "gap" payments to offset increased rent and utility costs to families displaced from one federally subsidized housing unit and another.
Benefits	Deferred Supplemental Security Income, SS income and benefits, or VA disability benefits	24 CFR 5.609(b)(16)	Deferred periodic amounts from: SSI, Supplemental Security Income and benefits or VA disability benefits that are received in a lump sum or prospective monthly amounts.
Property tax rebates	Property Tax Rebates	24 CFR 5.609(b)(18)	Refunds or rebates under state or local law for property taxes paid on the dwelling unit.
Loans	Loan Proceeds	24 CFR 5.609(b)(20)	The net amount disbursed by a lender to a borrower or a third party (e.g., educational institution or car dealership).

## Appendix B: Excluded Assets from Net Family Assets

Category	Excluded Asset	Example(s)	Notes
Personal property	Necessary items of personal property	Medical devices, vehicle for commute	Determining what is a "necessary item" for personal property is a highly fact-specific determination. Additional guidance is forthcoming from HUD.
Personal property	Non-necessary items of personal property if the combined total value does not exceed \$50,000*	Vintage baseball cards, recreational boat, coin collection, art so long as the <i>total</i> value is under the limit	This matches the value of assets that can be self-certified by the family.
Savings account	Retirement account recognized by IRS	IRA, 401(k), 401(b) and retirement plans for self-employed individuals	
Real property	Real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located	Property subject to a lawsuit may be legally restricted from sale.	Such property does not count against the dollar amount limit or the real property limitation
Cash	Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member, for an incident resulting in a disability	A drunk driver injures a family member, who then has a disability. The family sues, and the driver's insurance pays the family.	
Savings account	The value of certain education or disability support savings accounts	Under Internal Revenue Code sections 529, 529A, 530, "baby bond" accounts	Coverdell accounts, tuition programs, any "baby bond" account created, authorized, or funded by Federal, state, or local government
Real property	Interest in Indian trust land	Family has interest in land held in trust by Bureau of Indian Affairs	Existing exclusion
Real property	Equity in a manufactured home where the family receives assistance under 24 CFR 982	HCV Manufactured Home Space Rental participants	
Real property	Equity in property where the family receives assistance under 24 CFR 982	HCV homeownership participant	For real property other than manufactured homes
Savings account	Family Self-Sufficiency (FSS) accounts		The family does not have access to FSS funds during their participation in the program. Also excluded from income.
Cash	Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family	Earned Income Tax Credits (EITC)	
Trust Funds	Trust that is not revocable by, or under the control of, any member of the family or household	Non-revocable trust fund; trust fund revocable once minor child reaches age 21	As long as a trust meets this definition, it is not an asset of the family



## **Administrative Plan**

**July 2025**

QUADEL CONSULTING & TRAINING 

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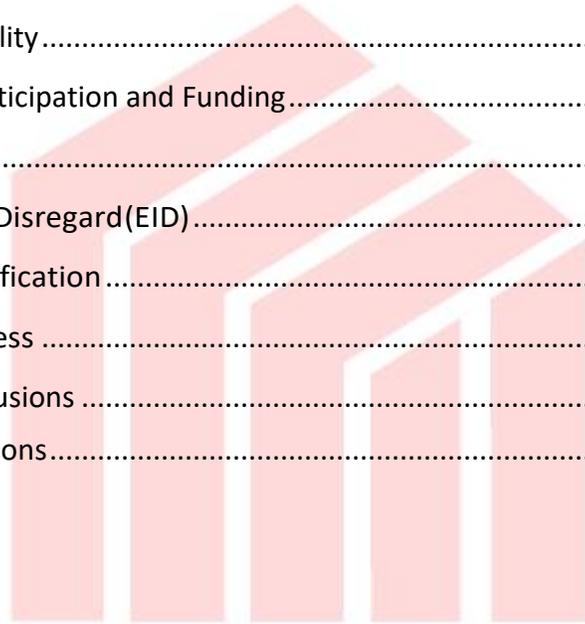
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# CHAPTER 1- Program Authority and Objectives

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

The GHA manages the Housing Choice Voucher (HCV) Program and other housing programs in the geographic area covering the city of Galveston, TX. Through its assisted housing programs, eligible families are provided the opportunity to obtain decent, safe and sanitary housing.

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

## 1.1 Applicable Regulations

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

## 1.2 GHA Vision and Mission

### Vision

GHA uses its resources to create and strengthen inclusive, healthy and sustainable neighborhoods by providing high quality, affordable housing choices and by empowering low and moderate income families, the elderly, Veterans, victims of domestic violence, and the disabled in their journeys toward self-sufficient lives.

### Mission

GHA creates excellent housing options by fostering public and private partnerships with best in class real estate developers, property managers, and service providers to leverage public funds with private investment and empower individuals, families and communities by providing tools and opportunities to move in, up, and out.

## 1.3 Purpose of the Administrative Plan

Link: [24 CFR.982.54](#)

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

related to GHA's Family Self Sufficiency (FSS) Program are provided in a separate document, the FSS Action Plan, and are not part of this document.

Issues not addressed in this document related to applicants, participants and owners are governed by the Department of Housing and Urban Development Code of Federal Regulations, HUD guidance, or other applicable law. When circumstances arise and are not addressed by provisions in this Plan, they will be reviewed on a case-by-case basis. If a conflict arises between or among the regulations identified in this Plan, the regulations specifically stated for the applicable program will take precedence.

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

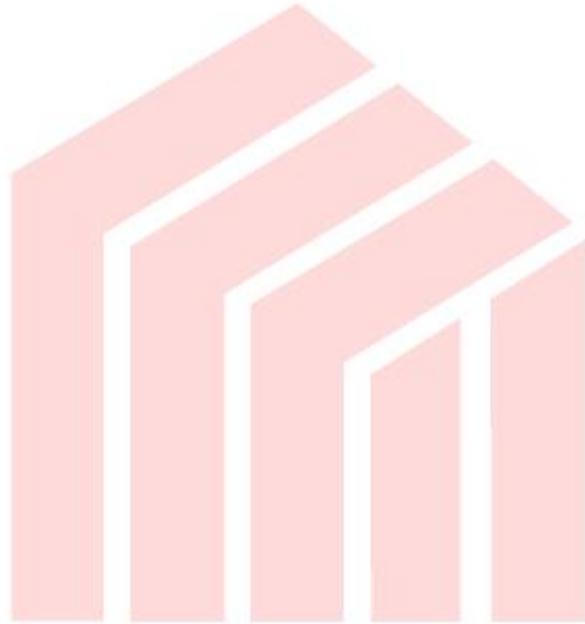
[Link: 24 CFR 982.155](#)

Only the GHA Board of Commissioners is authorized to approve changes to the Administrative Plan and to authorize charges to the administrative fee reserve. Expenditures will not exceed 50,000 per occurrence without the prior approval of the GHA Board of Commissioners. The GHA is responsible for complying with all subsequent changes in HUD regulations pertaining to the programs administered by the GHA. If such changes conflict with this Administrative Plan, HUD regulations will take precedence.

#### **1.5 Housing Through Modernization Act**

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

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



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## CHAPTER 2 - General Administrative Provisions and Policies

### 2.1 Confidentiality and Privacy Policy

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

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

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

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

### 2.2 Record Retention Policy

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

The GHA will keep all documents related to a family's eligibility, tenancy, and termination in accordance with HUD and the City of Galveston requirements.

## CHAPTER 3- General Fair Housing Policies

### 3.1 Nondiscrimination Policy

Links: [Fair Housing Act \(42 U.S.C\); Section 504 of the Rehabilitation Action of 1973](#); [Joint Statement of HUD and DOJ 5/17/14](#) and [24 CFR 982.54\(d\) \(6\)](#); [982.301\(b\) \(10\)](#); [982.304](#)

GHA will not discriminate because of race, color, sex (includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth, as well as gender identity and gender expression), religion, marital or familial status, age, disability, medical condition, national origin, ancestry and sexual orientation. Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18. GHA provides information regarding Fair Housing and non-discrimination in housing on its website, in outreach materials, posters at its office, in the family briefing session and program packets, and owner meetings. When needed, GHA will also assist with how to fill out and file a housing discrimination complaint.

### 3.2 Complying with Civil Rights Laws

It is the policy of the GHA to comply with all federal, state and local non-discrimination laws, rules and regulations governing fair housing and equal opportunity in housing and employment now in effect and subsequently enacted, including, but not limited to:

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

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

GHA's housing programs are open to all eligible individuals regardless of sexual orientation, gender identity or marital status. GHA will not inquire about the sexual orientation or gender identity of an applicant or participant for purposes of determining eligibility or otherwise making such housing available. However, the GHA may inquire about a person's sex in order to determine the number of bedrooms a household may be eligible for under the occupancy standards or to accurately complete HUD's 50058. The GHA will not discriminate because of race, color, marital status, sexual orientation, national or ethnic origin or ancestry, sex, religion, age, familial status, source of income, or disability in the leasing, rental, occupancy, use, or other disposition of housing or related facilities.

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

Houston Regional Office of FHEO  
U.S. Department of Housing and Urban Development 1301 Fannin Street  
Room 2200  
Houston, Texas 77002

### **3.3 Owner Nondiscrimination Requirements**

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

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

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

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

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

### **3.4 Family Outreach and Affirmative Marketing**

Link: [24 CFR 982.102](#)

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

- A listing of available rental property. This listing may be provided as a website(s) or other publications of available local rental properties.
- A list of properties/owners who accept HCV.
- A description of portability provisions available in the Housing Choice Voucher program.
- A map that identifies areas within the City of Galveston that are areas of low poverty and minority concentrations.
- A description of portability provisions available in the Housing Choice Voucher program
- Other information as required.

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

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

### **3.5 Owner Outreach**

Link: [24 CFR.982.54](#)

GHA encourages program participation by owners of units located outside areas of poverty or minority concentration. The purpose of these activities is to provide more choices and better housing opportunities to families. Outreach to property owners is regularly conducted to

develop interest in the program and to increase the number of units available in low-poverty areas. GHA provides program information and printed materials to local realtors, agents, apartment associations and any interested landlords. GHA staff will be available to make presentations about the Housing Choice Voucher Program to these groups.

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

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

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

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

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

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

#### **3.6.1 LEP Options**

- When LEP persons request, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by the GHA. The interpreter may be a family member or friend.
- The GHA will utilize a language line for telephone interpreter services.
- GHA will inform applicants and participants of language assistance services.

- GHA will not provide written translation but will provide written notice in the primary language of the LEP language group of the right to receive oral interpretation of those written materials, free of cost. Translation may also be provided orally.

### **3.7 Reasonable Accommodation Policy**

Link: [24 CFR Part 8](#)

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

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

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

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

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

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

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

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

### 3.7.1 Legal Authority

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

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

### 3.7.2 Definition of Disability

Person with disabilities is a person who:

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

### 3.7.3 Examples of Reasonable Accommodations

- Allowing a larger unit size
- Allowing a larger utility allowance, due to increased usage for medical appliance
- Allowing a live-in aide, with the owner's approval

- Alternative measures instead of program termination, if applicable based on the reason for termination
- Rescheduling appointments and/or hearings
- Permitting portability for non-resident applicants upon admission
- Attendance at a hearing of any other person approved by the GHA
- Permitting an outside agency or family member to assist in an interview or meeting

### 3.8 Live in Aide Policy

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

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

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

- Is determined to be essential to the care and well-being of the persons
- Is not obligated for the support of the persons, and
- Would not be living in the unit except to provide the necessary supportive services

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

A family's request for a live-in aide must be made in writing, include the owner's written approval if currently in a unit, and is subject to GHA verification and approval. The live in aide must pass the GHA criminal background screening. For continued approval, the family must submit a new, written request, subject to the GHA verification and approval at each annual reexamination. The owner must continue to approve the live in aide residing in the unit.

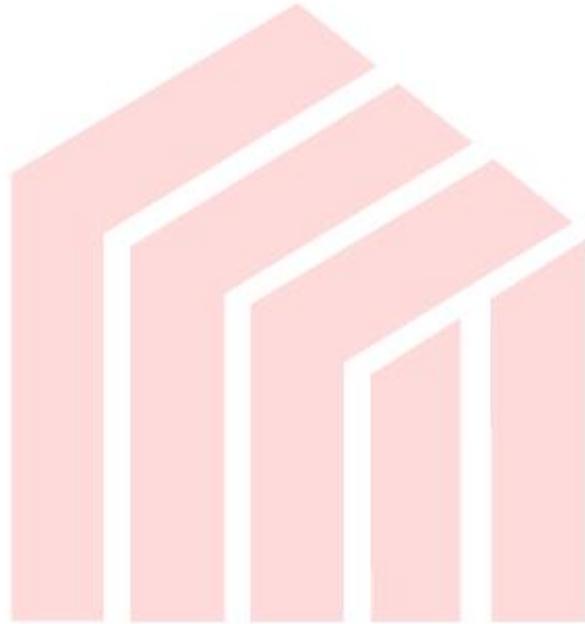
In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is:

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

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

- Does not meet GHA's eligibility criteria

- Would cause the current unit to become overcrowded according to GHA standards and local codes
- Falls under any category listed in this Policy in the Denials of Admission Section
- Is on the GHA Public Housing Trespass List



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### **3.9 Physical Impairment Policy**

Link: [24 CFR Part 8.6](#)

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication is available at the GHA office.

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

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

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

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

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

The GHA will not deny admission to the housing choice voucher program to any person because that person is or has been a victim or affiliated individual of domestic violence (including economic and technological abuse), dating violence, sexual assault or stalking, provided that such person is otherwise qualified for such admission. In addition to prohibiting a denial, termination, or eviction based on the fact that the applicant or tenant/participant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, GHA will not deny admission to an applicant based on an adverse factor, if the adverse factor is determined to be a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

#### **3.10.1 VAWA - Notification of Rights**

The GHA will enclose in each application packet a notice advising applicants of their rights under VAWA. The GHA will notify participants of their rights under VAWA during the annual re-

certification process and with any adverse action notice along with a copy of the form HUD form 5380 (Notice of Occupancy Rights); HUD form 5382 (Certification of VAWA).

### 3.10.2 VAWA - Confidentiality

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

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

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

### 3.10.4 VAWA - Documentation

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

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

- Form [HUD-5382](#); or
- A document:
  - Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse:

- Signed by the applicant or tenant; and
- That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or
- A record of a Federal, State, tribal, territorial or local law enforcement agency (may include a police report), court, or administrative agency; or
- At the discretion of GHA, a statement or other evidence provided by the applicant or tenant.

### 3.10.5 VAWA Lease Bifurcation

The GHA may request the owner to bifurcate a family's lease and terminate the tenancy of the culpable family member if the GHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the tenancy or program assistance of the remaining, non-culpable family members. In making its decision, the GHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-50066, HUD-5832) or other documentation of abuse submitted to the GHA by the victim.

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

### 3.10.6 Limitation on VAWA Protection

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

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

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

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

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



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

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

### 4.1 Opening and Closing the Waiting List

Link: [24 CFR 982.206](#)

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

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

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

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

- The dates the list will be open;
- The means by which applications will be taken (paper; electronic; other)
- Eligibility guidelines;
- Any limitations which may apply.
- How to request reasonable accommodation

### 4.2 Application Process

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

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

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

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

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

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

The GHA will not merge the housing choice voucher waiting list with the waiting list for any other program the GHA operates. The GHA maintains separate wait lists for the tenant-based voucher program and for the project-based voucher program. The project-based voucher wait list is described in Chapter 16 of this Administrative Plan.

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

- Name and address of head of household
- Number of family members, appropriate bedroom size
- Racial / Ethnicity information for the head of household
- Social security number (head of household)
- Amount and source of annual income
- Date and time of application / Randomized wait list selection number

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

The waiting list will be updated as needed to ensure that all applicant information is current. When GHA decides to update the Housing Choice Voucher waiting list, it will notify the applicants on the waiting list requesting updated information. The intent of the notification is

also to determine whether the applicant is still interested in the Housing Choice Voucher Program.

The family's response must be in writing and may be delivered in the manner prescribed by the GHA. Responses should be postmarked or received by the GHA not later than the specified date provided in GHA's letter. If the family fails to respond within the required time period, or the letter is returned by the post office as undeliverable with no forwarding address, the family will be removed from the waiting list without further notice.

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

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

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

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

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

## **4.5 Change in Circumstances**

### Preference Status

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

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

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

#### Change to the Family Composition

Changes to the family composition after an application has been submitted include addition of family members born to, adopted or otherwise granted custody to the family by operation of the law, which may include foster children, live in aides and spouses, provided the additional family member(s) meet all applicable waiting list requirements and remain eligible for the waiting list. GHA will require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor in the family composition. Changes to the family composition may also be allowed for families in which one or more children less than eighteen years of age live with the designee of the parent or legal custodian, with the parent or custodians' written consent. Documentation can include but is not limited to court documents, pre-need guardian, school records, other state and federal public assistance documentation, or durable powers of attorney. All other additions to the family will be considered only on a case-by-case basis and must be documented at the time such changes occur. These additions may include immediate family members (sons, daughters, siblings, parents, grandparents, grandchildren) and may be made for humanitarian or extraordinary reasons.

## **4.6 Preferences**

Link: [24 CFR 982.207](#)

GHA will prioritize its waitlist by points. Points will be based on the head of household status. Applicants that meet criteria of more than one preference will have cumulative points awarded.

- GHA Public Housing Disposition: Residents with current lease residing in GHA public housing units subject to disposition, including conversion through the Rental Assistance (RAD) Demonstration program will receive the highest preference for admission to the Housing Choice Voucher program above all other preferences listed below. (11 priority)
- GHA Head of Household Disaster Preference: Former GHA public housing families who were receiving GHA public housing assistance immediately prior to being displaced as a result of a natural disaster, will be given preference over all other displaced families and will take precedence over any other preference. (10 points)
- Youth with expiring Foster Youth to Independence Voucher: Youth who are leaving the Foster Youth to Independence voucher after 36 months. (9 point)
- Local Residency: This preference is for families who live and/or work in the City of Galveston, regardless of the length of time the family has resided and/or worked in the City of Galveston; applicants who have been notified they are hired to work in the City of Galveston; Families whose head or spouse has been given a bona fide offer of employment.) (5 points)
  - The use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.
- Work Preference. Families where the head, spouse or sole member is employed. However, an applicant shall be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities. (2 points)
- Elderly/Disabled Family Preference: Head of household or spouse who is disabled according to the definition in Section 223 of the Social Security Act or who is 62 years of age or older. (2 points)
- School/Job Training Preference: Families whose head of household or spouse is currently enrolled and participating in a job training program that prepares them for entering or re- entering the job market. Families enrolled in educational programs working toward a degree. (1 point)
- Veteran Preference: Families whose head of household or spouse is an active-duty member of the U.S. Armed Services, Veteran, or surviving spouse of a Veteran. Verification requires U.S. Government Military documents which indicate the applicant qualifies under the above definition. (1 point)

Within each preference category, applicants will be selected in order of the date and time of their application or randomized lottery number depending on the method established for the wait list opening.

Single applicants who are elderly or disabled single persons will be assisted before other single persons.

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

If an applicant makes a false statement in order to qualify for a preference, GHA will deny the preference.

If the GHA denies a preference, GHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal review.

If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if he/she believes they have been discriminated against.

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

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

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

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

Only applicants who submitted complete pre-applications prior to the deadline will be placed on the list for selection. Applicants who did not submit complete pre-applications or submitted the pre-application after the deadline will not be placed on the list. GHA may enhance addresses provided by applicants and/or in its system of record to standardize and/or make minor corrections to the address so that it is compliant with delivery standards.

Once the list of all applicants has been created, families will be selected for the waiting list based upon the points for preferences and by date and time of application where more

than one family has the same number of points. When a family is selected from the waiting list, the family will be required to submit a full application and documentation, including verification of preferences, to determine eligibility prior to housing assistance becoming available.

## **4.8 Assistance Targeted by HUD**

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

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

The GHA administers the following types of targeted funding:

- Veterans Affairs Supportive Housing (VASH)
- Foster Youth Initiative

### **4.8.1 Foster Youth to Independence Initiative**

[Link: PIH Notice 2019-20](#)

The GHA administers the Foster Youth to Independence Initiative (FYI) to provide Tenant Protection Vouchers for youth eligible under the Family Unification Program (FUP). Youth (including single member and family households) certified by the public child welfare agency (PCWA) to be eligible if they:

- Attained at least 18 years and not more than 24 years of age
- Left foster care, or will leave foster care within 180 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act at age 16 or older
- Are homeless or at risk of becoming homeless

### **Wait List and Selection**

The GHA, upon receipt of a referral(s) from the Public Child Welfare Agency (PCWA) of an eligible youth, will compare the name(s) with youth already on the GHA HCV waiting list. Any youth on the GHA waiting list that matches with the PCWA's referral will be assisted in order of their position on the waiting list in accordance with GHA admission policies. Any youth certified by the PCWA as eligible and not on the HCV waiting list will be placed on the waiting list. If the GHA has a closed HCV waiting list, it will be reopened for referred youth if vouchers are available. The PHA may reopen the waiting list to accept an FYI eligible youth without opening

the waiting list for other applicants. PCWA has a system for identifying FUP-eligible youth within the agency's caseload and review referrals from the GHA and from the local Continuum of Care. The PCWA system for prioritization of referrals will ensure that youth are prioritized for a FYI tenant protection voucher based upon level of need and appropriateness of the intervention.

The GHA will request a tenant protection from HUD for each FYI eligible family up to 25 vouchers per fiscal year. The FYI voucher is tenant based only. The voucher may not be used for Project Based Voucher Program. In the event that an FYI family does not use the voucher, the GHA will advise HUD and the voucher will be rescinded.

### Voucher Term

FYI vouchers will receive an initial voucher term of 120 days. Prior to the term of voucher expiration, the GHA will notify the applicant/participant and will offer a extension of 90 additional days.

### Term of Assistance and Turnover

As required by statute, a FYI TPV may only be used to provide housing assistance for youth for a maximum of 36 months. The tenant protection voucher cannot be transferred to another family. The GHA will request HUD for a new tenant protection voucher for each eligible family up to the maximum of 24 vouchers per fiscal year.

### Supportive Services

The GHA will provide additional program briefing to the FYI families to advise them of available services. The PWCA will provide the GHA with a commitment for the provision of required supportive services. The services listed below will be available for a period of 36 months to FYI families receiving rental assistance. FYI families cannot be required to participate in these services as condition of receipt of the voucher.

- Basic life skills information/counseling on money management, use of credit, housekeeping, proper nutrition/meal preparation; and access to health care (e.g., doctors, medication, and mental and behavioral health services).
- Counseling on compliance with rental lease requirements and with HCV program participant requirements, including assistance/referrals for assistance on security deposits, utility hook-up fees, and utility deposits.
- Providing such assurances to owners of rental property as are reasonable and necessary to assist a FUP-eligible youth to rent a unit with a voucher.

- Job preparation and attainment counseling (where to look/how to apply, dress, grooming, and relationships with supervisory personnel, etc.).

Educational and career advancement counseling regarding attainment of general equivalency diploma (GED); attendance/financing of education at a technical school, trade school or college; including successful work ethic and attitude models.

## **4.9 Continuously Assisted Families**

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

GHA will consider a family to be continuously assisted if the family was leasing a unit under any 1937 Housing Act program at the time, they were issued a voucher by GHA. As noted in this Plan, families being relocated from the GHA's public housing have priority for vouchers and qualify as continually assisted.

When continuously assisted families face loss of housing assistance either because the owner of the property in which they live choose not to renew a subsidy contract or because the property must be vacated for demolition, sale or total rehabilitation, such families may receive vouchers as continuously assisted families (and special non-waiting list admissions).

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

Link: [Witness Relocation Program](#)

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

## **4.11 Income Targeting Policy**

Link: [24 CFR 982.201](#)

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

## **4.12 Fungibility**

Link: [Quality Housing and Work Responsibility \(QHWRA\) Act](#), aka Public Housing Reform Act or Housing Act of 1998

GHA will exercise fungibility between the Housing Choice Voucher and public housing programs as allowed by HUD to meet income targeting requirements and as also stated in the GHA's Admission and Occupancy Policy.

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

GHA will notify the family in writing when it is selected from the waiting list. The notice will include who must attend a mandatory appointment, the date, time and location for the appointment and the required documents to bring to the eligibility appointment. Applicants will be admitted according to completion of the required documentation and attendance at the eligibility appointment.

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

## Chapter 5-Initial and Continuing Eligibility

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

### 5.1 Qualifications for Admission

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

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

#### 5.1.1 Income Eligibility

Links: [24 CFR 982.201\(b\)](#); [982.4](#); [248.101](#) & [248.173 \(homeownership\)](#)

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

To determine if the applicant is income eligible, the GHA will compare the annual income of the family to the HUD published GHA income limit for the family's size.

#### 5.1.2 Restrictions on Eligibility due to Family Net Assets

Link: 24 CFR 5.618(a); 24 CFR 5.618(a)(ii)

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

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

The restriction on owning real property does not apply to:

- A family that receives assistance for the property under the Housing Choice Voucher Program for:
  - Manufactured home (24 CFR 982.620)
  - Homeownership Option

- Property jointly owned with someone else and occupied by the other owner who is not a member of the household receiving benefits.
- A victim of domestic violence, dating violence, sexual assault, or stalking.
- A family that is offering the property for sale.

A family that owns a property may show it is not “suitable for occupancy” if it:

- Does not meet the disability-related needs for all members of the family.
- Is not sufficient for the size of the family.
- Is located where it would be a hardship for the family.
- Example: the location would be a hardship for the family’s commute to work or school
- Is unsafe because of physical condition.
- Unless issues can be “easily remedied”
- Cannot be a residence per local or state laws.

### 5.1.3 Social Security Number Disclosure

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

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

If GHA determines that the applicant is otherwise eligible to participate in a program, the applicant may retain its place on the waiting list for the program for up to 90 days but cannot become a participant until it can provide the documentation to verify the SSN of each member of the household. The GHA may accept the self-certification of SSN if the family member is able to provide a third-party document which includes the applicants name and is from a source such as a bank or other federal program.

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

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

If the applicant family fails to produce the documentation required within the required time period, the GHA must follow the provisions of [§ 5.218](#).

#### 5.1.4 Citizenship Requirements

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

GHA will verify the citizenship/immigration status of applicants at the time other eligibility factors are determined. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance. Each family member must declare whether the individual is a citizen, national or an eligible noncitizen. Family members who declare citizenship or national status will not be required to provide additional documentation supporting the individual's declaration of citizenship and national status unless NHRA receives information indicating that an individual's declaration may not be accurate, such as a birth certificate. All eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age. Prior to being admitted, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original USCIS documentation. Family members who do not claim to be citizens, nationals or eligible noncitizens, or whose status cannot be confirmed, must be listed on a statement of non-eligible members and the list must be signed by the head of household.

## 5.2 Family Definition

Link: [24 CFR 5.403](#)

To be eligible for admission, an applicant must qualify as a family. Family as defined by HUD includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- A single person, who may be an elderly person, displaced person, or any other single person including
  - Is an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age;
  - Has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)); and
  - Is homeless or is at risk of becoming homeless at age 16 or older
- A group of persons residing together, and such group includes, but is not limited to:
  - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family); unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income limit.

- Child (minor) relationship is determined only by: birth, adoption, a court order establishing custody, or a legal order from the social service agency, (i.e. Child Protective Services, DES, etc.).
- An elderly family;
- A disabled family;
- A displaced family; and
- The remaining member of a participant family.

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

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

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

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

#### 5.2.1 Head of Household

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

#### 5.2.2 Joint Custody

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

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

### 5.2.3 Family Break Up

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

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

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

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

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

### 5.2.4 Remaining Family Member

A remaining family member is defined as a family member listed on the most recent recertification who is 18 years of age or older, who meets all other eligibility criteria and who continues to live in the unit after all other family members have left. If the head of household leaves the HCVP for any reason, any remaining adult in the household may be designated by the remaining family as the head of household. If there are no remaining adults in the household, GHA may, at its discretion, allow another person related to the remaining tenant family by blood or marriage or court action to assume head of household responsibilities, even though that person was not previously listed on the lease.

### 5.2.5 Foster Youth/Foster Adult/Live In Aide

Foster adults, foster children and live-in aides are members of the household (and therefore will be considered when determining appropriate unit size and utility allowance), they are not

considered members of the family for purposes of determining either annual and adjusted income or net family assets, nor are their assets taken into consideration for purposes of the asset limitations.

### **5.3 The Student Rule**

Link: [24 CFR Section 5.612](#)

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

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the [Higher Education Act of 1965 \(20 U.S.C. 1002\)](#);
- Is under 24 years of age;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child; and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act.

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

### **5.4 Guests/Visitors**

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

A guest may not stay overnight for more than fourteen (14) consecutive days or fourteen (14) cumulative days in a twelve (12)- month period or GHA will consider the person(s) unauthorized persons in the unit. A family may request an exception to this policy for valid reasons (e.g. care of a relative recovering from a medical procedure is expected to last 40 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

The family must notify the GHA in writing of the children(s) names and timeframes the children(ren) will be in the household if the participant has children who are subject to a joint

custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the unit more than 50 percent of the time.

In making the determination if the person is an unauthorized household member, GHA will consider:

- Statements from Landlord, neighbors and/or GHA staff
- Special Inspection
- Vehicle license plate verification
- Post Office records
- Driver's license verification
- School records
- Law enforcement reports
- Credit reports

## **5.5 Eligibility Process**

Families selected from the waiting list are required to submit a complete Eligibility Packet and all required documents. The family will be sent the Eligibility Packet to their last known address. The packet must be complete in order for eligibility to be determined. Incomplete packets will not be accepted. The family will be given a list of missing documents and the timeframe for submission. Applications are processed based on first complete packet returned to the GHA office.

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

If the required documents and information are not provided within the required time frame (plus any extensions) the family will be sent a notice of denial. An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

### 5.5.1 Eligibility Notification

The GHA will notify a family in writing of their eligibility. If the GHA determines that the family is ineligible, the GHA will send written notification of the ineligibility determination. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal hearing and tenant protections under VAWA.



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## 5.6 Criminal Background Policy

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

The GHA will perform criminal records checks at application for all adult household members (defined as 18 years of age or older), when porting in to GHA's jurisdiction, when moving to a new unit, when a minor turns 18 or when adding an adult member to the household. The GHA may also perform criminal checks if there is reason to believe the household member(s) may be engaged in criminal activity.

The GHA will conduct criminal records checks that will include a National Criminal History Check. Local/State checks will be conducted where needed. Such checks will also include sex offender registration information. In order to obtain such information, all adult household members must sign consent forms for release of criminal conviction and sex offender registration records on an annual basis.

### 5.6.1 Drug Abuse Treatment Information

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

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

## 5.7 Duplicative Assistance

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

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

- Public or Indian housing assistance
- Other Section 8 assistance (including other participant-based assistance)
- Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974)
- Section 101 rent supplements

- Section 236 rental assistance payments
- Participant-based assistance under the HOME Program
- Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration)
- Any local or State rent subsidy
- Section 202 supportive housing for the elderly
- Section 811 supportive housing for persons with disabilities; (11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance)
- Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, 'housing subsidy' does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

## **5.8 Absences from the Unit**

Link: [24 CFR 982.312](#)

### **5.8.1 Absent Family Member**

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

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

Generally an individual who is or is expected to be absent from the assisted unit for 3 consecutive months or 90 days or more in a 12 month period of time is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 90 consecutive days is considered permanently absent and no longer a family member.

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

### 5.8.2 Absence of Entire Family

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

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

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

If a family is absent from the unit for 180 consecutive days or more the GHA will terminate assistance.

### 5.8.3 Absent Student

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

### 5.8.4 Absences Due to Placement in Foster Care

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

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

#### 5.8.5 Caretaker for a Child

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

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

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

During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify for any deductions from income. If the caretaker is considered a family member, the caretaker must submit an eligibility application, pass all eligibility criteria, and his/her income will be counted as part of the household. Once eligibility is passed, the lease will be transferred to the caretaker as head of household.

#### 5.8.6 Absent Head or Spouse Due to Employment

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

#### 5.8.7 Individuals Absent (Confined) for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member. If there is a question about the status of a family member, the GHA will request verification from a responsible medical professional if the member will be gone less than 90 consecutive days (and up to 180 days after approval of the Section 8 Manager or authorized designee) and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

## **CHAPTER 6: Tenant Rent and Housing Assistance Payment Calculation**

The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the merger date. These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.

In accordance with the regulations, for those Section 8 participant families where there is a HAP Contract in effect entered in to prior to October 1, 1999, the PHA will continue to uphold the rent calculation methods of the pre-merger Regular Certificate, (OFTO,) and Voucher tenancies until the 2nd regular reexamination of family income and composition following the merger date. However, all new leases, moves and new admissions taking effect on or after October 1, 1999 will be subject to the regulations of the new Housing Choice Voucher Program.

The PHA will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the PHA's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(b.) This Chapter explains the PHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

### **6.1. Rent To Owner**

The Rent to Owner is limited only by rent reasonableness. The PHA must demonstrate that the Rent to Owner is reasonable in comparison to rent for other comparable unassisted units. The only other limitation on rent to owner is the maximum rent standard at initial occupancy (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, the family share may not exceed 40 percent of the family's monthly-adjusted income. However, due to the subsidy contributions by the PHA in its mixed-finance developments, there shall be no rent paid by the tenant which exceeds the housing assistance payment in order to maintain the goal of 49% of unassisted units at the sites formerly known as Magnolia Homes and Cedar Terrane. During the initial term of the lease, the owner may not raise the rent to owner.

### **6.2 Making Payments to Owners**

24 CFR 982.451

Once the HAP Contract is executed, the PHA begins processing payments to the landlord. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP Register for the following month. Checks are

disbursed by the Finance Department to the owner each month. Checks are mailed, and if feasible direct deposit.

Checks that are not received will not be replaced until a written request has been received from the payee and a stop payment has been put on the check.

#### 6.2.1 Excess Payments

The total of rent paid by the tenant plus the PHA housing assistance payment to the owner may not be more than the rent to owner. The owner must immediately return any excess payment to the PHA. Owners of the mixed-finance developments located at the sites formerly known as Magnolia Homes and Cedar Terrace may not accept any additional rent from the tenant without the consent of GHA.

Owners who do not return excess payments will be subject to penalties as outlined in the "Owner or Family Debts to the PHA" chapter of this Administrative Plan.

#### 6.2.2 Late Payments to Owners

It is a local business practice in GHA'S jurisdiction for property managers and owners to charge tenants a reasonable late fee for rents not received by the owner or property manager by the due date, notwithstanding any grace period which is typically 5 days past the first of the month. Therefore, in keeping with generally accepted practices in the local housing market, the PHA must make housing assistance payments to the owner promptly and in accordance with the HAP contract.

Proof of "mailed date" will be the: Date the HAP Register was run

Date of receipt of mailing from the Post Office

Proof of "Received by Owner" will be: 5 calendar days after date of mailing by PHA

To assist the PHA in its outreach efforts to owners, and to provide better customer service, the PHA will offer to make automatic monthly HAP deposits into the bank account of the owner for no extra charge. If the owner agrees to such an arrangement with the PHA, the date the bank shows as the deposit date will be the official date of record and will be the determining factor in cases involving late payment penalty.

The PHA will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond the PHA's control, such as a delay in the receipt of program funds from HUD.

The PHA will use administrative fee income or the administrative fee reserve as its only source for late payment penalty. The PHA will not use any program funds for the payment of late fee penalties to the owner.

### 6.3 Rent Reasonableness Determinations

24 CFR 982.507

The PHA will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market. This applies to all programs.

The PHA will not approve a lease until the PHA determines that the initial rent to owner is a it is more than 12 months old.

## **6.4 Payment Standards for all Voucher Programs**

24 CFR 982.503

The Payment Standard is used to calculate the housing assistance payment for a family. Payment Standards are based on gross rent estimates as approved by HUD and published as Fair Market Rents. Each Housing Authority, in order to better serve its participants, defines payment standards based on housing needs and goals. By regulation, housing authorities have the right to define the payment standard as a percentage over or under the FMR, generally 90-110%. Payment standards outside the proscribed range must be approved by HUD and deemed necessary for local housing priorities.

GHA passes payment standards each year, and as needed, to assist in the de-concentration of poverty as mandated by HUD and by Board policy. Using the same data as HUD, GHA determines the poverty concentration of each census tract in Galveston. Any census tract with a poverty rate lower than 20% is identified as a favorable neighborhood and receives a 110% designated payment standard. This may enable families to move into identified "Neighborhoods of Opportunity." Census tracts with a poverty rate higher than 20% will be identified as less favorable and will have a designated payment standard set at 90% of the FMR. The GHA may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

### **6.4.1 Adjustments To Payment Standards**

24 CFR 982.503

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. The PHA will not raise Payment Standards solely to make "high end" units available to Voucher holders, including the market its within its mixed-financed developments located at sites formerly known as Magnolia Homes and Cedar Terrace in order to maintain the goal of 49% of unassisted units. The PHA may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

### **6.4.2 Assisted Families' Rent Burdens**

The GHA will review its voucher payment standard amounts at least annually to determine whether more than 40 percent of families in a particular unit size are paying more than 30% of their annual adjusted income for rent.

If it is determined that particular unit sizes in the GHA's jurisdiction have payment standard amounts that are creating rent burdens for families, the PHA will modify its payment standards for those particular unit sizes.

The GHA will increase its payment standard within the basic range for those particular unit sizes to help reduce the percentage of annual income that participant families in the PHA's jurisdiction are paying.

#### 6.4.3 Quality of Units Selected

The GHA will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

#### 6.4.4 PHA Decision Point

The GHA will review the average percent of income that families on the program are paying for rent. If more than 40% of families are paying more than 30% of monthly adjusted income for a particular unit size, the GHA will determine whether families are renting units larger than their voucher size, and whether families are renting units which exceed HUDs HOS and any additional standards added by the PHA in this Administrative Plan.

If families are paying more than 30% of their income for rent due to the selection of larger bedroom size units or luxury units, the PHA may decline to increase the payment standard. If these are not the primary factors for families paying higher rents, the GHA will continue increasing the payment standard.

#### 6.4.5 Rent to Owner Increases

The GHA may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

#### 6.4.6 Time to Locate Housing

The GHA may consider the average time period for families to lease up under the Voucher program. If more than 60% of Voucher holders are unable to locate suitable housing within the term of the voucher and the GHA determines that this is due to 70% of rents in the jurisdiction being unaffordable for families even with the presence of a voucher the Payment Standard may be adjusted.

#### 6.4.7 Lowering of the Payment Standard

Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered. In any case, the Payment Standard will not be set below 90 percent of the FMR without authorization from HUD. Financial Feasibility

Before Increasing the Payment Standard, the GHA may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the GHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

#### 6.4.8 File Documentation

A file will be retained by the PHA for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

#### F. Exception Payment Standards

If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount established by the PHA for the exception area in accordance with regulation 24 CFR 982 .503.

### **6.5 Owner Payment in the Pre-Merger Regular Certificate Program**

24 CFR 982.502(d)]

The HUD regulations relating to owner rent adjustments applicable to the Regular Tenancy Program will be used until the HAP Contract is no longer effective which will be no later than the second regular reexamination of the family after the merger date. Here is where we insert information about the Rent Adjustments for these contracts.

The PHA (will/will not) notify owners of their right to request a rent adjustment.

Owners must request the rent increase In writing. Any increase will be effective the later of (1) the anniversary date of the Contract, or (2) at least 60 days after the owners request is received. The approval or disapproval decision regarding the adjustment will be based on HUD-required calculations and a rent reasonableness determination. The adjustment may be an increase or a decrease.

The notice of rent change does not affect the automatic renewal of the lease and does not require a new lease or contract or even an executed amendment.

For terminations of Premerger Regular Certificate HAPS, see "Contract Terminations" chapter.

### **6.6 Owner Payment in the Pre-Merger Over Fair Market Rent Tenancy**

(OFTO) AND VOUCHER PROGRAMS [24 CFR 982.e02(b)

The HUD regulations relating to owner rent adjustments applicable to the Over Fair Market Rent Tenancy Program will be used until the HAP Contract is no longer effective which will be no later than the second regular reexamination of the family after the merger date.

### 6.6.1 Payments in Mixed-Finance Developments

It is the desire of GHA to maintain 49% of unassisted units in the mixed-finance developments located at the sites formerly known as Magnolia Homes and Cedar Terrace. In order to achieve this goal, the GHA subsidy contribution shall not exceed 51% in the mixed finance developments located at the sites formerly known as Magnolia Homes and Cedar Terrace. Additionally, there shall be no payment of additional rent made by the tenant in the mixed finance developments known as Magnolia Homes and Cedar Terrace. The Owners of these developments may not accept a tenant contribution should the rent amount exceed the amount of the tenant based voucher without the prior consent of GHA.

## 6.7 Definition of Income

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

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

All amounts received by the head of household, co-head, or spouse, including the income of a day laborer, independent contractor, and seasonal worker are included in annual income regardless of age, unless otherwise excluded in paragraph (b) of 24 CFR § 5.609.

Annual income also includes all actual anticipated income from assets even if the asset is excluded from net family assets but the income from the asset is not otherwise excluded. Annual income will include the income from assets, if known, for total family net assets less than \$50,000 (an amount to be adjusted annually by HUD). Imputed returns on net family assets are included in annual income only when net family assets exceed \$50,000 (an amount that HUD will annually adjusted for inflation) and actual asset income cannot be calculated for all assets.

### 6.7.1 Earned Income

Link: 24 CFR § 5.100

Earned Income is defined as means income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income

received in which no goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.

#### 6.7.2 Unearned Income

Unearned income means any annual income, as calculated under 24 CFR § 5.609, that is not earned income.

#### 6.7.3 Non-recurring Income

Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. The list of exclusions is codified at 24 CFR § 5.609(b)(24) as nonrecurring income.

### **6.8 Earned Income Disallowance (EID) Policy**

Link: [24 CFR 5.617](#)

The following provision of 6.2 EID Policy expired on January 1, 2024. Families enrolled in the EID policy on or before December 31, 2023 will be allowed to complete the income phase in periods pursuant to the provisions below.

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

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

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

### 6.8.1 Disallowance of Earned Income

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

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

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

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

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

## 6.9 Self-Employment Income

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

Gross income received through self-employment or operation of a business; with the exception of the following which is considered income:

- Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness will 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 IRS regulations; and
- 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.

Note: gross income is the total income that a business brings in and is not reflective of the costs of operating a business or of being self-employed.

#### 6.9.1 Co-Owned Businesses

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

### 6.10 Assets

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

Net family assets are defined as the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of investment, except as excluded. See **Appendix B** (at end of Chapter or Amin Plan): Asset Exclusions.

Effective upon the GHA HOTMA Compliance Date, if the Household has net assets valued in excess the maximum amount currently set at \$50,000 (to be adjusted annually by HUD), the annual income will include the greater of the actual income derived from all assets or a percentage of the value of such assets based on the current passbook savings rate as determined by HUD.

#### 6.10.1 Jointly Owned Assets

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

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

#### 6.10.2 Disposed Assets

In determining net family assets, the GHA includes the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in

trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be for less than fair market value if the applicant or tenant receives consideration not measurable in dollar terms. Negative equity in real property or other investments does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

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

#### 6.10.3 Asset owned by business entity.

If a business entity (e.g., limited liability company or limited partnership) owns the asset, then the family's asset is their ownership stake in the business, not some portion of the business's assets. However, if the family holds the assets in their own name rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets.

#### 6.10.4 Necessary and Non-Necessary Personal Property

Link: [24 CFR § 5.603](#)

Effective upon the GHA HOTMA Compliance Date, necessary personal property is excluded from net family assets. Non-necessary personal property with a combined value greater than \$50,000, (amount to be adjusted by HUD annually), is considered part of net family assets. When the combined value of all non-necessary personal property does not exceed the annual maximum amount, all non-necessary personal property is excluded from net family assets.

Necessary personal property are items essential to the family for the maintenance, use, and occupancy of the premises as a home; or they are necessary for employment, education, or health and wellness. Necessary personal property includes more than merely items that are indispensable to the bare existence of the family. It may include personal effects (such as items that are ordinarily worn or utilized by the individual), items that are convenient or useful to a reasonable existence, and items that support and facilitate daily life within the family's home. Necessary personal property also includes items that assist a household member with a

disability, including any items related to disability-related needs, or that may be required for a reasonable accommodation for a person with a disability. Necessary personal property does not include bank accounts, other financial investments, or luxury items.

#### 6.10.5 Trusts as Net Family Assets

Link: 24 CFR §§ 5.603 and 5.609

The value of irrevocable trusts and revocable trusts that are not under the control of the family are both excluded from net family assets.

Revocable trust that is under the control of the family or household (e.g., the grantor is a member of the assisted family or household) is included in net family assets, and, therefore, income earned on the trust is included in the family's income from assets.

GHA will calculate imputed income on the revocable trust if net family assets are more than \$50,000, as adjusted by inflation, and actual income from the trust cannot be calculated (e.g., if the trust is comprised of farmland that is not in use)

#### 6.10.6 Trust Distributions and Annual Income

If the value of the trust is considered part of the family's net assets, then distributions from the trust are not considered income to the family. If the value of the trust is not considered part of the family's net assets, then distributions from the trust are treated as follows:

- All distributions from the trust's principal are excluded from income.
- Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust's principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor.

#### 6.10.7 Excluded Assets

The following are examples of excluded assets excluded. The full list of exclusions is provided in **Appendix B, Excluded Assets**. If the family owns an excluded asset, its value does not count toward the restriction due to net family assets.

- Necessary items of personal property (such as Medical devices, vehicle for commute)
- Non-necessary items of personal property if the combined total value does not exceed \$50,000 (amount to be adjusted annually)
- Retirement account recognized by IRS
- Real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located

- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member, for an incident resulting in a disability
- The value of certain education or disability support savings accounts
- Income earned on amounts placed in a family's FSS account.

## 6.11 Lump Sum Payments

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

### 6.11.1 Prospective Calculation Methodology

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

The entire lump-sum payment will be added to the annual income at the time of the interim.

The GHA will determine the percent of the year remaining until the next annual re-certification as the date of the interim (three months would be 25% of the year).

At the next annual re-certification, the GHA will apply the percentage balance (75% in this example) to the lump-sum and add it to the rest of the annual income.

The lump-sum will be added the same way for any interims which occur prior to the next annual re-certification.

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

### 6.11.2 Retroactive Calculation Methodology

The GHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The GHA will determine the amount of income for each re-certification period, including the lump sum, and re-calculate the participant rent for each re-certification period to determine the amount due the GHA.

The family has the choice of paying this retroactive amount to the GHA in a lump sum. At the GHA's option, the GHA may enter into a repayment agreement with the family

The amount owed by the family is a collectible debt even if the family becomes unassisted.

### 6.11.3 Attorney Fees

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

## 6.12 Excluded Income

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

The following are types of excluded income. The full list of exclusions are provided as **Appendix A, Excluded Income**:

- Earned income of children (including foster children) under the age of 18 years
- Earned income of dependent full-time students in excess of the amount of the deduction for a dependent.
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the family, who are unable to live alone);
- Income of foster child or foster adult
- 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
- Income and distributions from any Coverdell educational savings account or any qualified tuition program under IRS sections 529 and 530
- Income earned by government contributions to, or distributions from "baby bond" accounts created, authorized, or funded by federal, state, or local government.
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
- Income of a live-in aide, as defined [in 4 CFR §5.403](#);
- Reimbursements for Health and Medical Care Expenses. Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member.
- Insurance payments and settlements for personal or property loss including, but not limited to: payments through health insurance, motor vehicle insurance, and workers' compensation.
- Income received from any account under an IRS-recognized retirement plan. However, any distribution of periodic payments from these accounts shall be income at the time they are received by the family.

- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire
- Payments related to aid and attendance for veterans under 38 U.S.C. 1521.
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family having a disability.
- Deferred periodic amounts from supplemental security income and Social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts
- Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit
- Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs. That includes assistance under any program to which the exclusions set forth in [24 CFR 5.609\(c\)](#) apply

#### 6.12.2 Income from Training Programs

Incremental earnings and benefits from training programs funded by HUD or qualifying federal, state, tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff.

Excluded amounts must be received under employment training programs with clearly defined goals and objectives and only excluded during participation in the program unless the amounts are excluded as Federal Financial Aid (§ 5.609(b)(9)(i)).

#### 6.12.3 Student Financial Assistance (24 CFR 5.609(9)(i), (ii))

##### **Title IV HEA Assistance**

Any assistance that section 479B of the Higher Education Act of 1965, as amended (20 U.S.C. 1087uu), requires to be excluded from a family's income including Bureau of Indian Affairs or Department of Education student assistance programs. These amounts are only excluded up to the cost that covers tuition and other required fees in Section 8 households if the student is the head of household or that person's spouse.

##### **Other Student Financial Assistance**

Student financial assistance, not excluded under the HEA for "actual covered costs" of higher education paid directly to the student or to the educational institution on the student's behalf.

#### 6.12.4 State Payments to Allow Individuals with Disabilities to Live at Home

These payments must be made by or authorized by a state Medicaid managed care system or other state agency (includes: state Medicaid-managed care system, other state agency, or authorized entity) to a family to enable a family member who has a disability to reside in the family's assisted unit.

### 6.13 Deductions from Income

Link: [24 CFR 5.611](#)

#### 6.13.1 Dependent and Elderly Family Deduction

##### Dependent Deduction

The dependent deduction amount is \$480 (2024). HUD will adjust this amount annually (and applies to a family's next annual or interim reexamination after the annual adjustment, whichever is sooner.

##### Elderly/Disabled Family Deduction

Effective on the GHA HOTMA Compliance Date, the elderly/disabled family deduction increases from \$400 to \$525 and applies to a family's next interim or annual reexamination, whichever is sooner. HUD will adjust this amount annually.

#### 6.13.2 Health and Medical Care Expense

Health and medical care expenses, as defined in 24 CFR § 5.603, include costs incurred for the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed. Medical insurance premiums continue to be eligible health and medical care expenses.

The sum of unreimbursed health and medical care and reasonable attendant care and auxiliary expenses that exceed 3 percent (which will increase to 10% effective on the GHA HOTMA Compliance Date) of the elderly or disabled family's annual income can be deducted from annual income.

#### 6.13.3 Attendant Care and Auxiliary Apparatus Expenses

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

the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

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

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

In order to claim the deduction for the cost of unreimbursed reasonable attendant care and auxiliary apparatus expenses, the family must include a person with a disability, and the expenses must enable any member of the family (including the member who is a person with a disability) to be employed. If the unreimbursed reasonable attendant care and auxiliary apparatus expense exceeds the amount earned by the person who was enabled to work, the deduction will be capped at the amount earned by that individual.

#### 6.13.4 Both Medical and Disability Expenses

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

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

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the

apparatus itself) is an eligible expense. The cost-of-service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

#### 6.13.5 Childcare

Child care is allowed as a deduction from income for children less than 13 years of age. The family must identify the family member(s) enabled to pursue an eligible activity: seeking work, pursuing an education or being gainfully employed.

##### *6.13.5.1 Allowable Child Care Activities and Expenses*

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

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

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

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

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

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

#### *6.13.5.2 Seeking Work*

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

#### *6.13.4.3 Furthering Education*

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

#### *6.13.5.4 Being Gainfully Employed*

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

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

### **6.14 Prior Year Income**

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

## 6.15 Anticipated Income

The GHA currently uses Anticipated Income to determine annual income for all household income determinations. Effective upon the GHA HOTMA Compliance Date, for the purposes of initial eligibility, new admission and interim recertifications, the GHA will use current income to anticipate the annual household income. In such cases, the GHA will review and analyze current data to anticipate annual income.

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

## 6.16 Total Tenant Rent and HAP

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

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

### Total Tenant Payment is the higher of:

- 30% of adjusted monthly income; or
- 10% of monthly income;
- Not less than the Minimum Rent of \$50
  - The GHA will waive minimum rent for families with a VASH voucher

### Tenant Rent

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

### Rent to Owner

Rent to owner is the greater of:

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

## 6.17 Utility Allowances and Utility Reimbursements

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

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

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

When the utility allowance exceeds the family's Total Participant Payment, GHA will provide the family a utility reimbursement payment.

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

GHA will review the utility allowance schedule annually and revise it when needed. Revised utility allowances will be applied in a family's rent calculation at the next annual re-certification.

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

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

GHA also has the option to provide the utility reimbursement payment directly to the utility company on behalf of the family.

## 6.18 Hardship Exemptions

Link: [24 CFR 5.630](#)

### 6.18.1 Health and Medical Care Expense Hardship

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

The hardship remedy will be phased in as follows:

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

### 6.18.2 General Financial Hardship

Effective upon the GHA HOTMA Compliance Date, to receive general relief, an elderly or disabled family or a family that includes a person with disabilities must demonstrate that the family's unreimbursed health and medical care expenses or unreimbursed reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim reexamination. Examples of circumstances constituting a financial hardship may include the following situations:

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

The hardship remedy for this provision is the deduction of expenses exceeding 5% of their annual income for the sooner of 90 days or when the circumstances end. The GHA may, at their discretion, extend the relief for one or more additional 90-day periods while the family's hardship continues.

Families must report to the GHA when the circumstances that made the family eligible for the hardship exemption are no longer applicable.

### 6.18.3 Hardship for loss of Childcare Expense

A family whose eligibility for the childcare expense deduction is ending may request a financial hardship to continue the childcare expense deduction. The GHA will recalculate the family's adjusted income and continue the childcare deduction if the family demonstrates that they are unable to pay their rent because of loss of the childcare expense deduction, and the child care expense is still necessary even though the family member is no longer employed or furthering his or her education. For purposes of this hardship exemption, the inability to pay rent is defined as the current tenant portion with monthly qualified expense is greater than 40% of family income.

The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days but may extend such hardship exemptions for additional 90-day periods based on family circumstances. Families receiving a Hardship exemption for Childcare expense must report to the GHA when the circumstances that made the family eligible for the hardship exemption are no longer applicable.

### 6.18.4 Minimum Rent Hardship Exemptions

Link: [24 CFR 5.630](#)

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

- The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent. For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following: (1) implementation of assistance, if approved; or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances. To make a claim under this hardship exemption, the family must provide GHA with proof of application for assistance, or termination of assistance. The proof would be provided by the agency responsible for granting assistance or terminating assistance.

- The family would be evicted because it is unable to pay the minimum rent. For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or participant-paid utilities. The family must be able to document inability to pay the minimum rent at the time of the request
- The family income has decreased because of changed family circumstances, including the loss of employment. To make a claim under this criteria the loss of employment must not be the result of failure to meet employment requirements by the participant. Changed circumstance as defined in this section includes, but is not limited to:
  - Reduction in work hours
  - Reduction in pay rate
  - Reduction in work force
- If a death has occurred in the family. In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income). The deceased family member must be an income producing member of the household, which contribute to the 30% of income used to calculate the participant's rent.

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

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

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

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

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



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## **CHAPTER 7: Request for Tenancy Approval and Leasing**

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

### **7.1 Voucher Briefing**

When eligibility has been determined, the GHA will conduct a mandatory briefing to ensure that families understand how the program works. The briefing will provide a broad description of owner and family responsibilities, GHA procedures and how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program, including the benefits of moving outside areas of poverty and minority concentration.

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

If the family cannot attend the originally scheduled briefing the family must notify the GHA before the scheduled briefing. If the family fails to attend a briefing twice without "good cause", they will be denied admission to the Section 8 Housing Choice Voucher Program. Families unable to attend a briefing due to a disability may request reasonable accommodation.

Good cause is defined by the GHA as having reasons beyond the family's reasonable control including disability-related needs of a household member with disabilities; required attendance at legal proceeding; or health or safety risk due to being a victim of domestic violence, dating violence, sexual assault, or stalking.

Briefings will be conducted in English. For Limited English proficient (LEP) applicants, the GHA will provide translation services in accordance with the LEP Access Guide as needed. GHA follows HUD regulations 24 CFR 982.301 regarding information presented at the briefing and information.

### **7.2 Information to Owners**

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

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

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

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

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

### **7.3 Allowable Housing Types**

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

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

- Single family detached homes
- Duplexes
- Multi-plexus
- Garden apartments
- Condominiums, townhouses
- High-rises
- Manufactured homes where the tenant leases the mobile home and the pad
- Manufactured homes where the tenant owns the mobile home and leases the pad
- Other multi-family rental housing structures

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

- Hotels
- Motels
- Nursing homes
- College or school dormitories

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

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

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

## 7.4 Request for Tenancy Approval (RFTA)

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

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

- Complete RFTA, signed by both the family and the owner, including:
  - Dwelling lease
  - Proof of ownership of the unit to be leased (e.g. deed of trust, most recent year tax statement, warranty deed and management agreement, if applicable);
  - The Owner's EIN or social security number;
  - A W-9 form completed by the owner.
  - If the property is in a corporation, the names of all parties
  - Current street mailing address, Post Office Box addresses will not be accepted
  - Business and home telephone number
  - For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead-based paint disclosure statement.

The RFTA and all associated documents must be submitted in the manner prescribed by the GHA. The family may submit only one RFTA at a time. When the family submits the RFTA the GHA will review the RFTA for completeness. If the RFTA is incomplete (including lack of signature by family, owner, or both), or if the dwelling lease is not submitted with the RFTA, the GHA will notify the family and the owner.

### 7.4.1 Tenancy Addendum

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

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

### 7.4.2 Dwelling Lease

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

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

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

#### 743.2.1 *New Lease Required*

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

## 7.5 Voucher Term

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

The initial voucher term is 90 calendar days. The family must submit a Request for Tenancy Approval that is complete and a proposed lease within the 90-day period unless the GHA grants an extension.

Families with the Veterans Affairs Supportive Housing (VASH) and Foster Youth Initiative (FYI) will be issued voucher with 120 day term.

#### 7.4.1 Voucher Extensions

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

Due to low vacancy rates and to increase leasing success rates, requests for extensions may be submitted to GHA verbally or in writing prior to the expiration of the voucher term. If the request is received verbally, GHA will record the request in the applicant/participant file with: date of request, name of requestor, reason for request and GHA staff name. Extensions are permissible at the discretion of the GHA up to a maximum of an additional 90 days. The maximum time limit on the voucher term (including extensions) is 90 days, except when a reasonable accommodation is granted for persons with disabilities or to find new housing when an assisted household has to be divided as a result of the violence or abuse covered by VAWA.

GHA is not obligated to grant an extension, but may consider any of the following circumstances in its decision:

- Extenuating circumstances such as hospitalization or a family emergency for an extended period of time, which has affected the family's ability to find a unit within the initial sixty-day period. Verification may be required.
- The current housing market

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

Notwithstanding the above, VASH and FYI voucher families will receive a voucher extension of 90 days upon request prior to the expiration of the initial voucher term. GHA will notify the applicant prior to the initial term expiration, to remind them of the term expiration date and the process for requesting an extension of the initial term, and to inquire if the applicant is in need of assistance with their housing search.

#### 7.4.2 Voucher Suspension

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

### 7.6 Subsidy Standards

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

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

#### 7.5.1 Subsidy Standards

Link: [24 CFR 982.402](#)

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

The living room may be used for sleeping quarters and room additions may be used as sleeping quarters per HUD Housing Quality Standard HQS/NSPIRE regulations.

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

- Considered a member of the family in determining the family's unit size;
- Persons of the opposite sex (other than spouses and children under age 6) will be allocated separate bedrooms;
- Single person families will be allocated one bedroom;
- Persons of different generations, persons of the opposite sex (other than spouses), and unrelated adults should be allocated a separate bedroom;
- Foster children will be included in determining unit size only if they will be in the unit for more than 6 months;
- Space may be provided for a child who is away at school but who lives with the family during school recesses;
- Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member in the military;

- A single pregnant woman with no other family members must be treated as a two-person family;
- Any live-in aide (approved by GHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) will be allocated a separate bedroom. A live-in aide's family members may only reside in the unit:
  - With GHA pre-approval;
  - If it will not result in overcrowding;
  - No additional bedrooms will be added to the voucher size.
- A household in which the parent shares joint custody of a dependent child will include the child on the lease and will be counted for purposes of establishing occupancy standards for unit size if:
  - The head of household is legally entitled to physical possession of the child more than 50% of the time; and
  - The child actually physically resides in the unit with the head of household more than 50% of the time; and
  - If the child is school age, the head of household is listed as the legal guardian on the child's school enrollment documentation, and the address of record is the head of household's address.

A total of two additional members per living/sleeping area may be approved at the request of the participant. GHA will only grant increases in voucher size in cases of birth, adoption, court awarded or other legally documented custody.

An exception may be granted to allocate a separate bedroom to a family member, if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. Written verification of disability and need for the medical equipment may be required by GHA prior to allocation of the additional bedroom. All requests for exceptions to the occupancy standards must be submitted in writing and verified by a qualified third party.

#### 7.6.2 Exceptions to Subsidy Standards

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

### 7.6.3 Unit Size Selected by Family

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

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

### 7.6.4 Under-Housed and Over-Housed Families

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

Families will not be required to use rooms other than bedrooms for sleeping purposes in the voucher size determination. Participants may elect to use other areas of the unit as living/sleeping areas in determining the total number of persons eligible to live in the unit as a result of the family's request to add household members. A total of two additional members per living/sleeping area may be approved at the request of the participant. GHA will only grant increases in voucher size in cases of birth, adoption, court awarded or other legally documented custody.

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

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

## 7.7 Security Deposit

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

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

## 7.8 Separate Agreements

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

The GHA permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease. Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.

Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

### **7.9 Initial Rent Burden**

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

### **7.10 Disapproval of RFTA**

If GHA determines the request cannot be approved for any reason, the owner and the family will be notified. GHA will instruct the family of the steps that are necessary to approve the RFTA.

If, for any reason, an RFTA is not approved and the voucher has not expired, GHA will furnish another RFTA form to the family, so the family can continue to search for eligible housing.

The owner may not reside in the assisted unit regardless of whether he/she is a member of the assisted family, unless the family owns the mobile home and rents the pad.

### **7.11 Owner Disapproval**

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

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

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

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

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

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

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

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

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

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



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## CHAPTER 8: Housing Inspection and Rent Reasonableness

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

GHA performs four types of inspections:

- Initial Inspections
- Biennial Inspections
- Annual Inspections
- Special/Complaint Inspections
- Quality Control Inspections

All units occupied by families receiving Housing Choice Voucher (HCV) assistance meet HUD's Housing Quality Standards (HQS). The GHA will apply this standard, or HUD approved successor standard, National Standards for the Physical Inspection of Real Estate (NSPIRE), to housing unit inspections. All units must pass a housing inspection prior to the approval of a lease and at least once every 24 months during the term of the contract, and at other times as needed, to determine that the unit meets inspection standards. The GHA may also accept an alternate inspection from HUD-approved entities (e.g. Low-Income Tax Credit; HOME) if GHA can reasonably determine from the result of that inspection that the unit would meet similar standard of housing quality.

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

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

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

### 8.1 Inspection Charges

Link: [PIH Notice 2016-05](#); [24 CFR §982.405](#)

GHA has established a reasonable fee of \$100.00 to owners for a re-inspection in the following circumstances:

- if an owner notifies the GHA at prior to the abatement of HAP or termination of the HAP Contract, that a deficiency cited in the previous inspection has been repaired and a reinspection reveals that it has not been corrected.

The owner may not pass this fee on to the participant. The owner must pay GHA the fee within 30 days of the fee notice or the HAP contract may be terminated, or the HAP will be reduced by \$100 to satisfy the fee.

## **8.2 Initial Inspections**

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

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

GHA will conduct the initial inspection generally within 10 calendar after receiving a completed RFTA from the family and the unit is ready for inspection.

If the unit fails the initial housing inspection, the owner will be notified of the deficiencies. The owner is required to contact GHA within 10 calendar days of the initial inspection to advise the repairs to have been made. If the unit fails the re-inspection, the family must select another unit. GHA may agree to conduct a second re-inspection when requested and there is good cause to grant the request.

GHA may deny a contract for a unit if the unit has a history of failed inspections for major infractions within the past 24 months. Major infractions include, but are not limited to failing paint issues, plumbing or sewage, heat or hot water, flooding or leaks at window or roofs, gas leaks, or ongoing electrical malfunctions, and evidence by previous participant tenants of excessive utility bills or other such infractions. A minimum of three or more complaint inspections or repeated failures during annual, quality control or complaint inspections in a 24 month period where major infractions were cited, or where ongoing housing inspection violations are documented may be cause for denial of a new contract or termination of an

existing contract. Owners are encouraged to inspect their property periodically during the term of the HAP contract to insure compliance.

### **8.3 Biennial Inspections**

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

GHA will perform housing inspections on units under a HAP contract no less often than every 24 months following the initial inspection and lease effective date. GHA may perform the housing inspection annually for units that have a history of inspection deficiencies; special inspections or; emergency inspections.

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

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

### **8.4 Special Inspections**

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

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

### **8.5 Quality Control Inspections**

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

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

## **8.6 Scheduling Inspections and Family Attendance**

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

The family must allow the GHA to inspect the unit at reasonable times with reasonable notice. The family and owner will be given reasonable notice of all inspections. Except in the case of a life-threatening emergency, reasonable notice is considered to be not less than 48 hours. Inspections may be scheduled between 8:00 a.m. and 4:00 p.m., Monday through Friday. In the case of a life-threatening emergency, the GHA will give as much notice as possible, depending on the nature of the emergency.

### **8.6.1 Missed and Rescheduled Inspections**

An owner is not allowed to cancel an annual, special or quality control inspection.

The family may only request to cancel and reschedule the annual inspection for good cause: e.g. unavoidable conflict, which seriously affects the health, safety or welfare of the family.

GHA may require the family provide documentation in support of the request. The family may only cancel and reschedule the annual inspection and/or any subsequent re-inspections once.

If an adult (regardless of whether that individual is a member of the household) is unable to be present, they must reschedule the appointment so that the inspection is completed within 5 days.

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

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

## **8.7 Emergency Inspections**

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

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS/NSPIRE failures, the GHA will determine if the failure is a life-threatening condition. . The GHA adheres to HUD’s definition of life-threatening conditions and has no additions to this standard.

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

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

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

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

- The GHA will inspect abated units within 5 business days of the owner's notification that the work has been completed.
- Payment will resume effective on the day the unit passes inspection.
- The maximum length of time that HAP may be abated is 180 days.
  - However, if the owner completes corrections and notifies the GHA before the termination date of the HAP contract, the GHA may rescind the termination notice if (1) the family still resides in the unit and wishes to remain in the unit and (2) the unit passes inspection.

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

of the abatement and potential termination of the HAP contract and will provide the family to request a voucher to search for a new unit.

If the owner is unable to gain access to the unit to make repairs due to the family's lack of cooperation, the owner enforce the lease and advise GHA of the lease violation.

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

## **8.8 Owner Inspection Certifications**

Link: [24 CFR 982.404\(a\)\(3\)](#); [Notice PIH 2011-29](#)

At GHA's sole discretion, GHA will either complete a re-inspection or allow the owner and participant to submit a Certification of Work Completed Notice.

If the owner is eligible to submit a Certification of Work Completed Notice, the Certification must be submitted to GHA within 28 calendar days of the failed inspection, must also contain the participant's signature, and documentation of the completed work must be attached, i.e. receipts, pictures, etc. Units where verification of repair by self-certification and/or photographs are used, may be subject to additional quality control inspections.

It is the owner's responsibility to obtain the participant's signature on the Certification and to submit the form to GHA within 28 days of the date of the first inspection, unless an extension is granted.

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

- The unit is not currently under HAP (Initial Inspection)
- The unit has numerous failed items
- The fail is an emergency, 24-hour repair item
- The failed item(s) are of a serious or suspicious nature

## **8.9 Extensions**

Link: [24 CFR 982.404](#)

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

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

The length of the extension will be determined on a case-by-case basis, but will not exceed 60 days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within 30 calendar days, once the weather conditions have subsided.

## **8.10 Family Responsibilities**

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

The family is responsible for correcting inspection failures caused by:

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

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

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

## **8.11 Owner Responsibilities**

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

The owner is responsible for all inspection violations not listed as a family responsibility above. In order for a unit that has failed two consecutive inspections to be scheduled for a third

inspection the owner must provide GHA with written certification that all deficiencies have been corrected. Only upon receipt of this certification will additional inspections be scheduled. When inspection deficiencies are the Owner's responsibility, the GHA will charge the Owner a non-refundable reasonable fee of \$100.00 for conducting a third re-inspection. The reasonable fee must be paid to GHA prior to scheduling the third re-inspection and any other inspections after that inspection. GHA requires that the Owner or an authorized representative of the Owner participate in such re-inspections.

#### 8.11.1 Lead Safe Homes Rule

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

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

- Initial notification of a confirmed case to HUD: In the event that the owner becomes aware of the above, the Owner must notify GHA, who will collaborate with notification to the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes of the case – that is, the child's address – within 5 business days.
- Initial notification of the public health department, when necessary: When the Owner is notified of the case by any medical health care professional other than the public health department, the owner will notify GHA, who will notify the public health department of the name and address of the child within 5 business days.
- Verification of the case, when necessary: When the Owner receives information from a person who is not a medical health care provider that a case may have occurred, the owner should immediately convey the information to GHA so the GHA may notify the public health department, if GHA has indicated, or indicates at this time, that it wishes to collaborate with the owner on implementation of the rule, as described in PIH Notice 2017-13 and as follows.
  - Control of lead-based paint hazards: Completing the reduction of lead-based paint hazards in the index unit and common areas servicing that unit that were identified by the environmental investigation conducted by the PHA within 30 calendar days, using a certified lead-based paint abatement firm or certified lead renovation firm. Work will include occupant protection, and clearance of the unit and common areas servicing that unit by an independent certified risk assessor or a trained dust sampling technician working under the risk assessor in accordance with section 35.1340.

- Notification to other residents: As already required by the LSHR, in a multiunit property, the owner must notify all residents of lead evaluation and hazard control activities.
- Ongoing maintenance: Maintaining covered housing without deteriorated paint if there is child under 6 in the family in accordance with sections 35.1220 and 35.1355(a).

## 8.12 Rent Reasonableness

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

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

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

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

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

### 8.12.1 Decreases in the Fair Market Rent

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

In the event that HUD FMRs' decrease, GHA will allow families that are currently under a HAP contract to continue to use the payment standard in effect if the family continues to receive voucher assistance in that unit. However, if the family moves to a new unit or in the event that the family is no longer eligible for the unit size, the new payment standard will be applied.

### 8.12.2 Methodology

The GHA contracts with a third-party provider to collect and maintain data on market rents in the GHA's jurisdiction for unit rent reasonableness. Information sources may include newspapers, Internet, realtors, market surveys, inquiries of owners, owner information listed on the RFTA, and other available sources. The data is maintained by bedroom size and market

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

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable unassisted units in the same market area. Because units may be similar, but not exactly like the unit proposed for HCV assistance, the GHA utilizes a simplified rent reasonableness system that compares similar units and includes and considers the HUD factors. Information is gathered on unassisted rental units in the GHA market area, and each unit is rated using the GHA's rent reasonableness system. Using an automated method, the average rents are identified for units of like size and type within the same market area. Attempts will be made to localize the unit within a small jurisdiction (under a mile radius). The average will be adjusted up or down based on the estimated dollar value of the comparable items in comparison with the total database.

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

The GHA will notify the owner of the unit's rent reasonableness amount. The owner may submit information about other comparable units in the market area within 10 calendar days of GHA's notification. The GHA will confirm the accuracy of the information provided and consider this additional information when making final rent reasonableness determinations.

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

## CHAPTER 9: Housing Assistance Payment Contract

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

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

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

### 9.1 HAP Payments

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

Once the HAP Contract is executed, GHA will process housing assistance payments to the owner. The HAP contract is not effective until the unit has passed housing inspection. GHA is not responsible for any part of the rent prior to the date the unit passes inspection and the HAP contract is fully executed.

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

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

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

Late payment of HAP to the owner is subject to the late fees specified in the owner's lease.

GHA is not responsible for payment of late fees caused by:

- The participant's late payment of rent
- Late HUD fund transfer
- HAP payments on hold (HQS/NSPIRE, etc.)
- Any other HUD allowed reason and circumstances beyond GHA control.

Owner payments will be placed on hold if:

- The unit fails HQS/NSPIRE

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

## 9.2 Owner Rent Increases

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

After the initial lease period, the owner may request a rent increase according to the terms in the lease. All rent increases must be submitted in writing to GHA by the owner, along with a copy of the rent increase notice to the participant. The owner must provide 60 days advance notice to the participant and the rent increase must be requested on the GHA Rent Increase Form.

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

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

## 9.3 Unit Ownership Changes

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

- Proof of ownership, i.e. copy of escrow statement, deed of trust, or other document showing the transfer of title.
- Completed W9 with Social Security or Employee Identification Number
- In cases where the owner has elected to utilize the services of a property management company or has otherwise designated an agent to act on his/her behalf, GHA may request a copy of the management or agent agreement, a statement from the owner identifying the individual/s authorized to execute HAP Contracts on his/her behalf in addition to proof of ownership documentation.

- GHA utilizes direct deposit as the method of payment of HAP obligations. Owners are required to provide a Tax Identification Number (TIN) or a Social Security Number that matches their banking information. GHA will not enter into a contract where the owner is unable to establish a TIN/SSN that matches names or entities identified on ownership documents or where the owner elects not to accept direct deposit.
- Owner Certification
- The effective date of the HAP contract assignment;
- A written agreement to comply with the terms of the HAP contract; and
- A certification that the new owner is not a prohibited relative.
- When a change in ownership occurs, the new owner legally assumes the current lease and the current HAP contract. At GHA's or the new owner's request a new HAP contract may be executed, however the lease terms remain the same and new HAP term matches the existing lease.

#### **9.4 HAP Contract Terminations**

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

All terminations of a HAP contract initiated by GHA will be sent in writing to the owner and family. Automatic termination of HAP payments result when:

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

- Family obligation violations

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

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

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

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

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

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

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

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

## CHAPTER 10: Verifications

Links: [24 CFR 982.516](#), [24 CFR 982.551](#), [24 CFR 5.230](#), [24 CFR 5.609\(d\)](#); [Notice PIH 2010-19](#); [Notice PIH 2018-18](#); [HCV GB p5-17](#),

The family must supply any information that GHA or HUD determines necessary to the administration of the program and must consent to the GHA verification of that information. All adult applicants, members of the family turning 18 and added adult members must sign the [HUD-9886A, Authorization for Release of Information](#). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Failure to sign consent forms or revoking consent previously granted will result in denial of admission for applicants and lease termination for participants. The family will be informed of the denial or termination in accordance with GHA policies and will be provided information on requesting an informal hearing.

### 10.1 Methods of Verification

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

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

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

#### 10.1.1 EIV Verification Process

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

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

The GHA is not required to review EIV no longer required to use EIV to verify tenant employment and income information during an interim reexamination of family composition

and income but may choose to do so if the GHA has reason to believe the report would be useful to identify income or a discrepancy in the amounts reported by the family. The GHA will inform all applicants and participants of its use of the following UIV resources during the admission process: HUD's EIV system.

#### 10.1.2 Requirements for Non-EIV Verifications

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

- Any third party documents supplied by the applicant or participant used for verification must be original or authentic documents and must be dated within 60 days of the request date. The documents must not be damaged, altered or in any way illegible.
- Print-outs from web pages are considered acceptable documents.
- The GHA staff member who views the document will make a photocopy, note the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.

#### 10.1.3 Third Party Written Verifications

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

The GHA will use review of documents in lieu of requesting third-party verification when the market value of an individual asset or an expense is less than \$5,000 annually **and** the family has original documents that support the declared amount.

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

#### 10.1.4 Third Party Oral Verifications

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

#### 10.1.5 Family Self-Certifications

Link: Notice [PIH 2013-03](#)

The documents in the application packet and annual re-certification packet serve as the family's self-certifications. When the GHA is unable to obtain third-party verification, the GHA will

document in the family file the reason that third-party verification was not available. When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the GHA. GHA may require the family to certify that a family member does not receive a particular type of income or benefit. The self-certification must be made in a format acceptable to the GHA and must be signed by the family member whose information or status is being verified.

The GHA will accept a self-certification from a family as verification of:

- Assets disposed of for less than fair market value
- Ownership of real property
- Assets valued less than the annual threshold established by HUD. The GHA will verify asset values no less often than at admission and every third year.
- Social Security Number if self-certification is supported by other third party documentation such as (but not limited to) bank account or other federal program information.

## **10.2 Excluded Income Verifications**

Link: [Federal Register 12/14/12](#)

Fully excluded income (e.g. food stamps, etc.) no longer requires verification and is not required to be reported on the HUD 50058.

## **10.3 Eligibility Verifications**

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

- Household composition, demographics and type (Elderly/Disabled/Non-elderly)
- Annual Income
- Assets and Asset Income
- Deductions from Income
- Social Security Numbers of all household members
  - Pending disclosure and documentation of social security numbers, the GHA will allow the family to retain its place on the waiting list for 90 days. If not all household members have disclosed their SSNs at the next time a voucher becomes available, the GHA will offer a voucher to the next eligible applicant family on the waiting list.

- Citizens and lawfully present noncitizens who state that they have not been assigned an SSN by the SSA will make such declaration in writing and under penalties of perjury to GHA.
  - If the family provides an unacceptable document, the GHA will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the GHA within 60 days.
  - If the family certifies that the required evidence is temporarily unavailable and it needs more time, the GHA may provide an extension of up to 30 days to submit evidence of eligible status, if the family has submitted the required declaration of eligible immigration status. To obtain an extension, the family must also certify that prompt and diligent efforts will be undertaken to obtain the evidence.
  - Once an individual's status is classified as "verified" in HUD's EIV system, the GHA may remove and destroy copies of documentation accepted as evidence of social security numbers.
- Applicant Criminal History Information
  - Citizenship or eligible immigration status

## **10.4 Legal Identity Verification**

The GHA will require families to furnish verification of legal identity for each household member. A photo ID is required for each adult family member. Legal identity will be verified at application and on an as needed basis. Only the following identify documents are acceptable, in addition to the photo ID for each adult:

- Adults: Birth Certificate or Naturalization Papers
- Children: Birth Certificate, Adoption Papers, Court Award documents, Social Service Agency Award documents

### **10.4.1 Marriage Verification**

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

### **10.4.2 Separation or Divorce Verification**

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

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

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

#### 10.4.3 Adult Member Absence Verification

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

#### 10.4.4 Foster Children and Foster Adults Verification

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

#### 10.4.5 Student Status Verification

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

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

#### 10.4.6 Student Head of Households

Link: [Eligibility of Independent Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937](#)

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

- The individual is 24 years of age or older;
- The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;

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

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

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

#### 10.4.7 Disabled Status Verification

For family members claiming disability who receive disability payments from the SSA, the GHA will use HUD's EIV system to verify the disability. If documentation from HUD's EIV System is not available, the GHA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the GHA will ask the family to request a benefit verification letter by either calling the SSA at 1-800-772-1213, or by requesting it from <https://www.ssa.gov/>.

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

#### 10.4.8 US Citizens and Nationals

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

## 10.5 Verification of Income

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

### 10.5.1 Wage Verification

The GHA requires two current and consecutive paystubs for determining annual income from wages. If paystubs are not available, the GHA will accept an authentic document on employer letter head that states wages for previous 120 days, or an employer payroll print out.

### 10.5.2 Tip Income Verification

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

### 10.5.3 Bonus Income Verification

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

### 10.5.4 Business and Self Employment Income Verification

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

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

- If a family member has been self-employed less than three months, the GHA will accept the family member's certified estimate of income and schedule an interim reexamination in three months.
- If the family member has been self-employed for three to twelve months the GHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

#### 10.5.5 Social Security and SSI Benefits Verification

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

If a family member is unable to provide the document, the GHA will help the participant request a benefit verification letter from SSA's Web site at <https://www.ssa.gov/> or ask the family to request one by calling SSA at 1-800-772-1213. Once the family has received the benefit verification letter, it will be required to provide the letter to the GHA.

#### 10.5.6 Alimony and Child Support Verification

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

- Copy of the receipts and/or payment stubs for the 60 days prior to GHA request
- Third-party verification form from the state or local child support enforcement agency
- Third-party verification form from the person paying the support
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received

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

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

### 10.5.7 Zero Income Verification

The GHA will check EIV to determine zero income. GHA will require all adult family members to execute verification forms to determine that certain forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

### 10.5.8 Student Financial Assistance

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

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

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

In the event that the family fails to provide verification within the time requested by GHA, the GHA will remove the status of Full Time Student and will proceed with the re-examination less associated deductions from annual income.

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

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

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

## 10.6 Verification of Assets

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

The GHA may accept the family's declaration that it has net assets equal to or less than \$5,000 (Effective upon GHA HOTMA Compliance Date this amount will be \$50,000 and HUD will establish this threshold annually), without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income.

The GHA will obtain third-party verification of assets when determining program eligibility and no less often than every three years thereafter unless otherwise specified by HUD.

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

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

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

#### 10.6.2 Ownership of Real Property

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

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

#### 10.6.3 Income from Rental Verification

The family must provide:

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

maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

## **10.7 Verification of Expenses**

### **10.7.1 Medical Expenses**

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

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

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

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

### **10.7.2 Attendant Care and Auxiliary Apparatus Expenses**

Expenses for attendant care will be verified through:

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

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.
- Third-party verification form signed by the provider, if family-provided documents are not available.

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

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

### 10.7.3 Childcare Expense Verification

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

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

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

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

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

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

- The GHA will verify that the type of childcare selected by the family is allowable.
- The GHA will verify that the fees paid to the childcare provider cover child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).
- The GHA will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.
- The actual costs the family incurs will be compared with the GHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

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

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## CHAPTER 11: Ongoing Program Operations

### 11.1 Annual Re-Certifications

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

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

Annual re-certifications may be completed by the means prescribed by the GHA. GHA will provide the participant with all required certification materials to be completed within the specified time. The participant and all adult family members must complete and submit all the required documents within the specified period.

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

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

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

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

Participants will be provided with up to two opportunities to complete the re-examination requirements within the prescribed timeframes. Persons with disabilities who require assistance completing required documents will be granted reasonable accommodation to complete documents within prescribed timeframes. If all documents and information are not submitted to GHA within the timeframe, and any allowed extensions, the voucher will be terminated effective on the participant's reexamination effective date for the family's failure to comply with their family obligations. Termination processes begin after one failure to return documents plus one missed appointment, two missed appointments, or other opportunities as provided (e.g., on-line, via telephone, mail, etc.).

### 11.1.1 Streamlined Income Determinations

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

For any family member with a fixed source of income, the GHA may determine that family member's income using a streamlined income determination by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

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

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

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

### 11.1.2 Safe Harbor Income Determination

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

- The Temporary Assistance for Needy Families block grant (42 U.S.C. 601, et seq.).
- Medicaid (42 U.S.C. 1396 et seq.).
- The Supplemental Nutrition Assistance Program (42 U.S.C. 2011 et seq.).
- The Earned Income Tax Credit (26 U.S.C. 32).
- The Low Income Housing Tax Credit (26 U.S.C. 42).
- The Special Supplemental Nutrition Program for Woman, Infants, and Children (42 U.S.C. 1786).
- Supplemental Security Income (42 U.S.C. 1381 et seq.).

- Other programs administered by the Secretary.
- Other means-tested forms of federal public assistance for which HUD has established a memorandum of understanding.
- Other federal benefit determinations made by other means-tested federal programs that the Secretary determines to have comparable reliability and announces through a Federal Register notice.

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

## 11.2 Interim Reexaminations

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

### 11.2.1 Changes to Household Composition

The family must inform the GHA of an addition of a family member because of marriage, birth, adoption, or court-awarded custody of a child or the removal of a family member from the household within 10 calendar days. If adding a person to a household (other than a child by birth, adoption, or court-awarded custody) the GHA will approve the addition only if the family can demonstrate that there is a verified reasonable accommodation for a disabled member of the family or that the voucher size will not be increased. The GHA will not approve the addition of a foster child or foster adult if it will cause a violation of inspection space standards.

The GHA will not approve the addition of a new family member or household member unless the individual meets the GHA's eligibility criteria and documentation requirements. A criminal background check is required for all requests to add adult household members or live-in aides to the household.

### 11.2.2 Reporting Changes Affecting Income or Expenses

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

- All increases in income must be reported to the GHA within 10 calendar days of the change.
- Decreases in income that are 10% or more of the family's annual adjusted income must be reported within 10 days of the change in income.
  - The family may choose to report loss of income that is less than 10% of the annual adjusted income.

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

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

### 11.2.3 GHA-Initiated Interim Re-certifications

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

- For families receiving the Earned Income Disallowance (EID), the GHA will conduct an interim reexamination at the start and conclusion of the 24-month eligibility period.
- If at the time of the annual reexamination, tenant declarations were used due to the lack of third-party verification, and third-party verification becomes available, the GHA will conduct an interim reexamination.
- The GHA will conduct an interim when the family has an increase in unearned income that is 10% or greater than the annual adjusted income.
  - The GHA will include earned income in the determination of an increase of 10% or greater if the family has had an interim for the loss of income during the same recertification period.
- The GHA may conduct an interim when the family has an increase in earned income that follows an interim for reduced income within the same reporting year.
- The GHA will conduct an interim for the loss of income that will increase the tenant rent portion or which is greater than 10 % of the annual adjusted income or upon the removal of a family member regardless of the percentage of loss to total family income

The GHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

### 11.2.4 Interim Re-certification Effective Dates

If the participant rent is to increase:

- The increase generally will be effective on the first of the month following 30 days' notice to the family.
- If a family fails to report a change within the required time frames, or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective had the information been

provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement.

If the participant rent is to decrease:

- The decrease generally will be effective on the first of the month following notification of the decrease of household income.
- Effective upon the GHA HOTMA Compliance Date, if the participant rent is to decrease:
  - The decrease will be effective on the first day of the month following the month in which the change occurred, provided the family reported the change within the required 10 calendar day period.
  - GHA may apply rent decreases retroactively for circumstances in which families fail to report changes in a timely manner in the event of verified circumstances beyond the control of the family (example: hospitalization). A retroactive rent decrease may not be applied prior to the latter of either the first of the month following the date of the actual decrease in income, or the first of the month following the most recent previous income examination.

### **11.3 Family Moves**

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

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

- The initial term of the lease has expired and proper notice has been given to the landlord and to the GHA.
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family.
- For non-lease violations only: the owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family. The family must give the GHA a copy of any owner eviction notice and eviction for lease violation may result in termination from the program.
- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to

the GHA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit.

- The GHA has terminated the assisted lease for the family's unit for the owner's breach of the HAP contract.
  - In the event the family must move as a result of the Owner failing to correct owner responsible unit deficiencies within the correction period, GHA will issue the family a voucher no less than 30 days prior to the HAP contract termination.
  - GHA will assist families with disabilities in locating available accessible units. If the family includes a member with a disability, the GHA will use abated HAP to assist the family with security deposit funding.
- The GHA determines that the family's current unit does not meet the HQS/NSPIRE space standards because of an increase in family size or a change in family composition.
- The family is in good standing with GHA.
- The family does not owe GHA money.

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

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

### 11.3.1 Denial of Moves

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

GHA will deny moves in the following circumstances:

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

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

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

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

### 11.3.2 Move Process

If GHA has determined the family has met the conditions above, the family will be issued a voucher to move and provided any other necessary information. Depending on when the family was last recertified and whether the family is planning to port out to another jurisdiction, GHA may conduct a recertification.

If the family is not eligible to move, GHA will notify the family in writing including the reasons for the denial.

If the family stays in the unit after the effective date of the move notice, the family will be responsible for the entire rent portion, unless the family and owner agree to a rescission of the move and notify GHA before effective date of the move notice.

If the family and owner agree to extend the move date, the extension must be submitted to GHA in writing, signed by both the family and owner, must include the new effective date of the move, and must be submitted before the original effective date of the move notice.

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

GHA may limit moves at any time due to HUD funding constraints. If moves are restricted, GHA will define the restriction, i.e. moves only allowed for disabled families, emergencies, etc.

### 11.3.3 Duplicate Housing Assistance Payments with a Move

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

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

## 11.4 Portability

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

### 11.4.1 Outgoing Portability

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

If the applicant did not live in GHA's jurisdiction at the time that the family's application for assistance was submitted, the family must lease a unit within the GHA's jurisdiction for at least 12 months before requesting portability. The GHA will consider exceptions to this policy for

purposes of reasonable accommodation or reasons related to domestic violence, dating violence, sexual assault, or stalking.

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

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

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

#### 11.4.2 Incoming Portables

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

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

The GHA may not change its determination to bill or to absorb a voucher after that without the approval of the initial PHA.

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

## **CHAPTER 12: Denial of Assistance to Applicants and Termination of Assistance to Participants**

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

### **12.1 Evidence and Considerations**

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

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

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence, can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants, evidence gathered by GHA inspectors and/or investigators, and evidence gathered from the GHA incident reports.

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

- Evidence of the applicant or participant's participation in or willingness to participate in social service or other appropriate counseling service programs
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.
  - The GHA will require the applicant/participant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.
- Whether the cause of the unfavorable information may be that the applicant/participant is the victim of domestic violence, dating violence, sexual assault or stalking.

- The GHA acknowledges that a victim of domestic violence, dating violence, sexual assault or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to a unit, a prior arrest record) that would warrant denial under the GHA's policies. Therefore, if the GHA makes a determination to deny admission to an applicant family, the GHA will include in its notice of denial/termination a statement of the protection against denial provided by VAWA a description of GHA confidentiality requirements.
- A request that an applicant/participant wishing to claim this protection submit to the GHA documentation meeting the specifications below with her or his request for an informal review for an applicant and an informal hearing for a participant.
- The existence of mitigating factors, such as loss of employment or other financial difficulties.
- If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission or termination of assistance, the GHA will determine whether the behavior is related to the disability. If so, upon the family's request, the GHA will determine whether alternative measures are appropriate as a reasonable accommodation. The GHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial or termination.

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

## **12.2 Denial of Assistance**

GHA is required to deny admission if the applicant has:

- Engaged in criminal activity or GHA has reasonable cause to believe a household member's current use or pattern of use of illegal drugs or current abuse or pattern of abuse of alcohol may threaten the health, safety, or right to a peaceful enjoyment of the premises by other residents.
  - In determining reasonable cause, GHA will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of

household members related to the use of illegal drugs or the abuse of alcohol. GHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any member of the household has been evicted from federally assisted housing in the last three years for drug related criminal activity.
  - GHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past 3 years for drug-related criminal activity, if GHA is able to verify the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by GHA, or the person who committed the crime is no longer living in the household.
- Any household member is currently engaged in the use of illegal drugs. Currently engaged in is defined as any use of illegal drugs during the previous six months.
- Any household member has ever been convicted of drug related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- Any other HUD required reason.

GHA will deny admission to an applicant family if GHA determines the family:

- Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past three years.
- Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past three years which may adversely affect the health, safety, or welfare of other tenants.
- Has a pattern of eviction from housing or termination from residential programs within the past three years (considering relevant circumstances).
- Owes rent or other amounts to this or any other PHA or owner in connection with any assisted housing program.
  - No previous resident may be readmitted unless all previous amounts owed have been paid to public housing authority; but payment of such debt does not necessarily entitle an applicant to eligibility under this section unless GHA has agreed in writing to grant eligibility upon payment of amounts due.
- Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent.

- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last three years.
- The applicant or any member of the applicant household is not a former resident of a public housing authority, or a former participant in the Housing Choice Voucher program, who had a record of lease violations or whose tenancy was terminated by the Housing Authority or private landlord.
- Has engaged in or threatened violent or abusive behavior toward GHA personnel.
  - Abusive or violent behavior towards GHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
  - Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- And any other HUD required reason.

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

- Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.
- Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.
- Other criminal activity means a history of criminal activity involving crimes of actual or threatened persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents. For the purposes of this policy, this is construed to mean a member of the current family has been arrested or convicted of any criminal or drug-related criminal activity within the past three years.
- Criminal activity that may threaten the health, safety, or welfare of other tenants, including the possession of illegal firearms.
- Criminal activity that may threaten the health or safety of GHA staff, contractors, subcontractors, or agents.
- Criminal sexual conduct, including but not limited to sexual assault, incest, statutory sexual seduction, open and gross lewdness, or child abuse, and are required by law to register as a sex offender.

### **12.3 Notice of Denial**

GHA will notify applicant families in writing of any decision to deny assistance.

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

### **12.4 Denial of Assistance for Noncitizens**

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

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

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

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

## 12.5 Grounds for Termination

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

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

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

GHA must terminate the participant family for the following reasons:

- Family choice

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

- Family with Zero Assistance

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

- Eviction

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

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

- Failure to provide consent/Recinding consent previously provided

Link: [24 CFR 960.259](#)

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

- Failure to document citizenship

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

The GHA will terminate the lease if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members

If the GHA determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis.

- Failure to Disclose SSN:

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

The GHA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the family's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family or other emergency, if there is a reasonable likelihood that the family will be able to disclose an SSN by the deadline.

- Threat to Other Participants

The GHA will terminate the lease when any household member engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other participants or by persons residing in the immediate vicinity of the premises. Immediate vicinity means within a three-block radius of the premises.

- Methamphetamine Conviction:

Link: [24 CFR 966.4](#)

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

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

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

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

- Fugitive Felon or Parole Violator

If a participant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of

the place from which the individual flees, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or state law.

- Persons subject to sex offender registration requirement.

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

- Crime On or Off the Premises

- Drug related convictions: Alcohol related convictions (if it indicates an ongoing pattern); Fraud;
- Acts of violent behavior convictions, and or Crimes of violent behavior

Applicants/participants must report any convictions from criminal activity which occurs after the application review (this includes residents, participants and those that have not yet moved into GHA assisted housing program(s)).

GHA will allow applicants and participants to address and present mitigating circumstances regarding criminal background checks prior to final decision.

#### HCV Program Violations That May Lead to Termination

- Discovery of facts after admission to the program that would have made the participant ineligible.
- Discovery of false statements or fraud by the participant in connection with an application for assistance or with a reexamination of income.
- Failure to furnish such information and certifications regarding family composition and income as may be necessary for the GHA to make determinations with respect to rent, eligibility, and unit size. This includes if an adult member of the family recinds or revokes consent previously provided by signature of the HUD Form 9886A.
  - Information not provided: After issuance of the termination notice, but before the effective date of the termination, the participant may provide the missing data. It is solely GHA's discretion whether to accept the data or to proceed with termination.
- Missed appointments per policy and procedure requirements.
- Failure to transfer to an appropriate size unit based on family composition, upon notice by the GHA that such a move is required for HQS/NSPIRE compliance.
- Failure to permit access to the unit by the GHA after proper advance notification for the purpose of performing routine inspections.

- Failure to inform the GHA within 30 days of the birth, adoption or court-awarded custody of a child.
- If the family has breached the terms of a repayment agreement entered into with the GHA.
- If a household member has engaged in or threatened violent or abusive behavior toward GHA personnel.
  - Abusive or violent behavior towards GHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
  - Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- Furnishing false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.
- If the family does not remedy family-caused HQS/NSPIRE failures in the required timeframe.
- If the family does not allow GHA to inspect the unit at reasonable times and after reasonable notice.
- If any family member commits lease violations, including but not limited to:
  - If the family does not give proper notice to GHA and the owner before moving out of the unit.
  - The family does not give GHA a copy of any owner eviction notice as required in this Administrative Plan.
  - If the family is not using the assisted unit for residence by the family and/or the assisted unit is not the family's only residence.
  - If the family has non-approved persons residing in the unit.
  - If the family does not promptly notify GHA that a family member no longer resides in the assisted unit.
  - If the family engages in profit making activities in the assisted unit which are not incidental to the primary residential use of the unit.
    - Limitation on Profit Making Activity in the Unit:
    - If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it is considered a violation.
    - If GHA determines that the use of the unit as a business is not incidental to its use as a dwelling unit.

- If the family subleases, lets, assigns the lease or transfers the unit.
  - If the family does not notify GHA of an absence from the unit, and if the family does not provide GHA any requested information regarding the absence.
  - If the family owns or has any interest in the unit.
- If any family member is receiving or received Section 8 participant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative housing assistance program.
  - If the family breaches an agreement with GHA to pay amounts owed to GHA or amounts paid to an owner by GHA.
  - Insufficient ACC funding to support continued assistance for families in the program. In such event, GHA will follow the procedures outlined in GHA's Management Procedures.
  - If the family fails to disclose to GHA any HUD notification it has received regarding discrepancies in the amount or verification of family income.

Any other HUD required reason.

## **12.6 Termination Notification**

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

The notice of termination will state:

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

If termination is due to criminal activity, the GHA will make available for review by the participant any criminal record used in the determination.

When a family requests to be terminated from the program they must do so in writing to the GHA. The GHA will then send a confirmation notice to the family and the owner within 10 days

of the family's request, but no later than the termination effective date (as requested by the family).

## **12.7 Removal of a Family Member from the Application**

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

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

After admission to the program, the family must present evidence of the former family member's current address upon GHA request.

## **12.8 Reasonable Accommodation Related to Denials or Terminations**

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

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

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

## **12.9 Repayment Agreements**

Link [PIH Notice 2018-18](#)

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

Any repayment agreement between the GHA and a family must be signed and dated by the GHA and by the head of household and spouse/co-head (if applicable). If the family chooses to enter into a repayment agreement, the GHA will require a minimum down payment of 20% of the amount owed. The term of repayment agreement will not exceed twenty-four (24) months, except as provided below. In no event will the GHA enter into a repayment agreement for retroactive rents whereby the monthly amount of the repayment plus TTP is greater than 40% of the family's adjusted monthly income.

### **Repayment Agreement Options**

Tenants can repay in a lump sum; through a Repayment Agreement (installment payments), or a combination: paying a lump sum when the Repayment Agreement is signed and the remainder in monthly payments not to exceed 24 months.

### **Creating and Reporting Tenant Repayment Agreements**

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

The repayment agreement will be renegotiated when financial circumstances of the household change.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the GHA will terminate the family's tenancy and utilize other available collection alternatives including, but not limited to, the following:

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

### **Rules Governing Payments and Changes to Existing Agreements**

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

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

- There is already a repayment agreement in place with the family;
- GHA determines that the family committed program fraud;

- The amount of the calculated payment based on tenant rent and repayment amount not exceeding the 40% maximum rent burden is insufficient to satisfy the debt within the 24 month period;
- The amount is greater than \$5,000, or the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

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



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## CHAPTER 13: Informal Reviews and Informal Hearings

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

### 13.1 Informal Review Policy

Links: [24 CFR 982.554](#);

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

An applicant may request an informal review if the applicant:

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

Informal reviews will not be granted to applicants who dispute:

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

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

- Reason(s) the family is ineligible
- Procedure for requesting a review if the applicant does not agree with the decision
- Time limit for requesting a review: The applicant must submit the written request for an informal review within 10 calendar days of the date of the denial notice.
- Protections under the Violence Against Women's Act
- If the request is not submitted timely, it will mean that the applicant waived his/her right to request an informal review.

Informal review requests must be made in writing within the 10 calendar days from the date of the GHA's denial. The informal review will be conducted by a person or panel including other than the one who made the decision under review or a subordinate of this person. The applicant will be provided an opportunity to present written or oral objections to the decision of the GHA. The review decision will be based only on evidence presented at the review by both parties. Evidence presented after the review will not be considered. Extensions for evidence will not be granted.

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

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

### **13.2 Informal Hearing Policy**

Link: [24 CFR 982.555](#)

Informal hearings may be requested for the following reasons:

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

The GHA will attempt to resolve disputes informally whenever possible prior to conducting the informal hearing. However, the participant may request an informal hearing in addition to or in lieu of the informal review.

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

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

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

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

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

### **13.3 Conducting Informal Hearings**

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

Hearings may be attended by the following applicable persons:

- A GHA representative(s)
- Any witnesses for the GHA
- The participant
- Any witnesses for the participant
- The participant's counsel or other representative

- If the participant is bringing legal counsel to the informal hearing, the participant must notify GHA at least 24 hours in advance of the hearing.
- Any other person approved by the GHA will be as a reasonable accommodation for a person with a disability.

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

### 13.3.1 Hearing Decision

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

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

### 13.3.2 Invalid Decisions

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

### 13.3.3 Rights of the Applicant/Participant and GHA

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

- The applicant/family and GHA have the right to present evidence, both oral and written.
- The applicant/family and GHA have the right to question any witnesses, and the right to state his/her case prior to the hearing officer's decision.
- The applicant/family has the right to arrange for an interpreter to attend the review/hearing, at his/her own expense.

- The applicant/family has the right to seek redress directly through judicial procedures of the court.
- GHA has the right to make final submissions.

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

#### 13.3.4 Review/Hearing Process

The review/hearing will follow the following guidelines:

- The review will be conducted by any person or persons designated by GHA, other than a person who made or approved the decision under review or a subordinate of this person.
- All GHA Denial and Termination notices will advise the applicant/family of his/her right to a review/hearing and the process to request a review/hearing.
- The applicant/family must request the informal review/hearing in writing within the required time frame (10 calendar days after receipt of notice from the GHA).
- GHA will schedule the hearing within a reasonable timeframe, preferably before the effective termination date. If the hearing cannot be scheduled before the effective termination date, the effective termination date may be extended, based solely on the reason for the delay and at the sole discretion of GHA.
- The notification of hearing will contain:
  - Date and time of the hearing
  - Location where the hearing will be held
  - Family's right to bring evidence, witnesses, legal or other representation at the
  - Right to view any documents or evidence in the possession of GHA and upon which GHA based the proposed action and, at the family's expense, to obtain a copy (at \$.25 per copy) of such documents prior to the hearing. Requests for such documents or evidence must be received no later than 5 business days before the hearing date.

- If a family does not appear at a scheduled review/hearing and has not rescheduled the hearing in advance, the hearing officer will assume the family is no longer interested in the program and will uphold the denial/termination.
- The applicant/family will be given an opportunity to present written or oral objections to GHA's decision.
- GHA will notify the applicant/family of the GHA final decision after the informal review/hearing, including a brief statement of the reasons for the final decision.
- The Notice will contain the following information:
  - Applicant/family name
  - Applicant/family address
  - Date
  - Date and time of review/hearing
  - Names of everyone in attendance at review/hearing
  - Final decision
  - Brief statement of the reason(s) for the final decision
  - HUD regulation for the denial/termination (if upholding the denial/termination)
  - Effective date of denial/termination (if applicable)
- A hearing decision letter will also be sent to the owner, stating whether the termination was upheld or overturned. The notice to the owner will contain the following information:
  - Family name
  - Unit address
  - Effective date of termination or
  - Effective date of re-instatement
- All requests for review, supporting documentation, and a copy of the final decision will be filed in the family's file.

### 13.3.5 Decisions Not Binding to GHA

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

- A matter for which GHA is not required to provide an opportunity for an informal review/hearing or otherwise in excess of the GHA of the person conducting the review/hearing.

- A decision given contrary to HUD regulations, requirements, or otherwise contrary to Federal, State or Local law.

In the event that a review/hearing decision is not binding to GHA, the Executive Director or his/her designee will send a notice to all parties attending the review/hearing that the decision is null and void. The notice will set a date and time for a new hearing.

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

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

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

### 13.4 USCIS Determination of Ineligibility

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

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

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

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

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

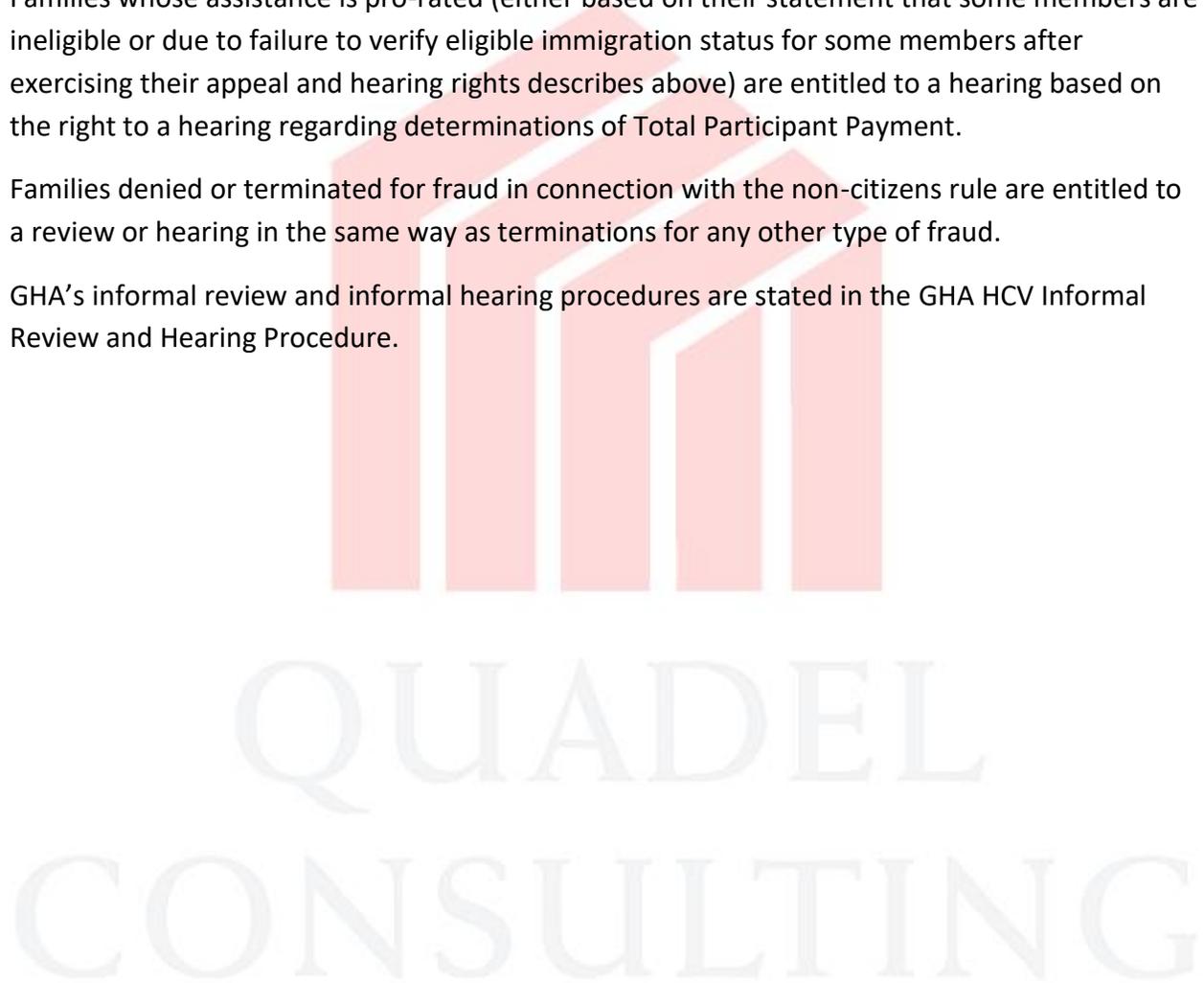
If there are eligible members in the family, the GHA will offer to prorate assistance or give the family the option to remove the ineligible members.

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

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

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

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



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## CHAPTER 14: Program Integrity

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

As a public service agency, GHA is committed to providing excellent service to HCVP participant families and owners. GHA anticipates the vast majority of families, owners, and GHA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors. GHA's standards include:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of families served.
- Provide decent, safe, and sanitary housing, in compliance with HQS/NSPIRE program, for very low-income families while ensuring family rents are fair, reasonable, and affordable.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human service needs.
- Promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
- Promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.
- Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
- Create positive public awareness and expand the level of family, owner, and community support in accomplishing GHA's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of GHA's support systems and commitment to our employees and their development.
- Assist the local economy by increasing the occupancy rate and the amount of money flowing into the community.
- Ensure all units meet HQS /NSPIRE and families pay fair and reasonable rents.

The responsibilities and expectations of GHA staff with respect to normal program administration are discussed throughout this plan. GHA staff is expected to act professionally

at all times, within HCVP rules, GHA policies including conflict of interest, ethics and confidentiality standards, and in accordance with GHA's Personnel Policy. The GHA anticipates that the majority of families and GHA employees intend to and will comply with program requirements and make reasonable efforts to avoid errors. To ensure that the GHA's program is administered effectively and according to the highest ethical and legal standards, the GHA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare. The GHA will:

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

#### **14.1 Detecting Errors and Program Abuse**

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

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

For each investigation the GHA will determine:

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

## 14.2 De Minimis Errors

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

As the GHA become aware of the existence of an income calculation error, it will correct the error(s) retroactive to the effective date of the action the error was made. Depending upon the family circumstances and when errors are detected, the GHA may take one of the following corrective actions to credit or repay the family.

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

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

## 14.3 Consideration of Remedies

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

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

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

### **14.3 Notice and Effective Dates**

The GHA will inform the relevant party in writing of its findings and remedies at the conclusion of the investigation.

The notice will include:

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

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

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

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

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

### **14.4 Family Prohibited Actions**

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

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

- The GHA may determine other actions to be program abuse based upon a preponderance of the evidence.

## **14.5 GHA Prohibited Activities**

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

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

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

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

## **14.6 Owner Prohibited Activities**

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

An owner participating in the HCV program must not:

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

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

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

#### 14.6.1 Owner Remedies and Penalties

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

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

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

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

#### 14.6.2 Corrections to Subsidy Payments

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

- An incorrect housing assistance payment to the owner;

- An incorrect family share established for the family; and
- An incorrect utility reimbursement to a family.

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

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

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



## CHAPTER 15: Homeownership

Link: [24 CFR 982.625](#)

The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family. There are two forms of homeownership assistance a PHA may offer under this option: monthly homeownership assistance payments or a single down payment assistance grant. PHAs may choose to offer either or both forms of homeownership assistance or choose not to offer either. If a PHA offers both forms of assistance, a family must choose which form of assistance to receive. The GHA offers monthly homeownership assistance payments. However, if necessary, as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities, the GHA must offer single down payment assistance. The GHA must determine what is reasonable based on the specific circumstances and individual needs of the person with a disability. GHA may determine that it is not reasonable to offer homeownership assistance as a reasonable accommodation in cases where GHA has otherwise opted not to implement a homeownership program. GHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

### 15.1 Family Eligibility

Link: [24 CFR 982.267](#)

The family must meet all of the requirements listed below before the commencement of homeownership assistance.

- The family must have been admitted to the Housing Choice Voucher program.
- The family must qualify as a first-time homeowner or may be a cooperative member.
- The family must meet the federal minimum income requirement.
  - The family must have a gross annual income equal to the federal minimum wage multiplied by 2000 based on the income of adult family members who will own the home.
  - For disabled families, the minimum income requirement is equal to the current SSI monthly payment for an individual living alone multiplied by 12.
  - GHA may establish a higher income standard for families. However, a family that meets the federal minimum income requirement (but not GHA's requirement) will be considered to meet the minimum income requirement if it can

demonstrate that it has been pre-qualified or pre-approved for financing that is sufficient to purchase an eligible unit.

- For elderly or disabled families, welfare assistance payments for adult family members who will own the home will be included in determining whether the family meets the minimum income requirement. Welfare payments will not be included for other families.
- The family must satisfy the employment requirements by demonstrating that one or more adult members of the family who will own the home at commencement of homeownership assistance is currently employed on a full-time basis (not less than an average of 30 hours per week) and has been continuously so employed during the year before commencement of homeownership assistance for the family.
  - The employment requirement does not apply to elderly and disabled families. In addition, if a family, other than an elderly or disabled family, includes a person with disabilities, GHA must grant an exemption from the employment requirement if GHA determines that it is needed as a reasonable accommodation.
- The family has not defaulted on a mortgage securing debt to purchase a home under the homeownership option.
- Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home.
- Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale in accordance with [24 CFR 982.631\(c\)](#).

## 15.2 Selection of Families

Unless otherwise provided (under the homeownership option), GHA may limit homeownership assistance to families or purposes defined by GHA and may prescribe additional requirements for commencement of homeownership assistance for a family. If GHA limits the number of families that may participate in the homeownership option, GHA must establish a system by which to select families to participate.

## 15.3 Eligible Units

Link: [24 CFR 982.628](#)

In order for a unit to be eligible, GHA must determine that the unit satisfies all of the following requirements:

- The unit must meet HUD's eligible housing requirements and may not be any of the following:
  - A public housing or Indian housing unit;
  - A unit receiving Section 8 project-based assistance;
  - A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;
  - A college or other school dormitory;
  - On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.
- The unit must be under construction or already exist at the time the family enters into the sale.
- The unit must be a one-unit property or a single dwelling unit in a cooperative or condominium.
- The unit must have been inspected by GHA and by an independent inspector designated by the family.
- The unit must meet Housing Quality Standards (see Chapter 8).
- For a unit where the family will not own fee title to the real property (such as a manufactured home), the home must have a permanent foundation and the family must have the right to occupy the site for at least 40 years.
- For PHA-owned units all of the following conditions must be satisfied:
  - GHA must inform the family, both orally and in writing, that the family has the right to purchase any eligible unit and a PHA-owned unit is freely selected by the family without PHA pressure or steering;
  - The unit is not ineligible housing;
  - GHA must obtain the services of an independent agency to inspect the unit for compliance with HQS/NSPIRE, review the independent inspection report, review the contract of sale, and determine the reasonableness of the sales price and any PHA provided financing.
- GHA must not approve the unit if GHA has been informed that the seller is debarred, suspended, or subject to a limited denial of participation.

## **15.4 Additional GHA Requirements for Search and Purchase**

Link: [24 CFR 982.629](#)

It is the family's responsibility to find a home that meets the criteria for voucher homeownership assistance. GHA may establish the maximum time that will be allowed for a family to locate and purchase a home and may require the family to report their progress in finding and purchasing a home. If the family is unable to purchase a home within the maximum time established by GHA, GHA may issue the family a voucher to lease a unit or place the family's name on the waiting list for a voucher.

### **15.4.1 Homeownership Counseling**

Before commencement of homeownership assistance for a family, the family must attend a GHA Homeownership briefing. The briefing will provide a general overview of the program, discuss the recertification requirements, the continuous need for employment for participants who are not elderly or disabled. GHA may require selected families attend and satisfactorily complete the pre-assistance homeownership and housing counseling program.

## **15.5 Home Inspections, Contract of Sale and Disapproval of Sellers**

Link: [24 CFR 982.631](#)

### **15.5.1 Home Inspections**

GHA may not commence monthly homeownership assistance payments or provide down payment assistance grants for a family until GHA has inspected the unit and has determined that the unit passes HQS/NSPIRE.

An independent professional inspector selected by and paid for by the family must also inspect the unit. The independent inspector may not be a PHA employee, contractor, or other person under control of GHA. However, GHA may establish standards for qualification of inspectors selected by families under the homeownership option. The independent inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems. The independent inspector must be qualified to report on property conditions, including major building systems and components.

GHA may disapprove a unit for assistance based on information in the independent inspector's report, even if the unit was found to comply with HQS/NSPIRE.

### 15.5.2 Down Payment

A minimum down payment of 3% is required. At least 1% of the down payment must come from the family's own resources. The family is responsible for the payment of closing costs. However, the family may access FSS escrow funds and other programs to cover some of these costs. In addition to funding 1% of the down payment, the family must also demonstrate that it has the resources to provide for the acquisition of basic household tools and equipment. These include a hammer, screwdriver set, flashlight, toilet plunger, basic lawn equipment and snow removal equipment. The family must also demonstrate that there are kitchen appliances (stove and refrigerator) or that the family has the resources to acquire kitchen appliances. The family must pay the cost of the home inspection and the family's attorney's fees. The family must be current in the payment of its utility obligations and must have the ability to have utilities turned on the name of the mortgagor(s).

### 15.5.3 Contract of Sale

Before commencement of monthly homeownership assistance payments or receipt of a down payment assistance grant, a member or members of the family must enter into a contract of sale with the seller of the unit to be acquired by the family. The family must give the GHA a copy of the contract of sale. The contract of sale must:

- Specify the price and other terms of sale by the seller to the purchaser;
- Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser;
- Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser;
- Provide that the purchaser is not obligated to purchase the unit unless the purchaser obtains financing approval;
- Provide that the purchaser is not obligated to pay for any necessary repairs; and
- Contain a certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation under CFR part 24.

### 15.5.4 Disapproval of a Seller

In its administrative discretion, the GHA may deny approval of a seller for the same reasons the GHA may disapprove an owner under the regular HCV program [see [24 CFR 982.306\(c\)](#)].

## 15.6 Financing

Link: [24 CFR 982.632](#)

GHA may establish requirements for financing the purchase of a home under the homeownership option. This may include requirements concerning qualification of lenders, terms of financing, restrictions concerning debt secured by the home, lender qualifications, loan terms, and affordability of the debt. A PHA may not require that families acquire financing from one or more specified lenders, thereby restricting the family's ability to secure favorable financing terms.

## 15.7 Continued Assistance Requirements; Family Obligations

Link: [24 CFR 982.633](#)

Homeownership assistance may only be paid while the family is residing in the home. If the family moves out of the home, GHA may not continue homeownership assistance after the month when the family moves out. The family or lender is not required to refund to GHA the homeownership assistance for the month when the family moves out.

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option. The family must comply with the following obligations:

- The family must comply with the terms of the mortgage securing debt incurred to purchase the home or any refinancing of such debt.
- The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to [24 CFR 982.551 \(h\) and \(i\)](#).
- The family must supply information to GHA or HUD as specified in [24 CFR 982.551\(b\)](#). The family must further supply any information required by GHA or HUD concerning mortgage financing or refinancing, sale or transfer of any interest in the home, or homeownership expenses.
- The family must notify GHA before moving out of the home.
- The family must notify GHA if the family defaults on the mortgage used to purchase the home.
- No family member may have any ownership interest in any other residential property.
- The family must comply with the obligations of a participant family described in [24 CFR 982.551](#), except for the following provisions which do not apply to assistance under the homeownership option: [24 CFR 982.551\(c\), \(d\), \(e\), \(f\), \(g\) and \(j\)](#).

## 15.8 Maximum Term of Homeowner Assistance

Link: [24 CFR 982.634](#)

Except in the case of a family that qualifies as an elderly or disabled family, other family members (described below) will not receive homeownership assistance for more than:

- Fifteen years, if the initial mortgage incurred to finance the purchase of the home has a term of 20 years or longer; or
- Ten years, in all other cases.

The maximum term described above applies to any member of the family who:

- Has an ownership interest in the unit during the time that homeownership payments are made; or
- Is the spouse of any member of the household who has an ownership interest in the unit during the time homeownership payments are made.

In the case of an elderly family, the exception only applies if the family qualifies as an elderly family at the start of homeownership assistance. In the case of a disabled family, the exception applies if at any time during receipt of homeownership assistance the family qualifies as a disabled family.

If, during the course of homeownership assistance, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date homeownership assistance commenced. However, such a family must be provided at least 6 months of homeownership assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive homeownership assistance).

If the family has received such assistance for different homes, or from different PHAs, the total of such assistance terms is subject to the maximum term described in this part.

## 15.9 Homeownership Assistance Payments and Expenses

Link: [24 CFR 982.635](#)

The monthly homeownership assistance payment is the lower of the voucher payment standard minus the TTP or the monthly homeownership expenses minus the TTP. In

determining the amount of the homeownership assistance payment at initial payment, the GHA will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described elsewhere in this plan for the Housing Choice Voucher program. The payment standard for subsequent years will be the higher of: (1) the payment standard in effect at commencement of homeownership assistance; or (2) the payment standard in effect at the most recent regular family reexamination

GHA may pay the homeownership assistance payments directly to the family, or at GHA's discretion, to a lender on behalf of the family. If the assistance payment exceeds the amount due to the lender, GHA must pay the excess directly to the family. Homeownership assistance for a family terminates automatically 180 calendar days after the last homeownership assistance payment on behalf of the family. However, a PHA may grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

Homeownership expenses (not including cooperatives) only include amounts allowed by GHA to cover:

- Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;
- Real estate taxes and public assessments on the home;
- Home insurance;
- GHA allowance for maintenance expenses and required Homeowner's Association Fees attached to the ownership of the home;
- GHA allowance for costs of major repairs and replacements;
- GHA utility allowance for the home;
- Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home.
  - If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if GHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person;
- Land lease payments where a family does not own fee title to the real property on which the home is located; [see [24 CFR 982.628\(b\)](#)].
- For a condominium unit, condominium operating charges or maintenance fees assessed by the condominium homeowner association.

Homeownership expenses for a cooperative member may only include amounts allowed by GHA to cover:

- The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;
- Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt;
- Home insurance;
- GHA allowance for maintenance expenses;
- GHA allowance for costs of major repairs and replacements;
- GHA utility allowance for the home; and
- Principal and interest on debt incurred to finance major repairs, replacements or improvements for the home.
  - If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if GHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person.
- Cooperative operating charges or maintenance fees assessed by the cooperative homeowner association.

## **15.10 Portability**

Link: [24 CFR 982.636](#)

Subject to the restrictions on portability included in HUD regulations and PHA policies, a family may exercise portability if the receiving PHA administers a voucher homeownership program and is accepting new homeownership families. The receiving PHA may absorb the family into its voucher program or bill the initial PHA.

The family must attend the briefing and counseling sessions required by the receiving PHA. The receiving PHA will determine whether the financing and the physical condition of the unit are acceptable. The receiving PHA must promptly notify the initial PHA if the family has purchased an eligible unit under the program or if the family is unable to purchase a home within the maximum time established by GHA.

## 15.11 Moving with Continued Assistance

Link: [24 CFR 982.637](#)

In certain circumstances, a family receiving homeownership assistance may move with continued assistance through voucher rental assistance or voucher homeownership assistance. However, continued tenant-based assistance for a new unit cannot begin so long as any family member holds title to the prior home.

GHA may deny permission to move to a new unit with continued assistance as follows:  
Due to lack of funding to provide continued assistance.

In accordance with [24 CFR 982.638](#) regarding denial or termination of assistance.  
In accordance with GHA's policies regarding the denial of moves Chapter 11.3 Family Moves.

GHA must deny the family permission to move to a new unit with continued voucher rental assistance if:

- The family defaulted on an FHA-insured mortgage; and
- The family fails to demonstrate that the family has conveyed, or will convey, title to the home, as required by HUD, to HUD or HUD's designee; and the family has moved, or will move, from the home within the period established or approved by HUD.

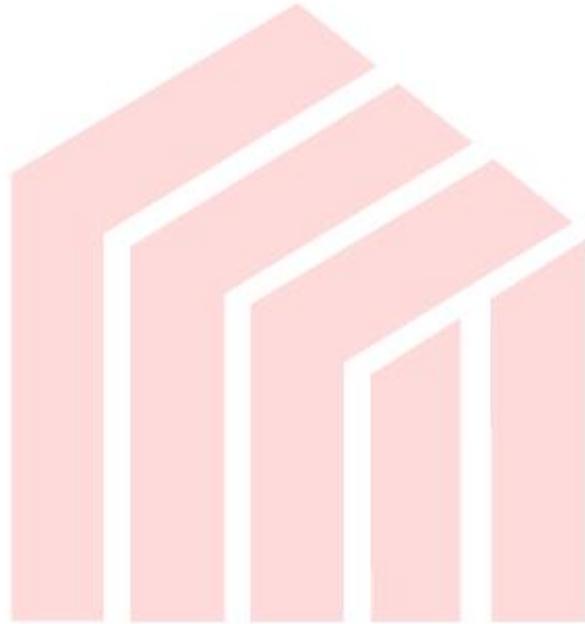
## 15.12 Denial or Termination of Assistance

Link: [24 CFR 982.638](#)

At any time, GHA may deny or terminate homeownership assistance in accordance with HCV program requirements in [24 CFR 982.552](#) (grounds for denial or termination of assistance) or [24 CFR 982.553](#) (crime by family members). GHA may also deny or terminate assistance for violation of participant obligations described in [24 CFR Parts 982.551](#) or [982.633](#) and in accordance with its own policy.

The GHA must terminate voucher homeownership assistance for any member of family receiving homeownership assistance that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA insured or non-FHA) securing debt incurred to purchase the home, or any refinancing of such debt.

A participant in the Homeownership Program will be entitled to the same termination notice and informal hearing procedures as set forth in this Administrative Plan.



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## CHAPTER 16: Project Based Vouchers

Link: [24 CFR 983](#)

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

### 16.1 Overview

A project is a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. Contiguous in this definition includes “adjacent to”, as well as touching along a boundary or a point. The GHA may provide voucher assistance to project by entering into a Housing Assistance Payment (HAP) contract for a period of up to 15 years for each contracted unit. The GHA may use up to 20 percent of Housing Choice Voucher authorized units for project based assistance. The GHA may increase the use of Project Based Vouchers additional 10 percent for homeless families, families with veterans, supportive housing for persons with disabilities or elderly persons, or in areas where vouchers are difficult to use.

The GHA may include units under a HAP contract that are excluded from the percent cap. In addition to the units excluded under regulation 24 CFR § 983.59, properties that part of the GHA Human Capital Program which include the following services:

### 16.2 Proposal Selection

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

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

#### 16.2.1 GHA Request for Proposals Method for Rehabilitated and Newly Constructed Units

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

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

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

The PBV construction/rehabilitation of the units will be deemed completed when the Owner provides the GHA with a Certificate of Occupancy.

#### *16.2.1.1 Rehabilitated Housing after HAP Contract*

The GHA will not enter into a PBV HAP contract for rehabilitated housing that allows for development activity to occur after the HAP contract execution unless specified in the AHAP as a phased acceptance of units.

#### *16.2.2 GHA Requests for Proposals for Existing Housing Units*

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

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

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

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

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

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

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

### 16.3 Notice of Owner Selection

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

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

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

The GHA will make these documents available for review at the GHA during normal business hours. The cost for reproduction of allowable documents will be \$.25 per page.

### 16.4 Agreement to Enter into HAP Contract

Link: [24 CFR 983.152](#)

For rehabilitated or newly constructed units, GHA will enter into an Agreement to Enter into a HAP Contract with the property owner. In the Agreement the owner agrees to develop the PBV

contract units to comply with HQS/NSPIRE, and the GHA agrees that upon timely completion of development the GHA will enter into a HAP Contract with the owner for the contract units.

The GHA will enter into the Agreement with the owner after receiving both environmental review approval and notice that subsidy layering requirements have been met and before construction or rehabilitation work is started. Additional owner documents may be required. GHA will specify any additional documentation requirements in the Agreement.

For existing housing, the HAP contract will be executed after GHA determines that all units pass HQS/NSPIRE.

## **16.5 Site Selection Standards**

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

GHA will follow HUD regulations regarding site selection requirements for existing housing, newly constructed housing and rehabilitated housing. Before entering into an agreement or HAP contract GHA will determine that the PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities.

In developing standards to apply in determining whether a proposed PBV development will be selected, GHA will consider the following:

- If the poverty rate in the proposed PBV development area is greater than 20%, GHA will consider whether in the past five years there has been an overall decline in the poverty rate;
- A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
- A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition;
- A census tract in which the proposed PBV development will be located is undergoing significant revitalization;
- A census tract where there are meaningful opportunities for educational and economic advancement.

- The site meets HQS/NSPIRE standards.
- Other factors as determined by GHA to meet the needs of the community.

#### 16.5.1 GHA Owned Units

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

HUD or a HUD-approved independent entity must review the selection process for GHA owned units to confirm appropriate selection. Initial rents and annual rent changes for GHA-owned units will be determined by the independent entity based on PBV program requirements. The term of the HAP contract and any HAP contract renewal must be agreed upon by GHA and the independent entity. HQS/NSPIRE inspections will be performed by the independent entity.

Where the GHA is the owner and development activity or substantial improvement is completed prior to the execution of the HAP contract, an independent entity will review and certify the completion of development activity. This certification will take the form of an executed certification which will include the following information: Site Address, Inventory of Units (including location and size), work completed, completion date, inspection date, inspection standard, name of inspector.

#### 16.5.2 Eligible Units/Cap on PBV Units

Link: [24CFR 983.52](#), [24 CFR 983.56\(a\)](#)

Project based assistance may be attached to up to 25% of the total number of units in a project. Project is defined as a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. Units specifically made available to the homeless, veterans, disabled and / or elderly families, or that are for families eligible to receive supportive services (whether receiving services or not) are excepted from the maximum number of assisted units per project.

Supportive services that may be offered to a member of a qualified household include, but are not limited to, the following:

- Meal service adequate to meet nutritional need
- Housekeeping aid
- Personal assistance

- Physical Activity and other health related classes
- Educational and employment services
  - job training
  - computer skills
  - resume assistance
  - GED preparation
  - ESL Classes
  - financial literacy
- Services offered through the Family Self Sufficiency Program
- Other services designed to help the recipient live in the community as independently as possible.

Supportive services will be offered throughout the family's tenancy in the excepted unit. The family may continue to reside in the exempted unit following the successful completion of supportive services or when supportive services are no longer required. The PBV Property Management will monitor the excepted family's continued receipt of supportive services and will provide an update to the GHA on families that fail without good cause to complete their supportive services requirement. The unit loses its excepted status if the family becomes ineligible for the supportive services during its tenancy, provided that: (i) the family becomes ineligible for all supportive services available to the family, and (ii) the family becomes ineligible for reasons other than successfully completing the supportive services objective. In such event, the GHA may:

- Reduce the number of excepted units
- Substitute the excepted unit for a non-excepted unit
- Temporarily remove the unit from the PBV HAP contract and provide the family with tenant-based assistance

## **16.7 Housing Assistance Payments (HAP) Contracts**

Link: [24 CFR 983.152](#)

### **16.7.1 Term of the HAP Contract**

The term of all PBV HAP contracts will be no less than one year, and no more than 20 years, and will be negotiated with the owner on a case-by-case basis. Contracts may be extended for an additional term(s) not to exceed a total of 20 years (40 cumulative years).

### 16.7.2 Extending the HAP Contract

When determining whether or not to extend an expiring PBV contract, the GHA will consider several factors including, but not limited to:

- The cost of extending the contract and the amount of available budget authority; The condition of the contract units;
- The owner's record of compliance with obligations under the HAP contract and lease(s);
- Whether the location of the units continues to support the goals of deconcentrating poverty and expanding housing opportunities;
- The need for and availability of supportive services for the GHA population; and
- Whether the funding could be used more appropriately for tenant-based assistance.

### 16.7.3 Amendments, Additions and Substitutions to the HAP Contract

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

- The local housing inventory or units in the property under HAP is reduced due to a disaster (either due to loss of housing units, or an influx of displaced families).
- Voucher holders are having difficulty finding units that meet program requirements.
- Adding additional PBV units which include supportive services.
- Units under the PBV contract are so severely damaged due to fire or other event beyond the control of the owner.
- To address appropriate subsidy standards for current PBV families who are compliant with all lease and program requirements (beyond occupancy standards).

## 16.8 Unit Inspections

Link: [24 CFR 983.103](#)

All contract units will be inspected and comply with Housing Quality Standards/NSPIRE prior to HAP contract execution. All units will be inspected no sooner than 30 days prior to occupancy by a new family.

At least biennially during the term of the HAP contract, the GHA will inspect a random sample, consisting of at least 20 percent of the contract units in each building, to determine if the contract units and the premises are maintained in accordance with the HQS/NSPIRE. Turnover inspections are not counted toward meeting this inspection requirement.

If more than 20 percent of the inspected units in a building fail, the GHA will re-inspect 100 percent of the contract units in the building.

In the case of a property assisted with project-based vouchers that is subject to an alternative inspection, the GHA may rely upon inspections conducted at least triennially to demonstrate compliance with the inspection requirement.

Inspections for the entire building will occur at the same time. GHA will abate and terminate PBV HAP contracts for non-compliance with HQS/NSPIRE in accordance with the policies used in the tenant-based voucher program.

In the case of GHA-owned units, the inspections will be performed by an independent agency designated by GHA and approved by HUD. The independent entity must furnish a copy of each inspection report to GHA and to the HUD field office where the project is located. GHA must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by GHA's-owner.

#### 16.8.1 Enforcement of Inspection Standards

GHA will abate the HAP payment for an inspection deficiency not cured within the 30 day required period and will remove the unit from the HAP contract for non-compliance with housing inspection standards if not cured after 60 day abatement.

#### 16.8.2 Notification to PBV Applicants

GHA will provide notice to families offered PBV assistance when there is a unit in the property with inspection deficiencies that the owner's failure to correct the deficiencies within the cure period may result in removal of the unit from the HAP contract and may be cause for termination of the entire PBV HAP Contract.

#### 16.8.3 Lead-based Paint

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

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846), the

Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program. Under Subpart H, owners of target housing properties receiving more than \$5,000 annually per unit in project-based assistance are required to ensure that target housing receives a lead risk assessment by a certified risk assessor, regardless of whether there is a child under age 6 in residence, and that occupants are notified of the results of the risk assessment.

## **16.9 Initial Rent and Rent Increases**

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

### **15.9.1 Initial Rent**

The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP Contract term.

### **15.9.2 Rent Increases**

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

The rental increase amount will be the lower of the following:

- An amount not to exceed 110 percent of the applicable fair market rent for the unit bedroom size minus any utility allowance in effect at the time of the request;
- The reasonable rent; or
- The rent requested by the owner.

## **16.10 Tenant Selection**

Link: [24 CFR 983.255](#)

Except where noted in the Administrative Plan, the GHA's tenant selection procedures for its tenant-based programs apply for units assisted under the PBV Program. Except for units which are occupied by eligible tenants upon the commencement of the project based contract term, when a vacancy exists at a PBV site, the GHA will notify the next families on the GHA PBV General Wait List. . GHA's letter to the applicants will also state that if the applicant is interested in residing in the vacant PBV unit that the applicant will not lose his/her place on the GHA's HCV waiting list (if applicable) until that person has been leased in the PBV unit. An applicant who rejects an offer of a project-based unit or who is rejected by the owner of the housing unit will remain in the same position on the tenant-based assistance list, as if the offer had not been made.

If a unit to be placed under contract that is either an existing unit or one requiring rehabilitation is occupied by an eligible family on the proposal selection date, the in-place family must be placed on the PHA's waiting list (if the family is not already on the list) and, once their eligibility is determined, given an absolute selection preference and referred to the project owner for an appropriately sized PBV unit in the project. This protection does not apply to families that are not eligible to participate in the program on the proposal selection date.

In the event that there are an insufficient number of eligible persons on the waiting list, the GHA will place applicants referred by the owner on the waiting list. Eligibility for selection in the Project-based voucher program will be consistent with the GHA's tenant-based and project-based assistance programs.

The GHA will provide a selection preference when required by the regulation (e.g., eligible in-place families, qualifying families for "excepted units," mobility impaired persons for accessible units). The GHA will not offer any additional preferences for the PBV program or for PBV projects or units.

Applicants must meet all of GHA's applicable eligibility requirements. GHA will refer qualified applicants to the owner for all vacancies. If the GHA referrals do not provide the owner with a suitable tenant for the unit within 30 days, the owner may refer an eligible individual or family from the owner's waiting list to the GHA.

The owner chooses a tenant for occupancy from the qualified applicants referred by GHA based on their written tenant selection policy. The GHA must approve the owner's tenant selection procedures. When a family is approved by the owner, they will execute a lease with the owner.

The owner must notify the GHA in writing (mail or e-mail) within 5 business days of learning about any vacancy or expected vacancy. The GHA will make every reasonable effort to promptly refer families to the owner after receiving a vacancy notice from the owner.

## **16.11 Unit Moves/Transfers**

### **16.11.1 Overcrowded, Under-Occupied, and Accessible Units**

Link: [24 CFR 983.259](#)

The GHA will promptly notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit. The GHA will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

- PBV assistance in the same building or project;
- PBV assistance in another project; and
- Tenant-based voucher assistance.

When the GHA offers a family another form of assistance that is not a tenant-based voucher, the family will be given 30 days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 30-day time frame, the GHA will terminate the housing assistance payments at the expiration of this 30-day period.

The GHA may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member, or as a reasonable accommodation.

#### 16.11.2 Moves Requested by the Tenant

Link: [24 CFR 983.261](#)

PBV vouchers are mobile: after one-year families have the option to leave the PBV unit and receive a tenant-based voucher, if a voucher is available. The GHA will supply the owner with a referral for a new PBV tenant. Families who wish to relocate with continued assistance must inform the owner and the GHA in writing not less than 30 days prior to the date they plan to vacate the unit and in accordance with the lease. The GHA will then place the family on a PBV-HCV Voucher program transfer list according to the date and time of receipt by the GHA of written notification of the family's 30-day notice of intent to vacate. The GHA will issue the next available tenant-based voucher to families on the PBV-HCV transfer list before proceeding to its regular HCV waiting list. Families from the regular HCV waiting list who have been notified of an eligibility appointment for a tenant-based voucher will not be delayed from receiving their voucher.

Families residing in a PBV unit who have been issued a tenant-based voucher may request a one-time extension of 30 days to the voucher term prior to the expiration of the voucher. Additional extensions may be granted as reasonable accommodation for a person with disability or for a victim under VAWA. If the term of the voucher has expired, the family may remain in the PBV unit only if the owner has provided written consent.

#### 16.11.3 Moves from Excepted Units

GHA will allow families who initially qualified to live in an excepted unit to remain when circumstances change due to factors beyond the remaining family members' control.

In all other cases, when GHA determines that a family no longer meets the criteria for a “qualifying family” in connection with the 25 percent per project cap exception, GHA will provide written notice to the family and owner within 10 calendar days of making the determination. The family will be given 30 days from the date of the notice to move out of the PBV unit. If the family does not move out within this 30-day time frame, GHA will terminate the housing assistance payments at the expiration of this 30-day period. GHA may make exceptions to this 30-day period if needed for reasons beyond the family’s control such as death, serious illness, or other medical emergency of a family member. GHA may refer other eligible families to the excepted units. However, if there are no eligible families on the waiting list and the owner does not refer eligible families to GHA, GHA will amend the HAP contract to reduce the total number of units under contract.

## **16.12 Vacancy Payments**

[24 CFR 983.352](#)

The GHA may consider whether to include vacancy payments as part of the HAP Contract with the owner when the project-based property meets the following criteria:

- The property is located in an area of low poverty concentration
- The property provides supportive services
- The property serves special voucher populations including
  - VASH
  - Mainstream
  - Other populations with approval of the GHA

The GHA will decide on a case-by-case basis if the GHA will provide vacancy payments to the owner. The HAP Contract with the owner will contain any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments, which will in no event exceed 60 days.

If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if the GHA determines that the vacancy is the owner’s fault.

If the GHA determines that the owner is responsible for a vacancy and, as a result, is not entitled to keep the housing assistance payment, the GHA will notify the landlord of the

amount of housing assistance payment that the owner must repay. The GHA will require the owner to repay the amount owed.

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must properly notify the GHA. In order for a vacancy payment request to be considered, it must meet the following requirements:

- The owner must notify GHA within 10 calendar days of the end of the period for which the owner is requesting the vacancy payment
- The owner must lease vacant contract units only to eligible families on the GHA waiting list referred by the GHA
- The owner must make reasonable good faith efforts to minimize the likelihood and length of any vacancy.
- The owner must not unreasonably deny applicants referred by the GHA to fill the vacancy and will, in the case of denial, advise the GHA of the reason for denial within 5 business days of the denial and the tenant screening criteria of an applicant referred by the GHA.
- The request must include the required owner certifications and the GHA may require the owner to provide documentation to support the request. If the owner does not provide the information requested by the GHA within 15 calendar days of the GHA's request, no vacancy payments will be made.

### **16. 13 Reduction in HAP Contract Due to Vacancies**

Link: [24 CFR 983.254](#)

If any contract units have been vacant for 120 days, the GHA will give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. The GHA will provide the notice to the owner within 10 calendar days of the 120th day of the vacancy. The amendment to the HAP contract will be effective the 1st day of the month following the date of the GHA's notice.

## **CHAPTER 17: Rental Assistance Demonstration (RAD)**

### **17.1 Overview**

Public housing units converting to assistance under Rental Assistance Demonstration (RAD) long-term Project Based Voucher (PBV) contracts are no longer subject to the public housing program rules. The former public housing units which become PBV units are subject to the rules of the Section 8 program, as modified by rules specific to RAD converted units. These specific RAD-related rules apply important provisions of the public housing rules to the RAD converted units, even though they would not normally be applicable in the HCV context.

GHA anticipates converting public housing units to PBV units using RAD conversions. Upon conversion to PBV, the GHA will adopt the resident rights, participation, waiting list and grievance procedures applicable to the RAD PBV units. The units converted to PBV under the RAD program will be operated consistent with GHA's PBV program rules referenced in this Administrative Plan to the extent not specifically required to operate in a different manner by the regulatory and statutory requirements of the RAD PBV program referenced above.

### **17.2 Resident Rights**

#### **17.2.1 No Re-screening of Tenants upon Conversion**

Pursuant to the RAD statute, at conversion current households are not subject to rescreening, income eligibility, or income targeting provisions. Current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.

A unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Once that remaining household moves out, the unit must be leased to an eligible family.

#### **17.2.2 Right to Return**

Any residents that need to be temporarily relocated due to rehabilitation or construction have a right to return to an assisted unit at the site once rehabilitation or construction is completed. If transferred, residents of the converting site have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete.

Residents of a site undergoing RAD conversion may voluntarily accept GHA's offer to permanently relocate to another assisted unit, and thereby waive their right to return to the site after rehabilitation or construction is completed

### 17.2.3 Renewal of Lease

Under RAD, the GHA must renew all leases upon lease expiration, unless cause exists. This provision must be incorporated by the PBV owner into the tenant lease or tenancy addendum.

### 17.2.4 Phase-in of Tenant Rent Increases

The GHA has established a policy setting the length of the phase in period at three years. If a tenant's monthly rent increases by more than the greater of 10 percent or \$25 solely as a result of RAD conversion, the rent increase will be phased in over 3 years.

The below method explains the percentage-based phase-in the GHA will follow. For purposes of this section "standard TTP" refers to the TTP calculated in accordance with regulations at 24 CFR §5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the family's most recent HUD Form 50058.

#### Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP and the standard TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 66% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and all subsequent re-certifications – Full standard TTP Five Year Phase in:

In the three year phase-in, once the standard TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.

### 17.2.5 Family Self-Sufficiency

Current FSS participants will continue to be eligible for FSS once their housing is converted under RAD, and GHA is allowed to use any remaining Public Housing FSS funds to serve those FSS participants who live in units converted by RAD.

### 17.2.6 Choice-Mobility

GHA provides a Choice-Mobility option to residents of RAD projects based on the following:

Resident Eligibility: Project based voucher Residents have a right to move with tenant-based rental assistance 12 months after the move-in date, subject to the availability of tenant-based vouchers. Households must submit a written request after the 12-month period has expired if they wish to be issued a tenant-based voucher and provide written 30 day notice to move to the owner and GHA. Households requesting tenant-based vouchers will be reviewed and if the required 12-month PBV period has occurred and proper move out notice given, will be moved to the top of the HCV waiting list based on the date and time of their written request and required documents (move notice).

If a resident is already a resident of the covered project at the time of conversion to PBV, the resident may request a tenant- based voucher after 12 months of PBV assistance, subject to the availability of tenant-based vouchers. When requests for tenant- based vouchers are made after 12 months of PBV residency, residents must submit a written request for a tenant-based voucher (and written move notice) which will be reviewed and if the required 12-month PBV period has occurred, will be moved to the top of the HCV waiting list based on date and time of written request.

### 17.2.7 Resident Participation and Funding

Residents of RAD projects converting to PBVs have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and are eligible for resident participation funding.

## 17.3 Waiting List

Link: [24 CFR 903.7\(b\)\(2\)\(ii\)-\(iv\)](#)

The GHA will establish PBV site-based waiting lists for properties converted through RAD. GHA will ensure that applicants on GHA's public housing and HCV waiting lists are offered placement on the RAD project's initial site-based waiting lists. Applicants from the PH and/or HCV waiting lists will be placed on the new PBV site based waiting list(s) based on the date and time of their original application to the PH and/or HCV program.

## 17.4 Earned Income Disregard(EID)

Link: [24 CFR 5.617](#)

Tenants who are employed and are currently receiving the EID exclusion at the time of RAD conversion will continue to receive the EID after conversion. Upon the expiration of the EID, the rent adjustment will not be subject to rent phase-in. The rent will automatically increase to the appropriate rent level based upon tenant income at that time.

Under the HCV program, the EID exclusion is limited to only persons with disabilities. However that requirement is not in the public housing program, i.e. the units prior to conversion to RAD. In order to allow all RAD public housing conversion tenants who are employed and currently receiving the EID at the time of conversion to continue to benefit from EID in the PBV project, the provision limiting EID to only disabled persons is waived. The waiver only applies to public housing tenants receiving the EID at the time of RAD conversion to PBV.

## **17.5 Termination Notification**

Link: [24 CFR 5.617](#)

The termination procedure for RAD conversions to PBV will require GHA provide adequate written notice of termination of the lease which will not be less than:

- A reasonable period of time, but not to exceed 30 days:
  - If the health or safety of other tenants, GHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
  - In the event of any drug-related or violent criminal activity or any felony conviction;
- 30 days in the case of nonpayment of rent; and
- 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period will apply.

## **17.6 Grievance Process**

Link: [4 CFR 982.555\(a\)\(1\)\(i\)-\(iv\)](#)

For RAD converted PBV units, the additional RAD program rules apply:

- An opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to an GHA (as owner) action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare,

or status.

- For any hearing for participants, the contract administrator will perform the hearing.
- For any additional hearings required under RAD, GHA (as owner) will perform the hearing.

An informal hearing will not be required for class grievances or to disputes between residents not involving the GHA (as owner) or contract administrator.

GHA (as owner) will provide opportunity for an informal hearing before an eviction.

Notice and other informal hearing policies are the same as stated in this Administrative Plan for the HCV program.



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## Appendix A: Income Exclusions

Category	Exclusion	CFR	Description
Other	Federally Mandated Income Exclusions	24 CFR 5.609(b)(22)	Amounts that must be excluded by federal statute. HUD will publish a Federal Register notice that includes the qualifying benefits.
Assets	Imputed Income from Assets	24 CFR 5.609(b)(1)	Any imputed return on an asset when net family assets total \$50,000 (adjusted annually) or less and no actual income from the net family assets can be determined.
Non-recurring income	Non-recurring income	24 CFR 5.609(b)(24)	Income that will not be repeated in the coming year based on information provided by the family.
Self-employment	Gross Self-employment Income	24 CFR 5.609(b)(28)	Gross income received through self-employment or operation of a business
Dependents	Minors (children under the age of 18 years)	24 CFR 5.609(b)(3)	All earned income of all children under the age of 18, including foster children.
Dependents	Adoption assistance payments	24 CFR 5.609(b)(15)	Adoption assistance payments for a child in excess of the amount of the dependent deduction.
Students	Earned Income of Dependent Students	24 CFR 5.609(b)(14)	Earned income of dependent full-time students in excess of the amount of the dependent deduction.
Students	Title IV HEA Assistance	24 CFR 5.609(b)(9)(i)	Any assistance that Section 479B of the Higher Education Act (HEA) of 1965, as amended, requires to be excluded from a family's income.
Students	Other Student Financial Assistance	24 CFR 5.609(b)(9)(ii)	Student financial assistance, not excluded under the HEA, for actual covered costs of higher education.
Students	Educational Savings Account	24 CFR 5.609(b)(10)	Income and distributions from any Coverdell educational savings account or any qualified tuition program under IRS section 530 or any qualified tuition program under section 529.
Baby bonds	Baby bonds	24 CFR 5.609(b)(10)	Income earned by government contributions to, or distributions from, 'baby bond' accounts created, authorized or funded by federal, state or local government.
Foster children / adults	Payments for Foster Children / Adults	24 CFR 5.609(b)(4)	Payments received for the care of foster children or adults, including State kinship, guardianship care payments, or tribal kinship payments.
Foster children / adults	Income of foster children / adults	24 CFR 5.609(b)(8)	Income of a live-in aide, foster child, or foster adult as defined in 24 CFR 5.403 and 5.603.
Live-in Aide	Income of a Live-in Aide	24 CFR 5.609(b)(8)	Income of a live-in aide, foster child, or foster adult.
People with Disabilities	ABLE accounts	24 CFR 5.609(b)(22)	Will be included in federally mandated excluded amounts. Notice PIH 2019-09/H-2019-06 details when ABLE account income is excluded.
People with Disabilities	State Payments to Allow Individuals with Disabilities to Live at Home	24 CFR 5.609(b)(19)	Payment made by an authorized by a state Medicaid managed care system or other state agency to a family to enable a family member to live in the family's assisted unit.
People with Disabilities	Plan to Attain Self-Sufficiency (PASS)	24 CFR 5.609(b)(12)(i)	Amounts set aside for use under a Plan to Attain Self-Sufficiency (PASS).
People with Disabilities	Reimbursements for Health and Medical Care Expenses	24 CFR 5.609(b)(6)	Amounts for, or in reimbursement of, health and medical care expenses for any family member.

Category	Exclusion	CFR	Description
Trusts	Trust distributions	24 CFR 5.609(b)(2)	Any distributions of a trust's principal are excluded. PHAs and owners must count any distributions of income from an irrevocable trust or a trust not under the control of the family (e.g., distributions of earned interest) as income to the family with the expectation of distributions used to pay the health and medical care expenses of a minor.
Insurance	Insurance payments and settlements for personal or property loss	24 CFR 5.609(b)(5)	Insurance payments and settlements for personal or property loss including, but not limited to: payments through health insurance, motor vehicle insurance, and workers' compensation.
Retirement	Retirement plan	24 CFR 5.609(b)(26)	Income received from any account under an IRS-recognized retirement plan. However, periodic payments are income at the time of receipt.
Military	Hostile fire special payment	24 CFR 5.609(b)(11)	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
Veterans	Veterans aid and attendance payments	24 CFR 5.609(b)(17)	Payments related to aid and attendance for veterans under 38 U.S.C. 1521.
Lawsuits	Lawsuit Settlements	24 CFR 5.609(b)(7)	Amounts recovered in a civil action or settlement based on malpractice, negligence and other breach of duty claim resulting in a family member becoming disabled.
Lawsuits	Reparations for Persecution	24 CFR 5.609(b)(13)	Reparation payments paid by a foreign government for claims by people persecuted during the Nazi era.
Lawsuits	Tribal Claims Payments	24 CFR 5.609(b)(21)	Payments received by tribal members from claims relating to the mismanagement of assets held in trust by the United States.
Lawsuits	Lawsuits related to civil rights	24 CFR 5.609(b)(25)	Civil rights settlements or judgments, including settlements or judgments for back pay.
Reimbursements	Reimbursements from publicly assisted programs	24 CFR 5.609(b)(12)(ii)	Amounts received by a participant in other publicly assisted programs for or in reimbursement of expenses to allow program participation (e.g., special equipment, clothing, transportation, child care, etc.).
Resident Services Stipend	Resident Services Stipend	24 CFR 5.609(b)(12)(iii)	Resident service stipends of \$200 or less per month for performing a part-time service for the PHA that enhances the quality of life in the development.
Employment training programs	Employment training programs	24 CFR 5.609(b)(12)(iv)	Incremental earnings and benefits from training programs HUD and qualifying employment training programs and training of a family member as resident management staff.
FSS	Family Self Sufficiency Account	24 CFR 5.609(b)(27)	Income earned on amounts placed in a family's FSS account.
Housing gap payments	Housing "gap" payments	24 CFR 5.609(b)(23)	Replacement housing "gap" payments to offset increased rent and utility costs to families displaced from one federally subsidized housing unit and another.
Benefits	Deferred Supplemental Security Income, SS income and benefits, or VA disability benefits	24 CFR 5.609(b)(16)	Deferred periodic amounts from: SSI, Supplemental Security Income and benefits or VA disability benefits that are received in a lump sum or prospective monthly amounts.
Property tax rebates	Property Tax Rebates	24 CFR 5.609(b)(18)	Refunds or rebates under state or local law for property taxes paid on the dwelling unit.
Loans	Loan Proceeds	24 CFR 5.609(b)(20)	The net amount disbursed by a lender to a borrower or a third party (e.g., educational institution or car dealership).

## Appendix B: Asset Exclusions

Category	Excluded Asset	Example(s)	Notes
Personal property	Necessary items of personal property	Medical devices, vehicle for commute	Determining what is a "necessary item" for personal property is a highly fact-specific determination. Additional guidance is forthcoming from HUD.
Personal property	Non-necessary items of personal property if the combined total value does not exceed \$50,000*	Vintage baseball cards, recreational boat, coin collection, art so long as the <i>total</i> value is under the limit	This matches the value of assets that can be self-certified by the family.
Savings account	Retirement account recognized by IRS	IRA, 401(k), 401(b) and retirement plans for self-employed individuals	
Real property	Real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located	Property subject to a lawsuit may be legally restricted from sale.	Such property does not count against the dollar amount limit or the real property limitation
Cash	Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member, for an incident resulting in a disability	A drunk driver injures a family member, who then has a disability. The family sues, and the driver's insurance pays the family.	
Savings account	The value of certain education or disability support savings accounts	Under Internal Revenue Code sections 529, 529A, 530, "baby bond" accounts	Coverdell accounts, tuition programs, any "baby bond" account created, authorized, or funded by Federal, state, or local government
Real property	Interest in Indian trust land	Family has interest in land held in trust by Bureau of Indian Affairs	Existing exclusion
Real property	Equity in a manufactured home where the family receives assistance under 24 CFR 982	HCV Manufactured Home Space Rental participants	
Real property	Equity in property where the family receives assistance under 24 CFR 982	HCV homeownership participant	For real property other than manufactured homes
Savings account	Family Self-Sufficiency (FSS) accounts		The family does not have access to FSS funds during their participation in the program. Also excluded from income.
Cash	Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family	Earned Income Tax Credits (EITC)	
Trust Funds	Trust that is not revocable by, or under the control of, any member of the family or household	Non-revocable trust fund; trust fund revocable once minor child reaches age 21	As long as a trust meets this definition, it is not an asset of the family

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GHA Annual Plan Elements  
B.2b New Activities**

**FYB July 1, 2026**

**GHA plans to undertake new activities related to the following in the upcoming  
GHA Fiscal Year:**

**Modernization or Development**

GHA is expecting to receive a close out letter from the General Land Office for the Disaster Recovery grant for Oleanders at Broadway, a mixed finance project(s) consisting of replacement public housing units. The development consists of 348 units of which 174 units are Public Housing, 87 are LIHTC, and 87 are market rate units. This development has converted units to RAD. Infrastructure for flood mitigation is expected to be completed during this fiscal year.

GHA received Disaster Recovery Reallocation Program (DRRP) grant funding from the Texas General Land Office for disaster related repairs at Gulf Breeze, Holland House, Oaks I, Villas on The Strand, and Oleanders at Broadway. This work will take place over the next two fiscal years.

**Units with Approved Vacancies for Modernization**

GHA utilizes capital funds to conduct modernization activities at the current public housing sites Gulf Breeze, Holland House, Oaks I – IV and Scattered Sites on an ongoing basis.

GHA expects to undertake repairs at Gulf Breeze, Holland House, and Oaks I to be funded through HUD and GLO's Disaster Recovery Reallocation Program (DRRP). These repairs will take place over the next two fiscal years.

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**GHA Annual Plan Elements**  
**B.3 –Progress in Meeting Mission and Goals**

**FYB July 1, 2026**

**1. HUD Strategic Goal: Support Underserved Communities**

PHA Goal: Invest in the Success of Communities:

- Maintained excellent customer service and provided ongoing training to current and new staff
- PH Managers attended at least three resident functions per year, including Resident Council meetings, or other social functions collectively, to interact with residents and/or discuss issues pertinent to their respective areas of responsibilities
- Provided enhanced services to current tenants through a comprehensive Resident Services program
- Conducted at least four walkthroughs per year on the properties by the Public Housing Managers and Maintenance Director
- Modernized units by making them energy efficient
- Maintained and updated public housing security improvements as needed, including continuing MOU for additional security presence on site
- Provided support and training to residents to form and maintain functional Resident Councils to be the voice of the residents
- Continued to require that each employee signs the Code of Ethics which includes the Equal Opportunity Non-Discrimination Statement at the time of employee orientation
- Provided training to employees on Fair Housing and equal opportunity
- Utilized reasonable accommodation documentation created by staff using HUD guidelines
- Recognized Fair Housing Month (April)
- Received Landmark Designation by City of Galveston for Historic Property Gulf Breeze
- Held Community Meeting with residents and stakeholders of the City to gather public input on a strategic plan for the property around the Walter Norris Jr. Island Community Center
- Worked with Human Capital partner USI to continue support services at the mixed income communities
- Maintained Hotline for individuals to report suspected fraud or abuse in assisted units

**2. HUD Strategic Goal: Ensure Access to and Increase the Production of**

## **Affordable Housing**

PHA Goal: Increase the Supply of Housing

- Identified HCV Participants to refer for enrollment in the Family Self-Sufficiency (FSS) program which can help them eventually transition to Homeownership
- Completed mixed income portion of the redevelopment plan for replacement housing damaged and demolished after Hurricane Ike
- Explored opportunities to create public/private partnerships for development utilizing current property portfolio

PHA Goal: Improve Rental Assistance to address the need for affordable housing

- Provided mobility counseling as a part of HCV briefings to make clients aware of choices in housing
- Conducted outreach and training efforts to HCV landlords
- Utilized landlord information meetings to address programmatic efficiency and expand the knowledge base
- Used project based vouchers to offer more assisted housing choices
- Continued to complete modernization work two units at a time, decreasing the number of units offline at any given time

### **3. HUD Strategic Goal: Promote Homeownership**

PHA Goal: Expand Homeownership Opportunities, and engage renters earlier in the process to help them plan for Homeownership

- Utilized homeownership vouchers
- Created and maintained public facilities corporations and other affiliates/subsidiaries where needed to advance development initiatives
- Continued Housing Choice Voucher educational endeavors

PHA Goal: Promote self-sufficiency and asset development of assisted households

- Focused on decreasing "0" income reporting families
- Continued to provide and attract supportive services to improve assisted recipients' employability
- Continued the Family Self-Sufficiency Program for HCV participants
- Coordinated self-sufficiency activities for all residents
- Conducted informational community fairs at Gulf Breeze and Holland House
- Continued the volunteer program for public housing residents

- Provided resident orientations upon move-in to assisted housing, including a resident handbook
- Continued to Abide by HUD's community service requirements for qualifying Public Housing residents

#### **4. HUD Strategic Goal: Advance Sustainable Communities**

##### PHA Goal: Integrate Health and Housing

- Undertook affirmative measures to ensure access to and a suitable living environment for assisted housing regardless of race, color, religion, national origin, sex, familial status, and disability
- Ensured that the waiting list is free from discrimination based on the varying factors above by utilizing preferences and policies established by the Board of Commissioners and approved by HUD
- Continued to ensure that maintenance concerns are addressed properly in the order in which they are received and without bias based on the varying factors above (barring emergency or life-threatening situation)
- Continued affirmative measures to ensure accessible housing to persons with all varieties of disabilities
- Continued to ensure that persons with disabilities are accommodated where necessary and to the greatest extent feasible
- Conducted informational community fairs and health fairs at housing developments
- Maintained relationships with MHMR and Adult Protective Services where needed
- Managed cases and referral database for senior and disabled population
- Continued to provide and attract supportive services to increase independence of the elderly or families with disabilities
- Coordinated with Resident Councils to schedule recreational activities for all residents
- Created designated areas at Gulf Breeze and Holland House for organized Physical and Occupational Therapy with medical students from local university
- Maintained community garden and worked with local food banks and non-profits to address food insecurity
- Worked with Human Capital partner USI to continue support services at the mixed income communities

##### PHA Goal: Strengthen Environmental Justice

- Utilized Scattered Sites and Mixed Income to reduce

- concentration
- Encouraged strategic blight removal in areas related to the redeveloped sites and other HA-owned sites
- Continued to engage and partner with the City of Galveston to install, construct, or reconstruct streets, utilities, and site improvements essential to ongoing redevelopment efforts
- Continued to partner with the City of Galveston (via an inter-local agreement to share information) to identify non-HQS/NSPIRE compliant landlords and move Agency clientele to affordable and safe housing that offers high opportunities for self-sufficiency

## **5. HUD Strategic Goal: Strengthen HUD's Internal Capacity**

### PHA Goal: Support and Develop GHA Staff

- Concentrated on efforts to improve specific management functions:
  - Continued to address lease violations immediately and appropriately
  - Continued to provide education for residents and landlords on Housing Quality Standards /NSPIRE and tenant and landlord responsibilities
  - Continued to strictly enforce the HCV property standards with the goal to raise HQS without limiting housing choices
- Continued to provide department specific training where needed/beneficial
- Required Housing Management Certification for all Asset Managers and assistants by the one year anniversary from date of hire
- Required HCV Inspectors to maintain Advanced Housing Quality Standards certification
- Complete 100% HQS/NSPIRE inspections
- Continued to maintain at least 98% reporting rate of PIC submissions during 2025 – 2030
- Maintained HCV utilization (by Available Budget Authority) 90% or better during FY 2025-2030
- Maintained just-in-time (real time) materials procurement to meet maintenance, to reduce storage costs

### PHA Goal: Strengthen Information Technology, Cybersecurity, and Data Management

- Continued Staff training and implementation of data security protocols, including review of IT policy during new employee onboarding
- Utilized data and cyber security software
- Invested in cyber / internet liability insurance

## PHA Goal: Establish a Customer-Centric Culture

- Improved communication and set expectations with management partner MBM to ensure adequate services are provided to Mixed Income tenants of GHA
- Enhanced assessments at Intake to provide the needed level of Resident Services to each tenant
- Continued to develop, implement and monitor training for each Program, (HCV, Public Housing) to ensure that our employees are thoroughly trained to be of service to our participants
- Continued to update all GHA employee job descriptions to adequately fit current and required job duties
- Continually updated and trained staff on Emergency Management Program
- Utilized online technology where possible with Landlords to streamline services
- Provided customer service training for staff
- Provided communication training for staff
- Centralized procurement documentation in digital format
- Created a database of current contracts and expiration dates
- Implement monthly team-building activities for staff at public housing sites
- Improved on intake, documentation and follow up in resident services (with addition of staff if possible)

**Certification by State or Local  
Official of PHA Plans Consistency  
with the Consolidated Plan or  
State Consolidated Plan  
(All PHAs)**

U. S Department of Housing and Urban Development  
Office of Public and Indian Housing  
OMB No. 2577-0226  
Expires: 09/30/2027

**Certification by State or Local Official of PHA Plans  
Consistency with the Consolidated Plan or State Consolidated Plan**

I, \_\_\_\_\_, the \_\_\_\_\_  
*Official's Name* *Official's Title*

certify that the 5-Year PHA Plan for fiscal years \_\_\_\_\_ and/or Annual PHA Plan for fiscal  
year \_\_\_\_\_ of the \_\_\_\_\_ is consistent with the  
*PHA Name*

Consolidated Plan or State Consolidated Plan including any applicable fair housing goals or  
strategies to:

\_\_\_\_\_  
*Local Jurisdiction Name*

pursuant to 24 CFR Part 91 and 24 CFR Part 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or  
State Consolidated Plan.

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I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct. WARNING: Anyone who knowingly  
submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil  
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Name of Authorized Official:

Title:

Signature:

Date:

This information is collected to ensure consistency with the consolidated plan or state consolidated plan.

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