

<b>PHA 5-Year and Annual Plans</b>	<b>U.S. Department of Housing and Urban Development Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226</b>
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1.0	<b>PHA Information</b>  PHA Name: <u>San Diego Housing Commission</u> PHA Code: <u>CA063</u> PHA Type: <input type="checkbox"/> Small <input type="checkbox"/> High Performing <input checked="" type="checkbox"/> Standard <input type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>07/2008</u>					
2.0	<b>Inventory</b> (based on ACC units at time of FY beginning in 1.0 above)  Number of PH units: <u>36</u> Number of HCV units: <u>13,266</u>					
3.0	<b>Submission Type</b>  <input type="checkbox"/> Annual Plan and 5-Year Plan <input checked="" type="checkbox"/> Annual Plan Only <input type="checkbox"/> 5-Year Plan Only					
4.0	<b>PHA Consortia:</b> <input type="checkbox"/> (Check box if submitting a joint Plan and complete table below.) <u>N/A</u>					
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program	
					PH	HCV
	PHA 1:					
	PHA 2:					
	PHA 3:					
5.0	<b>5-Year Plan.</b> Complete items 5.1 and 5.2 only at 5-Year Plan update. <u>N/A</u>					
5.1	<b>Mission.</b> State the PHA's Mission for serving the needs of low-income, very low income, and extremely low income families in the PHA's jurisdiction for the next five years: <u>N/A</u>					
5.2	<b>Goals and Objectives.</b> Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. <u>N/A</u>					

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6.0	<p><b>PHA Plan Elements not Subject to HUD Review.</b></p> <p>(A) List the required elements that have been revised by the PHA since its last Annual Plan submission: <b>see List of Agency Plan Components</b></p> <p>(B) List the locations(s) where the public may obtain copies of required PHA Plan elements not subject to HUD review:</p> <ul style="list-style-type: none"> <li>• SDHC - Workforce &amp; Economic Development Department, 1122 Broadway, 5<sup>th</sup> Floor, San Diego, CA 92101</li> <li>• San Diego Housing Commission's Internet Site: <a href="http://www.sdhc.org/giaboutus3a9.shtml">http://www.sdhc.org/giaboutus3a9.shtml</a></li> </ul>
7.0	<p><b>Hope VI (N/A), Mixed Finance Modernization or Development (N/A), Demolition and/or Disposition (N/A), Conversion of Public Housing (N/A), Homeownership Programs (N/A), and Project-based Vouchers.</b> Include statements related to these programs as applicable.</p> <p><b>see Attachment 3 – (ca063d09) – Project-based Voucher Program Description.</b></p>
8.0	<p><b>Capital Fund Financing Program (CFFP). <u>N/A</u></b></p> <p><input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP) or Replacement Housing Factor (RHF) grant to repay debt incurred to finance capital improvements.</p>
9.0	<p><b>Housing Needs.</b> Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income and very low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.</p> <p><b>see Attachment 10 – (ca063k09) – Housing Needs of Families in the Jurisdiction.</b></p>
9.1	<p><b>Strategy for Addressing Housing Needs.</b> Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. <b>Note:</b> Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan. <b>see Attachment 11 – (ca063l09) – Strategy for Addressing Housing Needs in the Jurisdiction and on the Waiting List.</b></p>

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10.0	<p><b>Additional Information.</b> Describe the following, as well as any additional information HUD has requested.</p> <p>(A) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5 - Year Plan. <b>see Attachment 19 – (ca063w09) – Agency Plan Progress Statement.</b></p> <p>(B) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification". <b>see Attachment 14 – (ca063o09) – Significant Amendment Definition.</b></p>
11.0	<p><b>Required Submission for HUD Field Office Review.</b> In addition to the PHA Plan template (HUD-50075), PHAs must submit the following eight documents. Items A through G may be submitted with signature by mail or electronically with scanned signatures. Item H must be attached electronically with the PHA Plan. <b>Note:</b> Faxed copies of these documents will not be accepted by the Field Office. <b>see Attachment 20 – (ca063x09) – Fair Housing &amp; Signed Certificates.</b></p> <p>(A) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</p> <p>(B) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(C) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(D) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(E) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(F) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (signature page only)</p> <p>(G) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p> <p>(H) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. <b>see Attachment 18 – (ca063u09) - Resident Advisory Board Members and Comments.</b></p>

No.	List of Agency Plan Components - Item	PH or Sect 8	FY09 Revision		SDHC Document(s) containing this item.
			Yes	No	
6 B-a	<b>Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.</b> Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.	PH  S8	<input checked="" type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input checked="" type="checkbox"/>	<b>see Attachment 8 – (ca063i09)</b> Proposed changes to Admissions and Continued Occupancy Plan For Conventional Public Housing (ACOP). <b>see Attachment 9 – (ca063j09) –</b> ACOP. <b>see Attachment 5 – (ca063f09)</b> Administrative Plan for the Section 8 Rental Assistance Program (AP-Sect 8).
6 B-b	<b>Financial Resources.</b> 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 used for the resources.				<b>see Attachment 15 – (ca063p09)</b> Statement of Financial Resources
6 B-c	<b>Rent Determination.</b> A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.	PH  S8	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<b>see Attachment 9 – (ca063j09) –</b> ACOP – Chapter 6: Determination of Total Tenant Payment. <b>see Attachment 5 – (ca063f09)</b> Sect 8 AP – Chapter 9: Owner Rents, Rental Reasonableness and Payment Standards.

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			Yes	No	
6 B-d	<b>Operation and Management.</b> 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.	PH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	see Attachment 9 – (ca063j09) – ACOP – Chapter 1: Statement of Policies and objectives.
6 B-e	<b>Grievance Procedures.</b> Description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.	PH  S8	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	see Attachment 9 – (ca063j09) – ACOP – Chapter 13: Complaints, Grievances and Appeals.  see Attachment 5 – (ca063f09) Sect 8 AP – Chapter 11: Program Terminations and Program Integrity Unit.
6 B-f	<b>Designated Housing for Elderly and Disabled Families.</b> With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: <b>1)</b> development name and number; <b>2)</b> designation type; <b>3)</b> application status; <b>4)</b> date the designation was approved, submitted, or planned for submission, and; <b>5)</b> the number of units affected.	PH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable in FY09.
6 B-g	<b>Community Service.</b> How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements.	PH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	see Attachment 9 – (ca063j09) – ACOP – Chapter 16: Community Service.

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			Yes	No	
6 B-g	<b>Self-Sufficiency.</b> A description of: (1) Any programs relating to services and amenities provided or offered to assisted families; (2) Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families.	PH  S8	<input checked="" type="checkbox"/>  <input type="checkbox"/>	<input type="checkbox"/>  <input checked="" type="checkbox"/>	<b>see Attachment 6 – (ca063g09)</b> Proposed changes to the Family Self-Sufficiency Program.  <b>see Attachment 7 – (ca063h09)</b> Family Self-Sufficiency Action Plan
6 B-h	<b>Safety and Crime Prevention.</b> For public housing only, <u>describe the PHA's plan for safety and crime prevention</u> to ensure the safety of the public housing residents. The statement must include: (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.	PH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>see Attachment 9 – (ca063j09)</b> – ACOP – Chapter 15: One Strike Policy.
6 B-i	<b>Pets.</b> A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.	PH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>see Attachment 9 – (ca063j09)</b> – ACOP – Chapter 10: Pet Policy
6 B-j	<b>Civil Rights Certification.</b> A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction				<b>see Attachment 20 – (ca063x09)</b> – Fair Housing Statement & Sign Certifications:  - HUD 50077 - HUD 50070 - HUD 50071 - HUD SF-LLL

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No.	List of Agency Plan Components - Item	PH or Sect 8	FY09 Revision		SDHC Document(s) containing this item.
			Yes	No	
6 B-k	<b>Fiscal Year Audit.</b> The results of the most recent fiscal year audit for the PHA.				<b>see Attachment 16 – (ca063r09) –</b> Financial Audit for year ending June 30, 2006.
6 B-l	<b>Asset Management.</b> <u>A statement of how the agency will carry out its asset management functions</u> 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.	PH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>see Attachment 12 – (ca063m09)</b> Asset Management Statement.
6 B-m	<b>Violence Against Women Act (VAWA).</b> A description of: <b>(1)</b> Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; <b>(2)</b> Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and <b>(3)</b> 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 victim safety in assisted families.	PH  S8	<input type="checkbox"/>  <input type="checkbox"/>	<input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	<b>see Attachment 9 – (ca063j09) –</b> <b>ACOP -</b> Chapter 1(I): Statement of policies and Objectives, Violence Against Women Act.  <b>see Attachment 5 – (ca063f09)</b> Sect 8 AP – Chapter 11(G); <b>see Attachment 21 – (ca063y09)</b> Violence Against Women (VAWA) Statement.
7-a	<b>Hope VI or Mixed Finance Modernization or Development.</b> <b>(1)</b> A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and <b>(2)</b> A timetable for the submission of applications or proposals.	PH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable in FY09.

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No.	List of Agency Plan Components - Item	PH or Sect 8	FY09 Revision		SDHC Document(s) containing this item.
			Yes	No	
7-b	<b>Demolition and/or Deposition.</b> With respect to public housing projects owned by the PHA: (1) A description of any housing (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; and (2) A timetable for the demolition or disposition.	PH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable in FY09.
7-c	<b>Conversion of Public Housing.</b> With respect to public housing owned by a PHA: (1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or that the public housing agency plans to voluntarily convert; (2) An analysis of the projects or buildings required to be converted; and (3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion.	PH	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not applicable in FY09.
7-d	<b>Homeownership.</b> A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.	PH S8	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	Not applicable in FY09.
7-e	<b>Project-based Vouchers.</b> If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.	S8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>see Attachment 3 – (ca063d09)</b> Project-Based Voucher Program Description.



<b>FY09 Agency Plan - List of Attachments</b>	<b>Attachment #</b>	<b>HUD #</b>
<b>San Diego Housing Commission – FY09 Annual Agency Plan</b>		ca063v09
<b>FY09 Annual Agency Plan – CAP Tables</b>	1	ca063b09
<b>Revision Summary - Project-Based Voucher Program</b>	2	ca063c09
<b>Project-Based Voucher Program Description</b>	3	ca063d09
<b>Revision Summary - Section 8 Program</b>	4	ca063e09
<b>Section 8 Administrative Plan</b>	5	ca063f09
<b>Revision Summary - Family Self-Sufficiency Action Plan</b>	6	ca063g09
<b>Family Self-Sufficiency Action Plan</b>	7	ca063h09
<b>Revision Summary - Public Housing Admission and Continued Occupancy Plan</b>	8	ca063i09
<b>Public Housing Admission and Continued Occupancy Plan</b>	9	ca063j09
<b>Housing Needs of Families in the Jurisdiction Served by the PHA</b>	10	ca063k09
<b>Strategy for Addressing Housing Needs of Families on the Waiting List.</b>	11	ca063l09
<b>Asset Management Statement</b>	12	ca063m09
<b>Public Housing Flat Rent &amp; Utility Allowance Tables</b>	13	ca063n09
<b>Significant Amendment Definition</b>	14	ca063o09
<b>Statement of Financial Resources</b>	15	ca063p09
<b>Financial Audit – Year Ending June 30, 2006</b>	16	ca063r09
<b>San Diego Housing Commission Board of Commissioners</b>	17	ca063t09
<b>Resident Advisory Board Members, Comments, and Public Notice</b>	18	ca063u09
<b>Agency Plan Progress Statement</b>	19	ca063w09
<b>Fair Housing and Signed Certifications</b>	20	ca063x09
<b>Violence Against Women ACT (VAWA) Statement</b>	21	ca063y09
<b>San Diego Housing Commission - Agency Plan Resolution</b>	22	ca063z09

**CAPITAL FUND PROGRAM TABLES START HERE**

Annual Statement/Performance and Evaluation Report										
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary										
PHA Name: San Diego Housing Commission		Grant Type and Number Capital Fund Program Grant No. CA16PO63-501-04 Replacement Housing Factor Grant No.:		Federal FY of Grant: 04						
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no.: ) <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 12/31/07 <input type="checkbox"/> Final Performance and Evaluation Report										
Line No.	Summary by Development Account	Total Estimated Cost			Total Actual Cost			Obligated	Expended	
		Original	Revised							
1	Total non-CFP Funds	\$	-							
2	1406 Operations	\$	128,505.00				\$	128,505.00	\$	128,505.00
3	1408 Management Improvements	\$	356,352.00				\$	356,352.00	\$	356,297.00
4	1410 Administration	\$	216,082.00				\$	216,082.00	\$	216,082.00
5	1411 Audit	\$	-							
6	1415 Liquidated Damages	\$	-							
7	1430 Fees and Costs	\$	-							
8	1440 Site Acquisition	\$	-							
9	1450 Site Improvement	\$	342,575.00				\$	342,575.00	\$	342,575.00
10	1460 Dwelling Structures	\$	939,499.00				\$	939,499.00	\$	939,499.00
11	1465.1 Dwelling Equipment - Non-expendable	\$	-	\$	14,147.57		\$	14,147.57	\$	14,147.57
12	1470 Non-Dwelling Structures	\$	-							
13	1475 Non-Dwelling Equipment	\$	60,000.00	\$	45,852.43		\$	45,852.43	\$	45,852.43
14	1485 Demolition	\$	-							
15	1490 Replacement Reserve	\$	-							
16	1492 Moving to Work Demonstration	\$	-							
17	1495.1 Relocation Costs	\$	143,800.00				\$	143,800.00	\$	143,800.00
18	1499 Development Activities	\$	-							
19	1501 Collateralization or Debt Service									
20	1502 Contingency									
21	Amount of Annual Grant: (sum of lines 2 - 20)	\$	2,186,813.00				\$	2,186,813.00	\$	2,186,758.00
22	Amount of Line 21 Related to LBP Activities									
23	Amount of line 21 Related to Section 504 compliance									
24	Amount of line 21 Related to Security - Soft Costs									
25	Amount of line 21 Related to Security - Hard Costs	\$	65,890.00							
26	Amount of line 21 Related to Energy Conservation Measures									

# Annual Statement/Performance and Evaluation Report

## Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

### Part II: Supporting Pages

PHA Name: San Diego Housing Commission

Part II: Supporting Pages			Grant Type and Number		Federal FY of Grant:			
PHA Name: San Diego Housing Commission			Capital Fund Program Grant No. CA13PO63-501-04		04			
Replacement Housing Factor Grant No.:								
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
CA 16-013	a) Install fence	1450	1 Site	\$ 1,500.00				
	b) Install retaining wall	1450	1 Site	\$ 5,000.00				
	c) Install site drain	1450	6 Sites	\$ 36,000.00				
	d) Relocation	1495	6 Sites	\$ 36,000.00				
	e) Repair/replace exterior trim and paint	1460	6 Sites	\$ 60,000.00				
	f) Repair/replace sewer line	1450	1 Site	\$ 900.00				
	g) Replace chain link fence	1450	2 Sites	\$ 11,300.00				Complete
	h) Replace deck surface	1460	6 Sites	\$ 22,800.00				Complete
	i) Replace fencing	1450	1 Site	\$ 5,200.00				Complete
	j) Replace garage roof	1460	6 Sites	\$ 22,800.00				
	k) Termite extermination	1460	6 Sites	\$ 24,000.00				
CA 16-014	l) Replace concrete	1450	3 Sites			\$ 10,439.25	\$ 10,439.25	Complete
	Sub-Total			\$ 225,500.00	\$ -	\$ 60,757.25	\$ 60,757.25	
	a) Landscape upgrades	1450	1 Site	\$ 75,812.00		\$ 48,205.50	\$ 48,205.50	Complete
CA 16-021	Sub-Total			\$ 75,812.00	\$ -	\$ 48,205.50	\$ 48,205.50	
	a) Replace chain link fencing	1450	1 Site	\$ 1,200.00				Complete
	b) Replace wood fencing	1450	1 Site					Complete
CA 16-022	c) Exterior	1460	1 Site					Complete
	Sub-Total			\$ 1,200.00	\$ -	\$ 62,670.00	\$ 62,670.00	
	a) Install wrought iron fencing	1450	1 Site	\$ 20,000.00		\$ 12,977.00	\$ 12,977.00	Complete
CA 16-024	Sub-Total			\$ 20,000.00	\$ -	\$ 12,977.00	\$ 12,977.00	
	a) Repair and seal asphalt parking lot	1450	1 Site	\$ 24,000.00		\$ 28,234.00	\$ 28,234.00	complete
	b) Replace water boilers	1460	1 Site	\$ 8,000.00				
CA 16-027	c) Kitchen and Bathroom Upgrades	1460	1 Site			\$ 174,179.88	\$ 174,179.88	Complete
	Sub-Total			\$ 32,000.00	\$ -	\$ 202,413.88	\$ 202,413.88	
	a) Repipe water supply line	1450	1 Site	\$ 2,000.00				
CA 16-030	Sub-Total			\$ 2,000.00	\$ -	\$ -	\$ -	
	a) Install irrigation master valve	1450	1 Site	\$ 8,000.00		\$ 16,750.00	\$ 16,750.00	complete
	b) Install exterior security lights	1450	1 Site	\$ 8,500.00				

Continued from

# Annual Statement/Performance and Evaluation Report

## Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

### Part II: Supporting Pages

PHA Name: San Diego Housing Commission

Part II: Supporting Pages			Grant Type and Number				Federal FY of Grant:			
PHA Name: San Diego Housing Commission			Capital Fund Program Grant No. CA13PO63-501-04				04			
Replacement Housing Factor Grant No.:										
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work		
				Original	Revised	Funds Obligated	Funds Expended			
CA 16-035	c) Install expanded metal on fencing	1450	1 Site	\$ 35,000.00		\$ 35,849.00	\$ 35,849.00	complete		
	Sub-Total			\$ 51,500.00	\$ -	\$ 52,599.00	\$ 52,599.00			
	a) Landscape upgrades	1450	1 Site	\$ 50,363.00		\$ 23,743.00	\$ 23,743.00	Complete		
CA 16-038	Sub-Total			\$ 50,363.00	\$ -	\$ 23,743.00	\$ 23,743.00			
	a) Replace Wood Fencing	1450	1 Site		\$ -	\$ 71,023.25	\$ 71,023.25	Complete		
	Sub-Total			\$ -	\$ -	\$ 71,023.25	\$ 71,023.25			
CA 16-039	a) Repair and seal parking lot	1450	1 Site	\$ 50,000.00						
	Sub-Total			\$ 50,000.00	\$ -	\$ -	\$ -			
	a) Upgrades kitchens	1460	1 Site	\$ 202,726.00						
CA 16-040	b) Upgrade bathrooms	1460	1 Site	\$ 128,995.00						
	c) Repair stucco	1460	1 Site	\$ 16,700.00						
	d) Repipe water supply line	1450	1 Site	\$ 21,000.00						
	e) Replace concrete sidewalks	1450	1 Site	\$ 21,300.00						
	f) Relocation	1495	1 Site	\$ 44,800.00						
	Sub-Total			\$ 435,521.00	\$ -	\$ -	\$ -			
	a) Bathroom Upgrade	1460	1 Site	\$ 4,939.00		\$ 4,939.00	\$ 4,939.00	complete		
CA 16-047	Sub-Total			\$ 4,939.00	\$ -	\$ 4,939.00	\$ 4,939.00			
	a) Replace refrigerators	1465	1 Site	\$ 14,147.57		\$ 14,147.57	\$ 14,147.57	complete		
	Sub-Total			\$ 14,147.57		\$ 14,147.57	\$ 14,147.57			
CA 16-050	a) Replace wood fencing (44' x 88')	1450	1 Site	\$ 17,000.00		\$ 9,660.00	\$ 9,660.00	Complete		
	b) Emergency Firework	1450	1 Site	\$ 1,200.00		\$ 1,200.00	\$ 1,200.00	Complete		
	c) Emergency Firework	1460	1 Site	\$ 22,675.00		\$ 22,202.24	\$ 22,202.24	Complete		
	Sub-Total			\$ 17,000.00	\$ -	\$ 33,062.24	\$ 33,062.24			
	a) Kitchen upgrades	1460	2 Sites	\$ 219,726.00		\$ 486,050.00	\$ 486,050.00	Complete		
CA 16-055	b) Relocation	1495	2 Sites	\$ 35,000.00		\$ 113,549.49	\$ 113,549.49	Complete		
	c) Replace Wood Fencing	1450	1 Site			\$ 5,300.00	\$ 5,300.00	Complete		
	Sub-Total			\$ 254,726.00	\$ -	\$ 604,899.49	\$ 604,899.49			
	a) Upgrade Kitchens	1460	1 Site	\$ 124,726.00		\$ 91,440.97	\$ 91,440.97	complete		
	b) Upgrade bathrooms	1460	1 Site	\$ 84,726.00		\$ 60,920.00	\$ 60,920.00	complete		

Federal FY of Grant:

04

Grant Type and Number  
Capital Fund Program Grant No. CA13PO63-501-04  
Replacement Housing Factor Grant No.:

Annual Statement/Performance and Evaluation Report									
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)									
Part II: Supporting Pages									
PHA Name: San Diego Housing Commission		Grant Type and Number Capital Fund Program Grant No. CA13PO63-501-04 Replacement Housing Factor Grant No.:		Federal FY of Grant: 04					
Development Number Name/PHA Wide Activities	General Description of Major Work Categories	Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Funds Obligated	Funds Expended		
CA 16-058	c) Repair/replace exterior trim and paint	1460	1 Site	\$ 24,300.00					
	e) Relocation	1495	1 Site	\$ 28,000.00		\$ 30,250.51	\$ 30,250.51	complete	
	Sub-Total			\$ 261,752.00	\$ -	\$ 182,611.48	\$ 182,611.48		
	a) Kitchen upgrades	1460	1 Sites			\$ 40,903.20	\$ 40,903.20	complete	
CA 16-059	b) Bathroom Upgrades	1460	1 Sites			\$ 25,069.71	\$ 25,069.71	complete	
	Sub-Total			\$ -	\$ -	\$ 65,972.91	\$ 65,972.91		
				\$ 1,425,874.00					
				\$ 35,000.00		\$ 42,945.21	\$ 42,945.21		
PHA Wide Management Improvements	a) Computer Instruction	1408		\$ 35,000.00		\$ 155,962.78	\$ 155,962.78		
	b) Resident development	1408		\$ 160,321.00		\$ 155,962.77	\$ 155,962.77		
	c) Senior Resident Initiatives Coordinator (force acct )	1408		\$ 153,031.00		\$ 1,426.24	\$ 1,426.24		
	d) Supv. Resident Initiatives Coordinator (force acct )	1408		\$ -					
PHA Wide Admin	e) Transportation	1408		\$ 8,000.00					
	f) Youth Diversionary Programs	1408		\$ 356,352.00	\$ -	\$ 356,297.00	\$ 356,297.00		
	Sub-Total			\$ 216,082.00		\$ 216,082.00	\$ 216,082.00		
	a) Administration	1410		\$ 216,082.00	\$ -	\$ 216,082.00	\$ 216,082.00		
PHA Wide Fees & Costs	Sub-Total			\$ -					
	a) A&E (In House Inspections)	1430		\$ -	\$ -	\$ -	\$ -		
	Sub-Total			\$ -	\$ -	\$ -	\$ -		
	Maintenance vehicles, tools, equipment, and communications	1475		\$ 60,000.00	\$ 45,852.43	\$ 45,852.43	\$ 45,852.43		
PHA Wide Non- Dwelling Equipment	Sub-Total			\$ 60,000.00	\$ 45,852.43	\$ 45,852.43	\$ 45,852.43		
	a) Operations	1406		\$ 128,505.00	\$ -	\$ 128,505.00	\$ 128,505.00		
	Sub-Total			\$ 128,505.00	\$ -	\$ 128,505.00	\$ 128,505.00		
				\$ 2,186,813.00					

# Annual Statement/Performance and Evaluation Report

## Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

### Part III: Implementation Schedule

PHA Name: San Diego Housing Commission			Grant Type and Number Capital Fund Program Grant No. CA16PO63-501-04 Replacement Housing Factor Grant No.:			Federal FY of Grant: 04	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)			All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	Actual	
CA 16-013	09/06/06			09/05/08			
CA 16-014	09/06/06		03/30/06	09/05/08		06/30/06	
CA 16-021	09/06/06		06/30/05	09/05/08		06/30/06	
CA 16-022	09/06/06		06/30/05	09/05/08		12/31/05	
CA 16-024	09/06/06		06/30/05	09/05/08		12/31/05	
CA 16-027	09/06/06			09/05/08			
CA 16-030	09/06/06			09/05/08			
CA 16-035	09/06/06		06/30/06	09/05/08		06/30/06	
CA 16-038	09/06/06		03/30/06	09/05/08		06/30/06	
CA 16-039	09/06/06			09/05/08			
CA 16-040	09/06/06			09/05/08			
CA 16-044	09/06/06		12/31/04	09/05/08		03/30/05	
CA 16-047	09/06/06		12/31/05	09/05/08		12/31/05	
CA 16-050	09/06/06		03/30/05	09/05/08		06/30/06	
CA 16-055	09/06/06		06/30/05	09/05/08		12/31/05	
CA 16-058	09/06/06		03/30/05	09/05/08		06/30/06	
CA 16-059	09/06/06		06/30/05	09/05/08		06/30/05	
PVH Wide Management Improvements	09/06/06		06/30/05	09/05/08			
PHA Wide Administration	09/06/06		12/31/04	09/05/08		06/30/06	
PHA Wide Fees and Costs	09/06/06			09/05/08			
PHA Wide Non-Dwelling Equipment	09/06/06		06/30/05	09/05/08		06/30/05	
PHA Wide Operations	09/06/06		06/30/05	09/05/08		6/30/2005	

# CAPITAL FUND PROGRAM TABLES START HERE

Annual Statement/Performance and Evaluation Report									
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary									
PHA Name: San Diego Housing Commission					Grant Type and Number Capital Fund Program Grant No. CA16PO63-501-05		Federal FY of Grant: 05		
Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 12/31/07					Revised Annual Statement (revision no.: ) <input type="checkbox"/> Final Performance and Evaluation Report				
Summary by Development Account					Total Estimated Cost		Total Actual Cost		
Line No.					Original	Revised	Obligated	Expended	
1	Total non-CFP Funds				\$ -				
2	1406 Operations				\$ 94,817.50		\$ 94,817.50	\$	94,817.50
3	1408 Management Improvements				\$ 379,270.00		\$ 379,270.00	\$	360,954.14
4	1410 Administration				\$ 189,635.00		\$ 189,635.00	\$	179,392.90
5	1411 Audit								
6	1415 Liquidated Damages								
7	1430 Fees and Costs								
8	1440 Site Acquisition								
9	1450 Site Improvement				\$ 495,027.50	\$ 366,755.54	\$ 366,755.54	\$	366,755.54
10	1460 Dwelling Structures				\$ 555,100.00	\$ 681,643.21	\$ 681,643.21	\$	681,643.21
11	1465.1 Dwelling Equipment - Non-expendable								
12	1470 Non-Dwelling Structures								
13	1475 Non-Dwelling Equipment				\$ 60,000.00	\$ 61,728.75	\$ 61,728.75	\$	61,728.75
14	1485 Demolition								
15	1490 Replacement Reserve								
16	1492 Moving to Work Demonstration								
17	1495.1 Relocation Costs				\$ 122,500.00		\$ 122,500.00	\$	122,500.20
18	1499 Development Activities								
19	1501 Collateralization or Debt Service								
20	1502 Contingency								
21	Amount of Annual Grant: (sum of lines 2 - 20)				\$ 1,896,350.00		\$ 1,896,350.00	\$	1,867,792.24
22	Amount of Line 21 Related to LBP Activities								
23	Amount of line 21 Related to Section 504 compliance								
24	Amount of line 21 Related to Security - Soft Costs								
25	Amount of line 21 Related to Security - Hard Costs				\$ 65,890.00				
26	Amount of line 21 Related to Energy Conservation Measures								

Annual Statement/Performance and Evaluation Report  
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

Part II: Supporting Pages

PHA Name: San Diego Housing Commission

Grant Type and Number  
Capital Fund Program Grant No. CA13PO63-501-05  
Replacement Housing Factor Grant No.

Federal FY of Grant:  
05

Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
CA 16-013	a) Replace concrete flatwork	1450	1 Site	\$ 4,137.00				
	b) Replace roofing	1460	1 Site	\$ 9,000.00		\$ 23,918.00	\$ 23,918.00	Complete
	c) Install dumpster enclosures	1450	2 Sites	\$ 10,000.00		\$ 10,823.00	\$ 10,823.00	Complete
	d) Replace concrete apron	1450	1 Site	\$ 5,000.00				
	e) Repair/replace exterior trim and paint	1460	2 Sites	\$ 7,200.00				
	f) Replace concrete parking lot and flatwork	1450	1 Site	\$ 18,340.00		\$ 44,897.85	\$ 44,897.85	Complete
	g) Replace wood cedar fencing	1450	2 Sites	\$ 10,560.00		\$ 12,700.00	\$ 12,700.00	Complete
	h) Repair/replace concrete balcony deck	1460	1 Site	\$ 6,600.00				
	i) Repair stucco/soffit	1460	1 Site	\$ 15,000.00				
	j) Replace gutters and downspouts	1460	1 Site			\$ 3,300.00	\$ 3,300.00	Complete
	Sub-Total			\$ 85,837.00	\$ -	\$ 95,638.85	\$ 95,638.85	
CA 16-014	a) Replace site concrete and asphalt	1450	1 Site	\$ 81,500.00		\$ 55,155.74	\$ 55,155.74	Complete
	b) Landscape upgrades	1450	1 Site			\$ 7,156.80	\$ 7,156.80	Complete
	Sub-Total			\$ 81,500.00	\$ -	\$ 62,312.54	\$ 62,312.54	
CA 16-016	a) Kitchen & Bathroom Upgrades	1460	1 Site	\$ 148,500.00		\$ 165,333.00	\$ 165,333.00	Complete
	b) Relocation (force acct.)	1495		\$ 38,500.00		\$ 45,376.64	\$ 45,376.64	Complete
	Sub-Total			\$ 187,000.00	\$ -	\$ 210,709.64	\$ 210,709.64	
CA 16-019	a) Replace roofing and gutters	1460		\$ 17,590.50		\$ 33,912.00	\$ 33,912.00	Complete
	b) Replace wood fascia and trim	1460		\$ 4,600.00				
	c) Exterior Painting	1460	1 Site	\$ 17,600.00		\$ 5,085.00	\$ 5,085.00	Complete
	d) Replace trash enclosure doors	1450		\$ 2,600.00				
	e) Replace exterior doors	1460				\$ 730.00	\$ 730.00	Complete
	Sub-Total			\$ 42,390.50	\$ -	\$ 39,727.00	\$ 39,727.00	
CA 16-021	a) Repave and restripe concrete parking lot	1450	1 Site	\$ 24,000.00				
	b) Replace wood cedar fencing	1450	3 Sites	\$ 26,600.00		\$ 30,167.00	\$ 30,167.00	Complete
	Sub-Total			\$ 50,600.00	\$ -	\$ 30,167.00	\$ 30,167.00	
CA 16-022	a) Replace site concrete and driveway flatwork	1450	1 Site	\$ 65,000.00		\$ 111,119.41	\$ 111,119.41	Complete
	Sub-Total			\$ 65,000.00	\$ -	\$ 111,119.41	\$ 111,119.41	
CA 16-023	a) Replace wood cedar fencing	1450	1 Site	\$ 46,400.00				
	b) Landscape upgrades	1450	1 Site			\$ 23,407.00	\$ 23,407.00	Complete
	Sub-Total			\$ 46,400.00	\$ -	\$ 23,407.00	\$ 23,407.00	



# Annual Statement/Performance and Evaluation Report

## Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

### Part II: Supporting Pages

PHA Name: San Diego Housing Commission

Development Number Name/HA-Wide Activities		General Description of Major Work Categories		Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
						Original	Revised	Funds Obligated	Funds Expended	
CA 16-024	a) Replace exterior doors			1460	1 Site	\$ 8,000.00		\$ 178,620.12	\$ 178,620.12	Complete
	b) Kitchen and bathroom upgrades			1460		\$ 324,000.00		\$ 24,191.62	\$ 24,191.62	Complete
	c) Relocation (force acct.)			1495		\$ 84,000.00		\$ 202,811.74	\$ 202,811.74	Complete
	Sub-Total					\$ 416,000.00	\$ -	\$ 9,794.00	\$ 9,794.00	Complete
CA 16-026	a) Replace roofing			1460	1 Site	\$ 7,200.00		\$ 152,912.16	\$ 152,912.16	Complete
CA 16-027	Sub-Total					\$ 7,200.00	\$ -	\$ 9,794.00	\$ 9,794.00	Complete
	a) Kitchen & Bathroom Upgrades			1460	1 Site					Complete
	b) Relocation (force acct.)			1495						Complete
	Sub-Total					\$ -	\$ -	\$ 152,912.16	\$ 152,912.16	Complete
CA 16-030	a) Seal and stripe asphalt			1450	1 Site	\$ 12,700.00		\$ 7,395.00	\$ 7,395.00	Complete
CA 16-035	Sub-Total					\$ 12,700.00	\$ -	\$ 7,395.00	\$ 7,395.00	Complete
	a) Site concrete/asphalt replacement			1450	1 Site	\$ 8,000.00		\$ 27,166.26	\$ 27,166.26	Complete
	b) Landscape upgrades			1450	1 Site			\$ 3,375.73	\$ 3,375.73	Complete
	Sub-Total					\$ 8,000.00	\$ -	\$ 30,541.99	\$ 30,541.99	Complete
CA 16-038	a) Replace wood cedar fencing			1450	1 Site	\$ 49,000.00		\$ 21,055.00	\$ 21,055.00	Complete
CA 16-039	b) Parking lot Paving			1450		\$ 20,000.00		\$ 21,055.00	\$ 21,055.00	Complete
	Sub-Total					\$ 69,000.00	\$ -	\$ 6,409.75	\$ 6,409.75	Complete
	a) Replace wood cedar fencing			1460	1 Site		\$ -	\$ 6,409.75	\$ 6,409.75	Complete
	Sub-Total					\$ -	\$ -	\$ 97,215.93	\$ 97,215.93	Complete
CA 16-040	a) Kitchen & Bathroom Upgrades			1460	1 Site		\$ -	\$ 97,215.93	\$ 97,215.93	Complete
CA 16-047	a) Repair exterior surface/paint			1460	1 Site	\$ 27,000.00		\$ -	\$ -	Complete
CA 16-055	Sub-Total					\$ 27,000.00	\$ -	\$ 9,600.00	\$ 9,600.00	Complete
	a) Replace wood cedar fencing			1450	2 Sites	\$ 64,000.00		\$ 52,931.94	\$ 52,931.94	Complete
	b) Relocation (force acct.)			1495	2 Sites			\$ 62,531.94	\$ 62,531.94	Complete
	Sub-Total					\$ 64,000.00	\$ -	\$ 7,150.00	\$ 7,150.00	Complete
CA 16-058	a) Seal and stripe asphalt			1450	1 Site	\$ 10,000.00		\$ 7,150.00	\$ 7,150.00	Complete
PHA Wide Management Improvements	Sub-Total					\$ 10,000.00	\$ -	\$ 1,892.85	\$ 1,892.85	Complete
	a) Computer Instruction			1408		\$ 35,000.00		\$ 56,856.00	\$ 56,856.00	Complete
	b) Resident development			1408		\$ 160,321.00		\$ 151,102.65	\$ 151,102.65	Complete
	c) Senior Resident Initiatives Coordinator (force acct.)			1408		\$ 153,031.00		\$ 151,102.64	\$ 151,102.64	Complete
	d) Supv. Resident Initiatives Coordinator (force acct.)			1408				\$ 1,892.85	\$ 1,892.85	Complete
	e) Transportation			1408						Complete

Federal FY of Grant: 05

Grant Type and Number  
Capital Fund Program Grant No. CA13PO63-501-05  
Replacement Housing Factor Grant No.:

Annual Statement/Performance and Evaluation Report

Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

Part II: Supporting Pages

PHA Name: San Diego Housing Commission

Development Number Name/HA-Wide Activities		Grant Type and Number Capital Fund Program Grant No. CA13FO63-501-05 Replacement Housing Factor Grant No.		Federal FY of Grant: 05		Status of Work	
	General Description of Major Work Categories	Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost	
				Original	Revised	Funds Obligated	Funds Expended
	(f) Youth Diversionary Programs	1408		\$ 30,918.00			
	Sub-Total			\$ 379,270.00	\$ -	\$ 360,954.14	\$ 360,954.14
PHA Wide Admin	a) Administration	1410		\$ 189,635.00		\$ 189,635.00	\$ 179,392.90
	Sub-Total			\$ 189,635.00	\$ -	\$ 189,635.00	\$ 179,392.90
PHA Wide Fees & Costs	a) A&E (in House Inspections)	1430		\$ -	\$ -	\$ -	\$ -
	Sub-Total			\$ -	\$ -	\$ -	\$ -
PHA Wide Non-Dwelling Equipment	Maintenance vehicles, tools, equipment, and communications	1475		\$ 60,000.00		\$ 61,728.75	\$ 61,728.75
	Sub-Total			\$ 60,000.00	\$ -	\$ 61,728.75	\$ 61,728.75
PHA Wide Operations	a) Operations	1406		\$ 94,817.50		\$ 94,817.50	\$ 94,817.50
	Sub-Total			\$ 94,817.50	\$ -	\$ 94,817.50	\$ 94,817.50
				\$ 1,896,350.00			

# Annual Statement/Performance and Evaluation Report

## Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

### Part III: Implementation Schedule

PHA Name: San Diego Housing Commission

Part III: Implementation Schedule			Grant Type and Number			Federal FY of Grant:		
PHA Name: San Diego Housing Commission			Capital Fund Program Grant No. CA16PO63-501-05			05		
			Replacement Housing Factor Grant No.:					
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)				Reasons for Revised Target Dates	
	Original	Revised	Actual	Original	Revised	Actual		
CA 16-013	08/18/07		03/30/06	08/18/09		12/31/06		
CA 16-014	08/18/07		03/30/06	08/18/09		12/31/06		
CA 16-016	08/18/07		03/30/06	08/18/09		06/30/07		
CA 16-019	08/18/07			08/18/09		12/31/06		
CA 16-021	08/18/07		03/30/06	08/18/09		06/30/06		
CA 16-022	08/18/07		09/30/06	08/18/09		03/31/07		
CA 16-023	08/18/07		09/30/06	08/18/09		12/31/06		
CA 16-024	08/18/07		06/30/06	08/18/09		06/30/07		
CA 16-026	08/18/07		03/30/06	08/18/09		06/30/06		
CA 16-027	08/18/07		06/30/07	08/18/09		09/30/07		
CA 16-030	08/18/07		12/31/06	08/18/09		03/31/07		
CA 16-035	08/18/07		03/30/06	08/18/09		12/31/06		
CA 16-038	08/18/07		12/31/06	08/18/09		03/31/07		
CA 16-039	08/18/07		03/30/06	08/18/09		06/30/06		
CA 16-040	08/18/07		06/30/07	08/18/09		09/30/07		
CA 16-047	08/18/07			08/18/09				
CA 16-055	08/18/07		06/30/06	08/18/09		06/30/07		
CA 16-058	08/18/07		12/31/06	08/18/09		03/31/07		
PVH Wide Management Improvements	08/18/07			08/18/09				
PHA Wide Administration	08/18/07			08/18/09				
PHA Wide Fees and Costs	08/18/07			08/18/09				
PHA Wide Non-Dwelling Equipment	08/18/07			08/18/09				
PHA Wide Operations	08/18/07			08/18/09				

# CAPITAL FUND PROGRAM TABLES START HERE

<b>Annual Statement/Performance and Evaluation Report</b> <b>Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary</b>									
PHA Name: San Diego Housing Commission					Grant Type and Number Capital Fund Program Grant No. CA16PO63-501-06		Federal FY of Grant: 06		
Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no.: ) <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 12/31/07 <input type="checkbox"/> Final Performance and Evaluation Report					Replacement Housing Factor Grant No.:				
Line No.	Summary by Development Account	Total Estimated Cost		Revised	Total Actual Cost				
		Original			Obligated	Expended			
1	Total non-CFP Funds	\$							
2	1406 Operations	\$	83,195.00	\$	83,195.00	\$ 83,195.00			
3	1408 Management Improvements	\$	332,780.00	\$	360,936.00	\$ 231,576.69			
4	1410 Administration	\$	166,390.00	\$	180,467.00	\$ 121,280.72			
5	1411 Audit								
6	1415 Liquidated Damages								
7	1430 Fees and Costs								
8	1440 Site Acquisition								
9	1450 Site Improvement	\$	116,400.00	\$	214,945.00	\$ 18,204.00			
10	1460 Dwelling Structures	\$	783,455.00	\$	783,455.00	\$ 613,244.91			
11	1465.1 Dwelling Equipment - Non-expendable	\$	26,880.00	\$	26,880.00	\$ 19,987.63			
12	1470 Non-Dwelling Structures								
13	1475 Non-Dwelling Equipment	\$	60,000.00	\$	60,000.00				
14	1485 Demolition								
15	1490 Replacement Reserve								
16	1492 Moving to Work Demonstration								
17	1495.1 Relocation Costs	\$	94,800.00	\$	94,800.00	\$ 48,854.32			
18	1499 Development Activities								
19	1501 Collateralization or Debt Service								
20	1502 Contingency								
21	Amount of Annual Grant: (sum of lines 2 - 20)	\$	1,663,900.00	\$	1,804,678.00	\$ 1,136,343.27			
22	Amount of Line 21 Related to LBP Activities								
23	Amount of line 21 Related to Section 504 compliance								
24	Amount of line 21 Related to Security - Soft Costs								
25	Amount of line 21 Related to Security - Hard Costs	\$	52,712.00						
26	Amount of line 21 Related to Energy Conservation Measures								

# Annual Statement/Performance and Evaluation Report

## Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

### Part II: Supporting Pages

PHA Name: San Diego Housing Commission

Part II: Supporting Pages			PHA Name: San Diego Housing Commission			Grant Type and Number Capital Fund Program Grant No. CA13PO63-501-06 Replacement Housing Factor Grant No.:			Federal FY of Grant: 06		
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work			
				Original	Revised	Funds Obligated	Funds Expended				
CA 16-013	a) Exterior Wood Repair and Paint	1460	3 Sites	\$ 16,800.00		\$ 51,040.00	\$ 51,040.00	complete			
	b) Replace Roof	1460	1 Site			\$ 9,658.00	\$ 9,658.00	complete			
	Sub-Total			\$ 16,800.00	\$ -	\$ 60,698.00	\$ 60,698.00				
CA 16-014	a) Replace Site Concrete/Asphalt	1450	1 Site	\$ 66,200.00		\$ 18,204.00	\$ 18,204.00	complete			
	Sub-Total			\$ 66,200.00	\$ -	\$ 18,204.00	\$ 18,204.00				
	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 2,400.00		\$ 8,661.00	\$ 8,661.00	complete			
CA 16-015	Sub-Total			\$ 2,400.00	\$ -	\$ 8,661.00	\$ 8,661.00				
	a) Kitchen and Bathroom Upgrades	1460	1 Site	\$ 97,200.00							
	b) Relocation	1495		\$ 25,200.00							
CA 16-019	c) Replace Floor Tiles	1460		\$ 14,400.00							
	Sub-Total			\$ 136,800.00	\$ -	\$ -	\$ -				
	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 4,800.00							
CA 16-020	Sub-Total			\$ 4,800.00	\$ -	\$ -	\$ -				
	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 4,800.00		\$ 8,411.00	\$ 8,411.00	complete			
	b) Colorcoat	1460		\$ 27,200.00							
CA 16-021	Sub-Total			\$ 32,000.00	\$ -	\$ 8,411.00	\$ 8,411.00				
	b) Relocation	1495				\$ 3,368.34	\$ 3,368.34	complete			
	Sub-Total			\$ -	\$ -	\$ 3,368.34	\$ 3,368.34				
CA 16-027	a) Landscape Upgrades	1450	1 Site	\$ 7,200.00							
	b) Replace Roof	1460		\$ 80,000.00							
	c) Replace Floor Tiles	1460		\$ 51,200.00							
CA 16-030	Sub-Total			\$ 138,400.00	\$ -	\$ -	\$ -				
	a) Replace Site Concrete/Asphalt	1450	1 Site	\$ 32,000.00							
	Sub-Total			\$ 32,000.00	\$ -	\$ -	\$ -				
CA 16-035	a) Kitchen and Bathroom Upgrades	1460	1 Site	\$ 294,255.00		\$ 450,618.91	\$ 450,618.91	complete			
	b) Relocation	1495		\$ 41,600.00		\$ 45,106.30	\$ 45,106.30	complete			
	c) Replace Floor Tiles	1460		\$ 51,200.00							
CA 16-040	Sub-Total			\$ 387,055.00	\$ -	\$ 495,725.21	\$ 495,725.21				
	a) Replace refrigerators	1465	3 Sites	\$ 24,000.00							

# Annual Statement/Performance and Evaluation Report

## Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

### Part II: Supporting Pages

PHA Name: San Diego Housing Commission

Development Number Name/HA-Wide Activities		General Description of Major Work Categories		Grant Type and Number Capital Fund Program Grant No. CA13PO63-501-06 Replacement Housing Factor Grant No.		Federal FY of Grant: 06		Status of Work	
	Dev. Account No.	Quantity	Total Estimated Cost	Revised	Funds Obligated	Funds Expended			
			Original						
CA 16-046	Sub-Total		\$ 24,000.00	\$ -	\$ -	\$ -			
	a) Exterior Wood Repair and Paint	1460	\$ 2,400.00		\$ 8,763.00	\$ 8,763.00		complete	
	b) Landscape Upgrades	1450	\$ 3,600.00						
	c) Drainage Repairs	1450	\$ 2,400.00						
CA 16-049	Sub-Total		\$ 8,400.00	\$ -	\$ -	\$ 8,763.00	\$ 8,763.00		
	a) Exterior Wood Repair and Paint	1460	\$ 4,800.00		\$ 9,093.00	\$ 9,093.00		complete	
	b) Landscape Upgrades	1450	\$ 3,600.00						
	c) Drainage Repairs	1450	\$ 2,400.00						
	d) Kitchen/Bathroom Upgrades	1460	\$ 54,000.00						
	e) Relocation	1495	\$ 14,000.00						
	f) Colorcoat	1460	\$ 13,600.00						
CA 16-050	Sub-Total		\$ 92,400.00	\$ -	\$ 9,093.00	\$ 9,093.00			
	a) Exterior Wood Repair and Paint	1460	\$ 4,800.00		\$ -	\$ -			
CA 16-055	Sub-Total		\$ 5,600.00						
	a) Repair stairlandings	1460	\$ 54,000.00		\$ 67,000.00	\$ 67,000.00		complete	
	b) Kitchen/Bathroom Upgrades	1460	\$ 14,000.00		\$ 379.68	\$ 379.68		complete	
	c) Relocation	1495	\$ 2,880.00		\$ 19,987.63	\$ 19,987.63			
	d) Replace refrigerators	1465	\$ 76,480.00	\$ -	\$ 87,367.31	\$ 87,367.31			
	Sub-Total		\$ 1,021,535.00						
PHA Wide Management Improvements	a) Computer Instruction	1408	\$ 29,104.00		\$ 55,095.00	\$ 55,095.00			
	b) Resident development	1408	\$ 154,428.00		\$ 87,775.38	\$ 87,775.38			
	c) Senior Resident Initiatives Coordinator (force acct.)	1408	\$ 147,138.00		\$ 87,775.37	\$ 87,775.37			
	d) Supv. Resident Initiatives Coordinator (force acct.)	1408	\$ -		\$ 930.94	\$ 930.94			
	e) Transportation	1408	\$ 2,110.00		\$ 231,576.69	\$ 231,576.69			
	f) Youth Diversionary Programs	1408	\$ 332,780.00	\$ -	\$ 121,280.72	\$ 121,280.72			
	Sub-Total		\$ 166,390.00	\$ -	\$ 121,280.72	\$ 121,280.72			
PHA Wide Admin	a) Administration	1410	\$ -		\$ -	\$ -			
	Sub-Total		\$ -		\$ -	\$ -			
PHA Wide Fees & Costs	a) A&E (In House Inspections)	1430	\$ -		\$ -	\$ -			
	Sub-Total		\$ -		\$ -	\$ -			
PHA Wide Non-Dwelling Equipment	Maintenance vehicles, tools, equipment, and communications equipment	1475	\$ 60,000.00		\$ -	\$ -			
	Sub-Total		\$ 60,000.00	\$ -	\$ -	\$ -			

Annual Statement Performance and Evaluation Report									
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)									
Part II: Supporting Pages									
PHA Name: San Diego Housing Commission		Grant Type and Number Capital Fund Program Grant No. CA13PO63-501-06 Replacement Housing Factor Grant No.:			Federal FY of Grant: 06				
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Funds Obligated	Funds Expended		
PHA Wide Operations	a) Operations	1406		\$ 83,195.00		\$ 83,195.00	\$ 83,195.00		
	Sub-Total			\$ 83,195.00	\$ -	\$ 83,195.00	\$ 83,195.00		
				\$ 1,663,900.00					

**Annual Statement/Performance and Evaluation Report  
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)**

**Part III: Implementation Schedule**

PHA Name: San Diego Housing Commission		Grant Type and Number Capital Fund Program Grant No. CA16PO63-501-06 Replacement Housing Factor Grant No.:			Federal FY of Grant: 06	
Development Number: Name/HIA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)			Reasons for Revised Target Dates
	Original	Revised	Actual	Original	Revised	
CA 16-013	07/18/06		03/31/07	07/18/10		13/31/07
CA 16-014	07/18/06		09/30/07	07/18/10		09/30/07
CA 16-015	07/18/06		09/30/07	07/18/10		12/31/07
CA 16-019	07/18/06			07/18/10		
CA 16-020	07/18/06			07/18/10		
CA 16-021	07/18/06		09/30/07	07/18/10		12/31/07
CA 16-030	07/18/06			07/18/10		
CA 16-035	07/18/06			07/18/10		
CA 16-040	07/18/06		06/30/07	07/18/10		12/31/07
CA 16-044	07/18/06			07/18/10		
CA 16-046	07/18/06		09/30/07	07/18/10		12/31/07
CA 16-049	07/18/06		09/30/07	07/18/10		12/31/07
CA 16-050	07/18/06			07/18/10		
CA 16-055	07/18/06		03/31/07	07/18/10		06/30/07
PVH Wide Management Improvements	07/18/06			07/18/10		
PHA Wide Administration	07/18/06			07/18/10		
PHA Wide Fees and Costs	07/18/06			07/18/10		
PHA Wide Non-Dwelling Equipment	07/18/06			07/18/10		
PHA Wide Operations	07/18/06			07/18/10		



# CAPITAL FUND PROGRAM TABLES START HERE

Annual Statement/Performance and Evaluation Report									
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF) Part I: Summary									
PHIA Name: San Diego Housing Commission					Grant Type and Number Capital Fund Program Grant No. CA16PO63-501-07			Federal FY of Grant: 07	
<input type="checkbox"/> Original Annual Statement <input type="checkbox"/> Reserve for Disasters/Emergencies <input type="checkbox"/> Revised Annual Statement (revision no.: ) <input checked="" type="checkbox"/> Performance and Evaluation Report for Period Ending: 12/31/07 <input type="checkbox"/> Final Performance and Evaluation Report									
Line No.	Summary by Development Account	Total Estimated Cost		Obligated	Total Actual Cost				
		Original	Revised		Obligated	Expended			
1	Total non-CFP Funds								
2	1406 Operations	\$ 87,674.50		\$ 87,674.50	\$ 87,674.50				
3	1408 Management Improvements	\$ 350,698.00		\$ 106,499.92	\$ 86,199.92				
4	1410 Administration	\$ 175,349.00		\$ 66,463.00	\$ 66,463.00				
5	1411 Audit								
6	1415 Liquidated Damages								
7	1430 Fees and Costs								
8	1440 Site Acquisition								
9	1450 Site Improvement	\$ 67,600.00							
10	1460 Dwelling Structures	\$ 864,993.50		\$ 326,970.91					
11	1465.1 Dwelling Equipment - Non-expendable	\$ 33,600.00		\$ 4,018.99					
12	1470 Non-Dwelling Structures								
13	1475 Non-Dwelling Equipment	\$ 60,000.00							
14	1485 Demolition								
15	1490 Replacement Reserve								
16	1492 Moving to Work Demonstration								
17	1495.1 Relocation Costs	\$ 113,575.00		\$ 16,638.86					
18	1499 Development Activities								
19	1501 Collateralization or Debt Service								
20	1502 Contingency								
21	Amount of Annual Grant: (sum of lines 2 - 20)	\$ 1,753,490.00	\$	\$ -	\$ 240,337.42				
22	Amount of Line 21 Related to LBP Activities								
23	Amount of line 21 Related to Section 504 compliance								
24	Amount of line 21 Related to Security - Soft Costs								
25	Amount of line 21 Related to Security - Hard Costs	\$ 65,890.00							
26	Amount of line 21 Related to Energy Conservation Measures								

Annual Statement/Performance and Evaluation Report

Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

Part II: Supporting Pages

PHA Name: San Diego Housing Commission

Part II. Supporting Pages			Grant Type and Number		Federal FY of Grant:			
PHA Name: San Diego Housing Commission			Capital Fund Program Grant No. CA13PO63-501-07		07			
			Replacement Housing Factor Grant No.:					
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
CA 16-013	a) Replace Wood Cedar Fence	1450	1 Site	\$ 10,000.00				
	b) Security Lighting Upgrades	1450	1 Site	\$ 2,880.00				
	c) Exterior Wood Repair and Paint	1460	3 Sites	\$ 14,300.00				
	d) Kitchen/Bathroom Upgrades	1460	6 Sites	\$ 205,128.00				
	e) Colorcoat	1460	1 Site	\$ 35,750.00				
	f) Replace Downspouts/Gutters	1460	1 Site	\$ 1,925.00				
	g) Relocation	1495	6 Sites	\$ 46,200.00				
	Sub-Total			\$ 316,183.00	\$ -	\$ -	\$ -	
CA 16-014	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 80,591.00				
	Sub-Total			\$ 80,591.00	\$ -	\$ -	\$ -	
CA 16-015	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 3,025.00				
	Sub-Total			\$ 3,025.00	\$ -	\$ -	\$ -	
CA 16-016	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 4,950.00				
	Sub-Total			\$ 4,950.00	\$ -	\$ -	\$ -	
CA 16-020	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 4,400.00				
	Sub-Total			\$ 4,400.00	\$ -	\$ -	\$ -	
CA 16-018	a) Replace Stoves	1465.1	1 Site	\$ 8,400.00				
	Sub-Total			\$ 8,400.00	\$ -	\$ -	\$ -	
CA 16-021	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 3,025.00				
	Sub-Total			\$ 3,025.00	\$ -	\$ -	\$ -	
CA 16-022	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 8,250.00				
	b) Replace Downspouts/Gutters	1460						
	Sub-Total			\$ 15,950.00	\$ -	\$ -	\$ -	
	a) Security Lighting Upgrades	1450	1 Site	\$ 2,880.00				
CA 16-024	Sub-Total			\$ 2,880.00	\$ -	\$ -	\$ -	
	a) Security Lighting Upgrades	1450	1 Site	\$ 2,880.00				
CA 16-025	Sub-Total			\$ 2,880.00	\$ -	\$ -	\$ -	
	a) Replace Stoves	1465.1	1 Site	\$ 25,200.00				
CA 16-028	Sub-Total			\$ 25,200.00	\$ -	\$ -	\$ -	

# Annual Statement/Performance and Evaluation Report

## Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

### Part II: Supporting Pages

PHA Name: San Diego Housing Commission

Part II: Supporting Pages			Grant Type and Number			Federal FY of Grant:		
PHA Name: San Diego Housing Commission			Capital Fund Program Grant No. CA13PO63-501-07			07		
			Replacement Housing Factor Grant No.:					
Development Number Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised	Funds Obligated	Funds Expended	
CA 16-030	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 22,000.00				
	Sub-Total			\$ 22,000.00	\$ -	\$ -	\$ -	
CA 16-031	a) Security Lighting Upgrades	1450	1 Site	\$ 2,880.00				
	b) Replace Wood Cedar Fence	1450		\$ 15,000.00				
	Sub-Total			\$ 17,880.00	\$ -	\$ -	\$ -	
CA 16-033	a) Security Lighting Upgrades	1450	1 Site	\$ 2,880.00				
	b) Replace Wood Cedar Fence	1450		\$ 15,000.00				
	Sub-Total			\$ 17,880.00	\$ -	\$ -	\$ -	
CA 16-035	a) Exterior Wood Repair and Paint	1460	1 Sites	\$ 39,694.00				
	Sub-Total			\$ 39,694.00	\$ -	\$ -	\$ -	
CA 16-043	a) Site Drain Repair	1450	1 Site	\$ 3,200.00				
	b) Replace Wood Cedar Fence	1450	1 Site	\$ 10,000.00				
	c) Colorcoat	1460	1 Site	\$ 7,150.00				
	d) Stucco Repair	1460	1 Site	\$ 4,125.00				
	e) Replace Downspouts/Gutters	1460	1 Site	\$ 2,310.00				
	f) Exterior Wood Repair and Paint	1460	2 Sites	\$ 10,725.00				
	Sub-Total			\$ 37,510.00	\$ -	\$ -	\$ -	
CA 16-046	a) Kitchen/Bathroom Upgrades	1460	1 Site	\$ 64,878.00				
	b) Relocation	1495		\$ 11,550.00				
	Sub-Total			\$ 76,428.00	\$ -	\$ -	\$ -	
CA 16-049	a) Exterior Wood Repair and Paint	1460	2 Sites	\$ 42,900.00				
	b) Replace Roof	1460	1 Site	\$ 5,500.00				
	c) Replace Downspouts/Gutters	1460	1 Site	\$ 2,090.00				
	d) Colorcoat	1460	1 Site	\$ 12,100.00				
	e) Kitchen/Bathroom Upgrades	1460	1 Site	\$ 48,378.00				
	f) Relocation	1495	1 Site	\$ 9,625.00				
	Sub-Total			\$ 120,593.00	\$ -	\$ -	\$ -	
	a) Exterior Wood Repair and Paint	1460	1 Site	\$ 5,500.00				
	b) Kitchen/Bathroom Upgrades	1460		\$ 56,628.00				

Annual Statement/Performance and Evaluation Report									
Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)									
Part II: Supporting Pages									
PHA Name: San Diego Housing Commission				Grant Type and Number Capital Fund Program Grant No. CA13PO63-501-07 Replacement Housing Factor Grant No.:			Federal FY of Grant: 07		
Development Number/ Name/HA-Wide Activities	General Description of Major Work Categories	Dev. Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work	
				Original	Revised	Funds Obligated	Funds Expended		
CA 16-055	c) Relocation	1495		\$ 11,550.00					
	Sub-Total			\$ 73,678.00	\$ -	\$ -	\$ -		
	a) Replace Dumpster Enclosures	1460		\$ 2,087.50					
	b) Kitchen/Bathroom Upgrades	1460	1 Site	\$ 48,378.00					
	c) Relocation	1495		\$ 9,625.00					
CA 16-058	Sub-Total			\$ 60,090.50	\$ -	\$ -	\$ -		
	a) Kitchen/Bathroom Upgrades	1460	1 Site	\$ 73,128.00					
	b) Relocation	1495		\$ 15,400.00					
	Sub-Total			\$ 88,528.00	\$ -	\$ -	\$ -		
	a) Kitchen/Bathroom Upgrades	1460	1 Site	\$ 48,378.00					
CA 16-063	b) Relocation	1495		\$ 9,625.00					
	Sub-Total			\$ 58,003.00	\$ -	\$ -	\$ -		
				\$ 1,079,768.50	\$ -				
				\$ 35,000.00		\$ 16,900.00	\$ 16,900.00		
				\$ 160,352.00		\$ 34,649.96	\$ 34,649.96		
PHA Wide Management Improvements	c) Senior Resident Initiatives Coordinator (force acct.)	1408		\$ 155,346.00		\$ 34,649.96	\$ 34,649.96		
	d) Supv. Resident Initiatives Coordinator (force acct.)	1408		\$ -					
	e) Transportation	1408		\$ -					
	f) Youth Diversionary Programs	1408		\$ 350,698.00	\$ -	\$ 86,199.92	\$ 86,199.92		
	Sub-Total			\$ 175,349.00	\$ -	\$ 66,463.00	\$ 66,463.00		
PHA Wide Admin & Costs	a) Administration	1410		\$ 175,349.00	\$ -	\$ 66,463.00	\$ 66,463.00		
	Sub-Total			\$ -	\$ -	\$ -	\$ -		
	a) A&E (In House Inspections)	1430		\$ -	\$ -	\$ -	\$ -		
	Sub-Total			\$ 60,000.00					
	Maintenance vehicles, tools, equipment, and communications equipment	1475		\$ 60,000.00	\$ -	\$ -	\$ -		
PHA Wide Non- Dwelling Equipment	Sub-Total			\$ 87,674.50		\$ 87,674.50	\$ 87,674.50		
	a) Operations	1406		\$ 87,674.50	\$ -	\$ 87,674.50	\$ 87,674.50		
	Sub-Total			\$ 87,674.50	\$ -	\$ 87,674.50	\$ 87,674.50		
				\$ 1,753,490.00	\$ -				
				\$ -					

# Annual Statement/Performance and Evaluation Report

## Capital Fund Program and Capital Fund Program Replacement Housing Factor (CFP/CFPRHF)

### Part III: Implementation Schedule

PHA Name: San Diego Housing Commission		Grant Type and Number Capital Fund Program Grant No. CA16PO63-501-07 Replacement Housing Factor Grant No.:		Federal FY of Grant: 07	
Development Number Name/HA-Wide Activities	All Fund Obligated (Quarter Ending Date)		All Funds Expended (Quarter Ending Date)		Reasons for Revised Target Dates
	Original	Revised	Original	Revised	
CA 16-013	09/12/09		09/12/11		
CA 16-014	09/12/09		09/12/11		
CA 16-015	09/12/09		09/12/11		
CA 16-016	09/12/09		09/12/11		
CA 16-018	09/12/09		09/12/11		
CA 16-020	09/12/09		09/12/11		
CA 16-021	09/12/09		09/12/11		
CA 16-024	09/12/09		09/12/11		
CA 16-025	09/12/09		09/12/11		
CA 16-028	09/12/09		09/12/11		
CA 16-030	09/12/09		09/12/11		
CA 16-031	09/12/09		09/12/11		
CA 16-033	09/12/09		09/12/11		
CA 16-043	09/12/09		09/12/11		
CA 16-046	09/12/09		09/12/11		
CA 16-049	09/12/09		09/12/11		
CA 16-055	09/12/09		09/12/11		
CA 16-058	09/12/09		09/12/11		
CA 16-063	09/12/09		09/12/11		
PVH Wide Management Improvements	09/12/09		09/12/11		
PHA Wide Administration	09/12/09		09/12/11		
PHA Wide Fees and Costs	09/12/09		09/12/11		
PHA Wide Non-Dwelling Equipment	09/12/09		09/12/11		
PHA Wide Operations	09/12/09		09/12/11		

# Attachment 2 – ca063c09 – Version 2 – Revision Summary - Project-Based Voucher Program

Current – FY08	Revision – FY09	Explanation
<p><b>Program Description:</b></p> <p>This is a Federal Section 8 housing subsidy program that ties rental assistance directly to a specific unit or project for an aggregate term up to 15 years. The San Diego Housing Commission will fund the Project-Based Voucher Program through its Housing Choice Voucher Program (Section 8), using funds provided by the U.S. Department of Housing and Urban Development (HUD). A minimum of 50 PBV units will be provided during FY2008. The total cumulative number of PBV units will not exceed 20 percent of the baseline number of units in the PHA's voucher program.</p> <p>The Project-based Voucher Section 8 Program consists of two components: e</p> <p>1.1) Existing hHousing, new construction, or rehabilitation projects comprised of : mMultifamily or single-family unitsprojects. No more than \$1000 rehabilitation per unit to pass federal Housing Quality Standards. The Program is targeted to homeless persons or families that receive supportive services in addition to housing. These populations may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Victims of Domestic Violence</li> <li>• Persons with Disabilities – Mentally Ill, Developmentally Disabled, Physically Disabled</li> <li>• Persons with HIV/AIDS</li> <li>• Youth</li> <li>• Persons with Alcohol/Drug Addictions</li> <li>• Veterans</li> </ul> <p>w Construction/Rehabilitation: Units requiring more than \$1000 per unit to pas federal Housing Quality Standards.</p> <p>The program may also be used for pProjects serving the elderly or , a persons with a disabilities, whether they are homeless or not.</p> <p>Projects y, and person receiving supportive services are eligible to receive vouchers for up to 75 100 percent of the</p>	<p><b>Program Description:</b></p> <p>This is a Federal Section 8 housing subsidy program that ties rental assistance directly to a specific unit or project for an aggregate term up to 15 years. The San Diego Housing Commission will fund the Project-Based Voucher Program through its Housing Choice Voucher Program (Section 8), using funds provided by the U.S. Department of Housing and Urban Development (HUD). A maximum of 200 PBV units will be provided during FY09. The total cumulative number of PBV units will not exceed 20 percent of the baseline number of units in the PHA's voucher program.</p> <p>The Project-based Voucher Program consists of existing housing, new construction, or rehabilitation projects comprised of multifamily or single-family units. The Program is targeted to homeless persons or families that receive supportive services in addition to housing. These populations may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Victims of Domestic Violence</li> <li>• Persons with Disabilities – Mentally Ill, Developmentally Disabled, Physically Disabled</li> <li>• Persons with HIV/AIDS</li> <li>• Youth</li> <li>• Persons with Alcohol/Drug Addictions</li> <li>• Veterans</li> <li>• Elderly</li> </ul> <p>The program may also be used for projects serving the elderly or persons with disabilities, whether they are homeless or not.</p> <p>Projects are eligible to receive vouchers for up to 75 percent of the units, at the sole discretion of the Housing Commission.</p> <p>The PBV program provides housing assistance to qualified, very-low income individuals and families. Project-Based Voucher participants do not locate their</p>	<p>This change updates the total number of Project-Based Vouchers the Housing Commission expects to lease up during FY09 and adds Elderly to the potential homeless population.</p>

# Attachment 2 – ca063c09 – Version 2 – Revision Summary - Project-Based Voucher Program

Current – FY08	Revision – FY09	Explanation
<p>units, at the sole discretion of the Housing Commission. All other projects may receive vouchers for up to 25 percent of the units.</p> <p>The PBV Both programs provides housing assistance to qualified, very-low income individuals and families. Project-Based Voucher Section 8 participants do not locate their own unit but must move to a unit already in the Project-based Voucher Section 8 Program.</p> <p><u>Vacancy Loss</u></p> <p>The owner may submit a claim for vacancy loss for a PBV unit to the Housing Commission's Claims Coordinator if:</p> <ol style="list-style-type: none"> <li>1) The owner gives the Housing Commission prompt, written notice certifying that the family has vacated the unit and containing the date when the family moved out;</li> <li>2) The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;</li> <li>3) The owner certifies that it has taken "every reasonable action" to minimize the likelihood and length of vacancies.</li> <li>4) The owner provides any additional information required and requested by the Housing Commission to verify that the owner is entitled to the vacancy payment.</li> </ol> <p>The owner may be entitled to payment of up to 80% of the Contract rent for the unit for a maximum of 60 days.</p> <p>The Claims Coordinator is responsible for weighing the factors involved in determining the owner's eligibility for vacancy loss. If the owner's claims are in compliance with the</p>	<p>own unit but must move to a unit already in the Project-based Voucher Program.</p> <p><u>Vacancy Loss</u></p> <p>The owner may submit a claim for vacancy loss for a PBV unit to the Housing Commission's Claims Coordinator if:</p> <ol style="list-style-type: none"> <li>5) The owner gives the Housing Commission prompt, written notice certifying that the family has vacated the unit and containing the date when the family moved out;</li> <li>6) The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;</li> <li>7) The owner certifies that it has taken "every reasonable action" to minimize the likelihood and length of vacancies;</li> <li>8) The owner provides any additional information required and requested by the Housing Commission to verify that the owner is entitled to the vacancy payment.</li> </ol> <p>The owner may be entitled to payment of up to 80% of the Contract rent for the unit for a maximum of 60 days.</p> <p>The Claims Coordinator is responsible for weighing the factors involved in determining the owner's eligibility for vacancy loss. If the owner's claims are in compliance with the guidelines, the Claims Coordinator will process it for payment.</p> <p>The owner has up to three (3) months, from the move-out date, to submit a claim for vacancy loss.</p>	

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<p>guidelines, the Claims Coordinator will process it for payment.</p> <p>The owner has up to three (3) months, from the move-out date, to submit a claim for vacancy loss.</p>		
<p><u>Waiting List and Lease Up</u></p> <p>The owner must notify the Housing Commission of any vacancies. When the owner notifies the Housing Commission of a vacant unit, the computer will select the next 20 applicants within the preference category from the Housing Commission's PBV waiting list. Selected applicants will be notified of the opportunity to be considered for the vacant unit and that it will be their responsibility to request a further opportunity if they wish to be considered for future vacancies. Applicants will be provided a description of the type of supportive services offered at the PBV project. PBV projects may serve specific homeless subpopulations such as veterans, victims of domestic violence, and persons with disabilities.</p> <p>If the owner is unable to find a suitable tenant from the initial referral list, the Housing Commission will select the next 20 applicants within the preference category from the PBV waiting list. If the owner is still unable to find a suitable tenant from the referral list, the owner may select a tenant from their own waiting list who is also on the Housing Commission's PBV Waiting List. Owners are encouraged to refer clients to the Housing Commission Waiting List. The Housing Commission (or designee) will conduct an interview to determine eligibility for the PBV program. For PBV site-specific projects, the owner's are responsible for determining tenant eligibility to receive site-specific supportive services.</p> <p>Tenants must comply with owner's supportive services program requirements as a condition of tenancy. The tenant and the PHA must sign a statement of family responsibility that contains all of the family obligations including the family's participation in an owner-provided supportive services program. Failure by the family without good cause to fulfill its supportive services obligation will result in termination of PBV assistance.</p>	<p><u>Waiting List and Lease Up</u></p> <p>The owner must notify the Housing Commission of any vacancies. When the owner notifies the Housing Commission of a vacant unit, the computer will select the next 20 applicants within the preference category from the Housing Commission's PBV waiting list. Selected applicants will be notified of the opportunity to be considered for the vacant unit and that it will be their responsibility to request a further opportunity if they wish to be considered for future vacancies. Applicants will be provided a description of the type of supportive services offered at the PBV project. PBV projects may serve specific homeless subpopulations such as veterans, victims of domestic violence, and persons with disabilities.</p> <p>If the owner is unable to find a suitable tenant from the initial referral list, the Housing Commission will select the next 20 applicants within the preference category from the PBV waiting list. If the owner is still unable to find a suitable tenant from the referral list, the owner may select a tenant from their own waiting list who is also on the Housing Commission's PBV Waiting List. Owners are encouraged to refer clients to the Housing Commission Waiting List. The Housing Commission (or designee) will conduct an interview to determine eligibility for the PBV program. For PBV site-specific projects, the owner's are responsible for determining tenant eligibility to receive site-specific supportive services.</p> <p>Tenants must comply with owner's supportive services program requirements as a condition of tenancy. The tenant and the PHA must sign a statement of family responsibility that contains all of the family obligations including the family's participation in an owner-</p>	<p>Changes to paragraph three provides additional detail regarding Housing Commission oversight of tenant compliance with the Individual Service Plan, as required by HUD regulations.</p> <p>Changes to paragraph four allows vacancies at the Hollywood Palms Apartments to be filled from the Housing Commission's regular waiting list instead of the PBV waiting list, because the special PBV waiting list is for projects that serve the homeless, elderly and disabled and offer supportive services in addition to housing. The Hollywood Palms Apartments rents to families and is better served by receiving referrals from the regular Section 8 Waiting List.</p>



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	<p>provided supportive services program. Failure by the family without good cause to fulfill its supportive services obligation will result in termination of PBV assistance. The Housing Commission will require bi-annual progress reports from the Owners in addition to owner certification that tenants are in compliance with the ISPs.</p> <p>Vacancies at Hollywood Palms will be referred from the regular Housing Commission Section 8 Waiting List. When the owner notifies the Housing Commission of a vacant unit, the computer will select the next 20 applicants from the Housing Commission's waiting list. Selected applicants will be notified of the opportunity to be considered for the vacant unit. If the owner is unable to find a suitable tenant from the initial referral list, the Housing Commission will select the next 20 applicants within the preference category from the waiting list. If the owner is still unable to find a suitable tenant from the referral list, the owner may select a tenant from their own waiting list who is also on the Housing Commission's Waiting List. The Housing Commission (or designee) will conduct an interview to determine eligibility for the program.</p>	
<p>Conversion to Tenant Based Section 8 Assistance</p> <p>After a household has participated in the Project-based Voucher program for at least 12 months, they may move from the assisted unit and retain federal housing assistance. The Housing Commission will provide a household who leaves the Project-Based Voucher program after a one-year period with tenant-based assistance. Households who leave the Project-Based Voucher program before one year are not eligible for continued assistance</p>	<p>Conversion to Tenant Based Section 8 Assistance</p> <p>After a household has participated in the Project-based Voucher program for at least 12 months, they may move from the assisted unit and retain federal housing assistance. The Housing Commission will provide a household who leaves the Project-Based Voucher program after a one-year period with tenant-based assistance, if they are in good standing with Housing Commission and Section 8 requirements. Households who leave the Project-Based Voucher program before one year are not eligible for continued assistance.</p>	<p>Adds a condition that the tenant is in good standing with Housing Commission and Section 8 requirements. This will prevent tenants who are in violation of program requirements, or undergoing eviction proceedings, from receiving a tenant-based voucher.</p>

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Current – FY08	Revision – FY09	Explanation
	<b>Minimum Rent to Tenants</b>  Minimum rent to tenants under the Project-based Voucher program is \$25.00.	Added language to clarify the minimum rent required under the PBV program.

**Attachment 3 - ca063d09 – Version 2**  
**Project Based Voucher Program Description**

**Program Description:**

This is a Federal Section 8 housing subsidy program that ties rental assistance directly to a specific unit or project for an aggregate term up to 15 years. The San Diego Housing Commission will fund the Project-Based Voucher Program through its Housing Choice Voucher Program (Section 8), using funds provided by the U.S. Department of Housing and Urban Development (HUD). A maximum of 200 PBV units will be provided during FY09. The total cumulative number of PBV units will not exceed 20 percent of the baseline number of units in the PHA's voucher program.

The Project-based Voucher Program consists of existing housing, new construction, or rehabilitation projects comprised of multifamily or single-family units. The Program is targeted to homeless persons or families that receive supportive services in addition to housing. These populations may include, but are not limited to:

- Victims of Domestic Violence
- Persons with Disabilities – Mentally Ill, Developmentally Disabled, Physically Disabled
- Persons with HIV/AIDS
- Youth
- Persons with Alcohol/Drug Addictions
- Veterans
- Elderly

The program may also be used for projects serving the elderly or persons with disabilities, whether they are homeless or not.

Projects are eligible to receive vouchers for up to 75 percent of the units, at the sole discretion of the Housing Commission.

The PBV program provides housing assistance to qualified, very-low income individuals and families. Project-Based Voucher participants do not locate their own unit but must move to a unit already in the Project-based Voucher Program.

**Homeless**

An applicant is considered homeless if the applicant lacks a fixed, regular and adequate night-time residence and can provide verification that their nighttime residence is:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
2. A public or private place that provides temporary residence for individuals intended to be institutionalized (not incarcerated); or
3. A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Homeless applicants who meet the criteria described above must provide proof of homelessness. Examples of such proof include certification of homeless status from a public or private facility, including Transitional Housing, that provides shelter for such households; a copy of an arrest record for vagrancy or illegal lodging from the local police department; or other documentation that can be obtained from any social service agency that provides services to the homeless.

**Program Goals:**

- Expand and stabilize the housing opportunities of homeless persons/families and increase their economic opportunities by providing supportive services and teaching independent living skills.

**Owner Proposal Selection:**

The Housing Commission will select owner proposals through a competitive Request for Proposal process. Specifically, the PHA will advertise in a newspaper of general circulation that the PHA will accept applications for PBV assistance. The advertisement will be published once a week for three consecutive weeks with an application deadline of at least 30 days after the date the advertisement is last published. The advertisement will specify the number of PBV units that will be available.

In addition, the Housing Commission will accept applications from owners with housing that is assisted under a federal, state, or local government housing assistance, community development, or supportive services program that required competitive selection of proposals (e.g. HOME, LIHTC, and MHSA projects). These applications will be continually accepted and evaluated based on the availability of vouchers.

All applications will be reviewed and evaluated based on the following criteria:

1. The project complies with the PBV site selection standards of § 983.57 and contributes to the geographic distribution of affordable housing throughout the City of San Diego, thus promoting deconcentration of poverty, and expanding housing and economic opportunities.
2. The project meets the following site and neighborhood standards:
  - Site is adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities and streets are available to service the site;
  - Site promotes greater choice of housing opportunities and avoids undue concentration of assisted persons in areas containing a high proportion of low-income persons;
  - Site is accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at

- least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents;
  - Site is located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers is not excessive.
3. Site is suitable for facilitating and furthering full compliance with fair housing objectives.
  4. Proposed units fully meet federal Housing Quality Standards (HQS).
  5. Experience of the applicant in managing residential housing and providing supportive services.
  6. The project provides one or more of the following supportive services aimed at assisting homeless participants re-establish permanent independent living and those services are appropriate for the target population:
    - Child care
    - Job training/placement
    - Case management
    - Health care, mental health care, or psychiatric care
    - Transportation
    - Employment assistance
    - Education
    - Vocational opportunities
    - Life skills training
    - Counseling, including housing counseling
    - Substance abuse treatment
    - Parenting skills
    - Budgeting
    - Housing information referrals

Each tenant will have an Individual Service Plan (ISP) that details the specific services to be provided, their frequency and duration. These ISPs will vary from individual to individual based on individual need.

7. Target Population. In the event the number of PBV applications exceeds the number of available vouchers, projects will be prioritized as follows:
  - 1) Existing housing projects will be favored over new construction or rehabilitation projects.
  - 2) Project provides comprehensive supportive services.
  - 3) Project serves homeless families with children (2+ bedroom units).
  - 4) Project serves homeless persons with disabilities.
  - 5) Project serves homeless elderly persons.
  - 6) Project serves homeless individuals.
  - 7) Project serves non-homeless persons with disabilities.

- 8) Project serves non-homeless elderly persons.

Applications need a minimum score of 75 points (out of 100) to receive an allocation of Project-based Vouchers.

### **Waiting List and Lease Up**

The owner must notify the Housing Commission of any vacancies. When the owner notifies the Housing Commission of a vacant unit, the computer will select the next 20 applicants within the preference category from the Housing Commission's PBV waiting list. Selected applicants will be notified of the opportunity to be considered for the vacant unit and that it will be their responsibility to request a further opportunity if they wish to be considered for future vacancies. Applicants will be provided a description of the type of supportive services offered at the PBV project. PBV projects may serve specific homeless subpopulations such as veterans, victims of domestic violence, and persons with disabilities.

If the owner is unable to find a suitable tenant from the initial referral list, the Housing Commission will select the next 20 applicants within the preference category from the PBV waiting list. If the owner is still unable to find a suitable tenant from the referral list, the owner may select a tenant from their own waiting list who is also on the Housing Commission's PBV Waiting List. Owners are encouraged to refer clients to the Housing Commission Waiting List. The Housing Commission (or designee) will conduct an interview to determine eligibility for the PBV program. For PBV site-specific projects, the owner's are responsible for determining tenant eligibility to receive site-specific supportive services.

Tenants must comply with owner's supportive services program requirements as a condition of tenancy. The tenant and the PHA must sign a statement of family responsibility that contains all of the family obligations including the family's participation in an owner-provided supportive services program. Failure by the family without good cause to fulfill its supportive services obligation will result in termination of PBV assistance. The Housing Commission will require bi-annual progress reports from the Owners in addition to owner certification that tenants are in compliance with the ISPs.

Vacancies at Hollywood Palms will be referred from the regular Housing Commission Section 8 Waiting List. When the owner notifies the Housing Commission of a vacant unit, the computer will select the next 20 applicants from the Housing Commission's waiting list. Selected applicants will be notified of the opportunity to be considered for the vacant unit. If the owner is unable to find a suitable tenant from the initial referral list, the Housing Commission will select the next 20 applicants within the preference category from the waiting list. If the owner is still unable to find a suitable tenant from the referral list, the owner may select a tenant from their own waiting list who is also on the Housing Commission's Waiting List. The Housing Commission (or designee) will conduct an interview to determine eligibility for the program.

## **PBV Waiting List Preferences**

The Housing Commission PBV Waiting List will give a preference to homeless persons/families, the elderly, and persons with disabilities: Homeless persons will receive a preference over non-homeless.

Applicants will be referred from the Housing Commission PBV Waiting List based on the date of time of their application.

1. Within each of the following categories, applicants will be served by the date and time of application based on the availability of site-specific supportive services:
  - Homeless Families
  - Victims of Domestic Violence
  - Homeless persons with disabilities
  - Homeless veterans
  - Homeless elderly persons
  - Homeless individuals
  - Persons with HIV/AIDS (homeless or non-homeless)
  - Non-homeless persons with disabilities
  - Non-homeless elderly persons

## **Conversion to Tenant Based Section 8 Assistance**

After a household has participated in the Project-based Voucher program for at least 12 months, they may move from the assisted unit and retain federal housing assistance. The Housing Commission will provide a household who leaves the Project-Based Voucher program after a one-year period with tenant-based assistance, if they are in good standing with Housing Commission and Section 8 requirements. Households who leave the Project-Based Voucher program before one year are not eligible for continued assistance.

## **Minimum Rent to Tenants**

Minimum rent to tenants under the Project-based Voucher program is \$25.00.

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**Revision Summary - Section 8 Administrative Plan**

Current – FY08	Revision – FY09	Explanation
<p><b><u>WAITING LIST, ADMISSION, AND DENIAL OF ADMISSION – Chapter 2</u></b></p> <p><b><u>H. WAITING LIST PREFERENCES</u></b>  (Chapter 2, pg 4)</p> <p>The Housing Commission will offer public notice when changing its preference system and the notice will be publicized using the same guidelines as those for opening and closing the waiting list.</p> <p>The Housing Commission uses the following local preference system:</p> <ul style="list-style-type: none"> <li>Date and time of receipt of a completed application.</li> <li>Residency preferences for families who live, work, or have been hired to work in the jurisdiction.</li> <li>Family</li> <li>Homeless person with a disability</li> <li>Elderly (62 years or older)</li> <li>Disability</li> <li>Veteran</li> <li>Active U.S. Military personnel.</li> </ul>	<p><b><u>WAITING LIST, ADMISSION, AND DENIAL OF ADMISSION – Chapter 2</u></b></p> <p><b><u>H. WAITING LIST PREFERENCES</u></b>  (Chapter 2, pg 4)</p> <p>Removing from Administrative Plan</p>	<p>Deleted in its entirety.  Waiting List preferences are addressed in the Administrative Plan under Ranking Local and Selection Preferences</p>



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<p><b><u>I. RANKING LOCAL AND SELECTION PREFERENCES</u></b> (Chapter 2, pg 4)</p> <p>Within each of the following numbered categories, applicants will be served by date and time of application.</p> <ol style="list-style-type: none"> <li>1. Applicants who live and/or work in the City of San Diego and who are families of two or more people or single persons who are disabled or age 62 or older, or veterans, or active U.S. Servicepersons or a homeless person with a disability</li> <li>2. Other applicants who live and/or work in the City of San Diego</li> <li>3. Applicants who do not live and/or work in the City of San Diego and who are families of two or more people or single persons who are disabled or age 62 or older, or veterans, or active U.S. Servicepersons or a homeless person with a disability</li> <li>4. Other applicants who do not live and/or work in the City San Diego</li> </ol> <p><b><u>O. Eligibility Determination Process</u></b> (Chapter 2, pg. 7)</p> <p>All preferences claimed on the application for Housing Assistance or while the family is on the waiting list</p>	<p><b><u>I. RANKING LOCAL AND SELECTION PREFERENCES</u></b> (Chapter 2, pg 4)</p> <p>Within each of the following numbered categories, applicants will be served by date and time of application.</p> <ol style="list-style-type: none"> <li>1. Applicants who live and/or work in the City of San Diego and who are families of two or more people or single persons who are disabled or age 62 or older, or a homeless person with a disability</li> <li>2. Other applicants who live and/or work in the City of San Diego</li> <li>3. Applicants who do not live and/or work in the City of San Diego and who are families of two or more people or single persons who are disabled or age 62 or older, or a homeless person with a disability</li> <li>4. Other applicants who do not live and/or work in the City San Diego</li> </ol> <p><b><u>O. Eligibility Determination Process</u></b> (Chapter 2, pg. 7)</p> <p>All preferences claimed on the application for Housing Assistance or while the family is on the waiting list will be</p>	<p>Revised. Previously a State mandated requirement for Public Housing; not required for Section 8.</p>

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<p>will be verified after the family is selected from the waiting list.</p> <p>Applicants must complete a Personal Declaration.</p> <p><b><u>V. Family Composition</u></b> (Chapter 2, pg8)</p> <p>Two or more elderly or disabled persons living together or one or more elderly or disabled persons living with one or more live-in aides.</p>	<p>verified after the family is selected from the waiting list.</p> <p>Applicants must complete a Personal Declaration.</p> <p><b>Household composition may not be changed only to qualify for a preference.</b></p> <p><b><u>V. Family Composition</u></b> (Chapter 2, pg8)</p> <p>Two or more persons living together or one or more elderly or disabled persons living with one or more live-in aides.</p>	<p>Language added to protect the integrity of the program.</p> <p>Revised to clarify definition of family composition at admission to the program.</p>
<p><b><u>VERIFICATION, INCOME, ASSETS AND ALLOWANCES – Chapter 3</u></b></p> <p><b><u>Social Security and Supplemental Security Income</u></b> (Chapter 3, pg 15)</p> <p>Acceptable methods of verification include, in order of priority:</p> <p>1. EIV (UIV) for Social Security and Supplemental Security Income in conjunction with award letter or print out.</p>	<p><b><u>VERIFICATION , INCOME, ASSETS AND ALLOWANCES – Chapter 3</u></b></p> <p><b><u>Social Security and Supplemental Security Income</u></b> (Chapter 3, pg 15)</p> <p>Acceptable methods of verification include, in order of priority:</p> <p>1. EIV (UIV) for Social Security and Supplemental Security Income.</p>	<p>Revised to streamline processes for clients and staff .</p>

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<p><b><u>J. VERIFICATION OF ASSETS</u></b> (Chapter 3, pg19)</p> <p><b>Family Assets</b></p> <p>Current cash value of a family’s assets is the net amount the family would receive if the assets were converted to cash.</p> <p><b>Assets Totaling \$1,000 or Less:</b> SDHC will not verify through third-party methods because of the negligible impact on the HAP amount.</p> <p><b>Assets that Exceed \$1,000:</b> SDHC will attempt third-party verification of all family assets and will utilize the current balance for savings accounts and will determine the average balance for checking accounts.</p>	<p><b><u>J. VERIFICATION OF ASSETS</u></b> (Chapter 3, pg19)</p> <p><b>Family Assets - Checking and Savings Accounts, Stocks, Bonds, Certificates of Deposit, and Money Market Funds.</b></p> <p>Current cash value of a family’s assets is the net amount the family would receive if the assets were converted to cash.  <b>The current value of assets will be counted unless there is evidence provided by the family that an average of the balance for the last 2-6 months is a better reflection of anticipated income. Interest will be calculated based on the interest rate reflected on the most current statement, or on the CD set rate, unless third party verification reflects a higher interest rate. For stocks, the asset income will be based on the earnings for the most recent reporting period unless there is evidence provided by the family that an average of the earnings for a prior 12 months is a better reflection of anticipated income.</b></p> <p><b>Assets Totaling \$5,000 or Less:</b> The total family assets under \$5,000 will be considered nominal and will not require third party verification. Nominal assets will be verified by review of documents using the current balance.</p> <p><b>Assets that Exceed \$5,000:</b> SDHC will attempt third party verification of all family assets and will utilize the current balance for savings and checking accounts.</p>	<p>Revised to streamline processes for clients and staff.</p> <p>Revised to streamline processes for clients and staff.</p> <p>Revised to streamline processes for clients and staff.</p>

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<p><b><u>Savings or Checking Account Interest and Dividend Income</u></b> (Chapter 3, pg 20)</p> <p>Acceptable methods of verification include, in order of priority:</p> <ol style="list-style-type: none"> <li>1. Verification form completed by the financial institution.</li> <li>2. Financial institution generated account statements, certificate of deposit statements, three (3) to six (6) months of statements for checking accounts; supplied by the family.</li> <li>3. Broker statements showing the value of stocks or bonds and the earnings credited to the family (Earnings can also be obtained from current newspaper quotations or orally from brokers.)</li> <li>4. IRS Form 1099 forms a financial institution.</li> </ol>	<p><b><u>Savings or Checking Account Interest and Dividend Income</u></b> (Chapter 3, pg 20)</p> <p>Acceptable methods of verification include, in order of priority:</p> <p><b>5) Life insurance policy/statement from Financial Institution showing cash surrender value table.</b></p>	<p>Adding #5 will save time for clients and staff when determining asset income.</p>
<p><b><u>SUBSIDY STANDARDS, VOUCHER ISSUEANCE, AND BRIEFINGS – Chapter 5</u></b></p> <p><b><u>Reasonable Accommodation to Accommodate a Person With a Disability</u></b> (Chapter 5, pg 7)</p> <p>If the family needs an extension of the initial voucher term as reasonable accommodation to make the program accessible to a family member who is a</p>	<p><b><u>SUBSIDY STANDARDS, VOUCHER ISSUEANCE, AND BRIEFINGS – Chapter 5</u></b></p> <p><b><u>Reasonable Accommodation to Accommodate a Person with a Disability</u></b> (Chapter 5, pg 7)</p> <p>If the family needs an extension of the initial voucher term as reasonable accommodation to make the program accessible to a family member who is a person with a disability, the</p>	

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<p>person with a disability, the Housing Commission will grant an extension to the Voucher of 120 days.</p>	<p>Housing Commission will grant an extension to the Voucher of 120 days. <b>The family may submit a doctor’s statement in conjunction with the Request for Reasonable Accommodation form.</b></p>	<p>Revised to streamline processes for clients and staff.</p>
<p><b><u>REQUEST FOR APPROVAL OF TENANCY AND CONTRACT EXECUTION – Chapter 6</u></b></p> <p><b><u>B. ELIGIBLE TYPES OF HOUSEING</u></b> (Chapter 6, pg 2)</p> <p>All structure types can be utilized.</p>	<p><b><u>REQUEST FOR APPROVAL OF TENANCY AND CONTRACT EXECUTION – Chapter 6</u></b></p> <p><b><u>B. ELIGIBLE TYPES OF HOUSING</u></b> (Chapter 6, pg 2)</p> <p>All <b>residential</b> structure types can be utilized.</p>	<p>Revised to include residential language</p>
<p><b><u>ANNUAL REEXAMINATIONS AND INTERIM ADJUSTMENTS – Chapter 8</u></b></p> <p><b>H. NOTIFICATION OF NOMINAL RENT PORTION INCREASES</b> (Chapter 8, pg 5)</p> <p>The Housing Commission will notify program participants at least 30 days in advance of any increases to their share of the rent. However, an increase to the participant’s share of the rent that is \$10 or less as a result of an annual recertification, rent increase or correction, can be effective without a 30 day notice.</p>	<p><b><u>ANNUAL REEXAMINATIONS AND INTERIM ADJUSTMENTS – Chapter 8</u></b></p> <p><b>H. NOTIFICAITON OF NOMINAL RENT PORTION INCREASES</b> (Chapter 8, pg 5)</p> <p>The Housing Commission will notify program participants at least 30 days in advance of any increases to their share of the rent. However, an increase to the participant’s share of the rent that is <b>\$20</b> or less as a result of an annual recertification, rent increase or correction, can be effective without a 30 day notice.</p>	<p>Revised \$10 to read \$20</p>

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**Revision Summary - Section 8 Administrative Plan**

Current – FY08	Revision – FY09	Explanation
<p><b><u>PROGRAM ABUSE PREVENTION POLICY</u></b>  (Chapter 8, pg 8)</p> <p>None in place.</p>	<p><b><u>K. PROGRAM ABUSE PREVENTION POLICY</u></b>  (Chapter 8, pg 8)</p> <p><b><u>Decreases at Reexamination</u></b></p> <p><b>If a pattern of regularly reporting a decrease in income during the reexamination timeframe is discovered by utilizing UIV (Upfront Income Verification) or other methods for two or more years, it may be considered program abuse. For example, the family was employed and then became unemployed prior to the reexamination, causing a lowered Total Tenant Payment (TTP). After the effective date of the reexamination, the family’s income increases. In such cases, SDHC may increase the tenant rent upon an increase in the family’s income, or issue a Notice of Intended Action for committing program abuse.</b></p>	<p>Adding language to prevent families from deliberately quitting their jobs to take advantage of the program.</p> <p>SDHC policy allows families with increases in income to wait until their next annual reexamination to report the increase.</p>
<p><b><u>HOUSING QUALITY STANDARDS AND INSPECTIONS – Chapter 10</u></b></p> <p><b><u>C. ANNUAL HQS INSPECTIONS</u></b>  (Chapter 10, pg 2)</p> <p>If the family does not contact the Housing Commission to reschedule the inspection, or if the family misses three inspection appointments, the Housing Commission will consider the family in violation of a Family Obligation and their assistance will be terminated in accordance with this Plan.</p>	<p><b><u>HOUSING QUALITY STANDARDS AND INSPECTIONS – Chapter 10</u></b></p> <p><b><u>C. ANNULA HQS INSPECTIONS</u></b>  (Chapter 10, pg 2)</p> <p>If the family does not contact the Housing Commission to reschedule the inspection, or if the family misses <b>two</b> inspection appointments, the Housing Commission will consider the family in violation of a Family Obligation and their assistance will be terminated in accordance with this Plan.</p>	<p>Reduce the number of times a participant can “no show” to their inspection appointments.</p>

**Attachment 4 – ca063309 – Version 2**  
**Revision Summary - Section 8 Administrative Plan**

Current – FY08	Revision – FY09	Explanation
<p><b><u>E. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS</u></b></p> <p>(Chapter 10, pg 4)</p> <p>The Housing Commission applies the HUD acceptability criteria with the additions described below.</p> <p><b><u>Termination of Contract</u></b></p> <p>(Chapter 10, pg 6)</p> <p><b><u>Lead based Paint</u></b></p> <p>None in place</p>	<p><b><u>E. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS</u></b></p> <p>(Chapter 10, pg 4)</p> <p>The Housing Commission applies the HUD acceptability criteria with the additions described below.</p> <p><b>Interior:</b>  <b>The owner may not access any portion of the assisted unit for their personal use.</b></p> <p><b>Garages:</b>  <b>Garage attached to the unit with access to the assisted unit are part of the assisted unit.</b></p> <p><b><u>Termination of Contract</u></b></p> <p>(Chapter 10, pg 6)</p> <p><b><u>Lead based Paint</u></b>  <b>If the owner is not in compliance with lead based paint requirements the HAP contract will be terminated</b></p>	<p>Add language.</p> <p>Adding language to prevent owners from using any portion of the unit for personal use.</p> <p>Add language.</p>
<p><b><u>PROGRAM TERMINATIONS AND PROGRAM INTEGRITY UNIT – Chapter 11</u></b></p>	<p><b><u>PROGRAM TERMINATIONS AND PROGRAM INTEGRITY UNIT – Chapter 11</u></b></p>	

**Attachment 4 – ca063309 – Version 2**  
**Revision Summary - Section 8 Administrative Plan**

Current – FY08	Revision – FY09	Explanation
<p><b><u>Grounds for Denial or Termination of Assistance</u></b>  (Chapter 11, pg 5)</p> <p>Be responsible for a Housing Quality Standards damages and/or failed items caused by the family and allow the Housing Commission to inspect the unit at reasonable times and after reasonable notice to comply with HUD requirements for an inspection.</p> <p><b><u>Other reasons for terminating/denying assistance</u></b>  (Chapter 11, pg 7)</p> <p>If three (3) scheduled appointments/inspections have been missed without good cause and without prior notice to the Housing Commission within a twelve month period.</p>	<p><b><u>Grounds for Denial or Termination of Assistance</u></b>  (Chapter 11, pg 5)</p> <p>Be responsible for a Housing Quality Standards damages and/or failed items caused by the family.</p> <p><b><u>Failure</u></b> to allow the Housing Commission to inspect the unit at reasonable times and after reasonable notice to comply with HUD requirements for an inspection.</p> <p><b><u>Other reasons for terminating/denying assistance</u></b>  (Chapter 11 pg 7)</p> <p>If <b>two (2)</b> scheduled appointments/inspections have been missed without good cause and without prior notice to the Housing Commission within a twelve month period.</p> <p>If the family allows the assisted unit to be used by others not on the lease as a mailing address.</p>	<p>Revised</p> <p>Revising language from (3) to (2) scheduled appointments/inspections</p> <p>Add language.</p>
<p><b><u>E. CRIMINAL ACTIVITY POLICY</u></b></p> <p><b><u>Approval of Applicants and Household Additions</u></b>  (Chapter 11, pg 8)</p> <p>“Engaged in or engaging in” violent criminal activity means any act by applicants, participants, household member, or guests which involved criminal activity that has as one of its elements the use, attempted use,</p>	<p><b><u>E. CRIMINAL ACTIVITY POLICY</u></b></p> <p><b><u>Approval of Applicants and Household Additions</u></b>  (Chapter 11, pg 8)</p> <p>“Engaged in or engaging in” violent criminal activity means any act by applicants, participants, household member, or guests which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of</p>	



## Revision Summary - Section 8 Administrative Plan

Current – FY08	Revision – FY09	Explanation
<p>or threatened use of physical force substantial enough to cause, or be reasonable likely to cause, serious verily injury or property damage, which did or did not result in the arrest and/or conviction of the applicant, participant, household members, or guests</p>	<p>physical force substantial enough to cause, or be reasonable likely to cause, serious verily injury or property damage, <b>including lewd and lascivious acts with a minor</b>, which did or did not result in the arrest and/or conviction of the applicant, participant, household members, or guests</p>	<p>Add language</p>
<p><b><u>J. MISSED APPOINTMENTS AND DEADLINES</u></b> (Chapter 11, pg 11)</p> <p>It is a Family Responsibility to supply information, documentation, and certification as needed for the Housing Commission to fulfill its responsibilities. The Housing Commission schedules appointments and sets deadlines in order to obtain the required information. A participant who fails to keep an appointment or meet a set deadline without prior notice or good cause or fails to supply required information may be sent a Notice of Intended Action. A Notice of Intended Action may be sent to a participant who fails to keep three (3) scheduled appointments and/or inspections without prior notice or good cause within a one-year period. “Good cause” is defined as an unavoidable conflict that seriously affects the health, safety or welfare of the family. A participant who fails to supply information required by a deadline without notifying the Housing Commission may be sent a Notice of Intended Action.</p> <p><b>X. PRE HEARING RIGHTS AND RESPONSIBILITIES</b> (Chapter 11, pg 18)</p>	<p><b><u>J. MISSED APPOINTMENTS AND DEADLINES</u></b> (Chapter 11, pg 11)</p> <p>It is a Family Responsibility to supply information, documentation, and certification as needed for the Housing Commission to fulfill its responsibilities. The Housing Commission schedules appointments, inspections and sets deadlines in order to obtain the required information. A participant who fails to keep an appointment, inspection or meet a set deadline without prior notice or good cause or fails to supply required information may be sent a Notice of Intended Action. A Notice of Intended Action may be sent to a participant who fails to keep <b>two (2)</b> scheduled appointments and/or <b>two (2)</b> scheduled inspections without prior notice or good cause within a one-year period. “Good cause” is defined as an unavoidable conflict that seriously affects the health, safety or welfare of the family. A participant who fails to supply information required by a deadline without notifying the Housing Commission may be sent a Notice of Intended Action.</p> <p><b>X. PRE HEARING RIGHTS AND RESPONSIBILITIES</b> (Chapter 11, pg 18)</p>	<p>Revised from three (3) to two (2) appointments and inspections</p>

**Attachment 4 – ca063309 – Version 2**

**Revision Summary - Section 8 Administrative Plan**

<b>Current – FY08</b>	<b>Revision – FY09</b>	<b>Explanation</b>
The right to choose an attorney or another person to represent them in the hearing.	The right to choose an attorney or another person to represent them in the hearing.  <b>The SDHC has a right to be notified if the family will be represented by an attorney or another person at the hearing</b>	Add language

**SAN DIEGO HOUSING COMMISSION**

**ADMINISTRATIVE PLAN**

**FOR THE**

**SECTION 8 RENTAL ASSISTANCE PROGRAMS**

EFFECTIVE: April 4, 2008

Adopted by the San Diego Housing Commission: April 4, 2008

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## Chapter 1

### STATEMENT OF POLICIES AND OBJECTIVES

#### **INTRODUCTION**

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 tenant-based assistance program, is described in and implemented throughout this Administrative Plan. The Section 8 rental assistance programs are federally funded and administered for the City of San Diego by the San Diego Housing Commission (Housing Commission) through its Section 8 department.

Administration of the Section 8 program and the functions and responsibilities of the Housing Commission staff shall comply with the Housing Commission's Personnel Policy and the Department of Housing and Urban Development's (HUD) Section 8 regulations as well as all federal, state and local Fair Housing laws and regulations.

#### **Jurisdiction**

The jurisdiction of the San Diego Housing Commission is the City of San Diego, California.

#### **A. PURPOSE OF THE PLAN**

[24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan. This Plan covers admission and continued participation in the Voucher and Moderate Rehabilitation programs. Policies are the same for all programs unless otherwise noted or superseded by federal statute or regulation.

The Housing Commission is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The Board of Commissioners of the agency must approve the Plan and any changes. Pertinent sections must be included in the Agency Plan, and a copy provided to HUD.

Applicable regulations include:

24 CFR Part 5: General Program Requirements

24 CFR Part 8: Nondiscrimination

24 CFR Part 982: Section 8 Tenant-Based Assistance

This Administrative Plan is set forth to define the Housing Commission's local policies for operation of the housing programs in the context of federal laws and regulations. All issues related to Section 8 not addressed in this document are governed by such federal regulations, HUD memos, notices and guidelines, or other applicable law.

The Chief Executive Officer has the flexibility to grant exceptions to the Housing Commission's adopted policy.

#### **B. ADMINISTRATIVE FEE RESERVE**

[24 CFR 982.54(d)(22)]

Expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes during each fiscal year will not be made without the prior approval of the Board of Commissioners.

#### **C. FAIR HOUSING POLICY**

[24 CFR 982.54(d)(6)]

It is the policy of the Housing Commission to comply fully with all federal, state, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The Housing Commission shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Section 8 programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Commission will provide federal/state/local information to Section 8 participants regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the Housing Commission's facilities may be inaccessible to, or unusable by a person with a disability.

#### **D. ACCOMMODATIONS TO A PERSON WITH A DISABILITY POLICY**

[24 CFR 100.202]

It is the policy of the Housing Commission to be service-directed in the administration of the housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

An applicant and/or a participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the Housing Commission will treat a person differently than anyone else. The Housing Commission's policies and practices will be designed to provide assurances that a person with disability will be accommodated, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation may be made known by including notices on Housing Commission forms and letters. This policy is intended to afford a person with a disability an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have a disability and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the Housing Commission, when the Housing Commission initiates contact with a family including when a family applies, and when the Housing Commission schedules or reschedules appointments of any kind.

To be eligible to request an accommodation for a person with a disability, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following ADA definition:

A physical or mental impairment that substantially limits one or more of the major life activities of an individual;

A record of such impairment; or

Being regarded as having such an impairment

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403, individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once a person's status as a qualified person with a disability is confirmed, the Housing Commission will require that a professional third party competent to make the assessment, provides written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

If the Housing Commission finds that the requested accommodation creates an undue administrative or financial burden, the Housing Commission will deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires fundamental alteration of the essential functions of the Housing Commission.

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on the Housing Commission.

The Housing Commission will provide a written decision to the person requesting the accommodation within a reasonable time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the Housing Commission's decision.

Accommodations will be made for persons with a disability that require an advocate or accessible office. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All Housing Commission mailings will be made available in an accessible format upon request, to accommodate a person with a disability.

#### **E. MANAGEMENT ASSESSMENT OBJECTIVES**

The Housing Commission operates its housing assistance program with efficiency and can demonstrate to HUD auditors that the Housing Commission is using its resources in a manner that reflects its commitment to quality and service. The Housing Commission policies and practices are consistent with the areas of measurement for the HUD-required Section 8 Management Assessment Program (SEMAP) indicators.

The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail.

The minimum sample size to be reviewed will relate directly to each factor, based on HUD-directed minimums.

#### **F. OWNER OUTREACH**

[24 CFR 982.54(d)(5), 982.153(b)(1)]

The Housing Commission makes a concerted effort to keep private owners informed of legislative changes in the tenant-based program, which are designed to make the program more attractive to owners. This includes informing participant owners of applicable legislative changes in program requirements.

The Housing Commission encourages owners of decent, safe and sanitary housing units to lease to Section 8 families.

The Housing Commission conducts periodic meetings and distributes written materials to participating owners to improve owner relations and to recruit new owners outside areas of poverty or minority concentration.

The Housing Commission maintains a list of units available for the Section 8 Program and updates this list weekly.

The Housing Commission will maintain a list of available housing submitted by owners in all neighborhoods within the Housing Commission's jurisdiction to ensure greater mobility and housing choice to very low-income households. The list of available units will be readily available for applicant briefings and participants searching for housing.

The staff of the Housing Commission initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

Printed material is offered to acquaint owners and managers with the opportunities available under the program.

The Housing Commission has active participation in community-based organizations including private property and apartment owners and managers.

The Housing Commission actively recruits property owners with property located outside areas of low income and poverty concentration and will apply for exception payment standards if the Housing Commission determines it is necessary to make the program more accessible in its jurisdiction.

The Housing Commission encourages program participation by owners of units located outside of low income and poverty concentration. The Housing Commission periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of these activities is to provide more choice and better housing opportunities to families. Voucher holders are informed of a broad range of areas where they may lease units inside the Housing Commission's jurisdiction and are given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of low income and poverty concentration.

The Housing Commission shall periodically:

- Develop working relationships with owners and real estate broker associations.

- Establish contact with civic, charitable or neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displaced families.

- Explain the program, including equal opportunity requirements and nondiscrimination requirements, including Fair Housing Amendments Act of 1988 and Americans with Disabilities Act, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.

## **G. CONFLICT OF INTEREST**

[24 CFR 982.161]

All Housing Commission employees shall abide by the Conflict of Interest regulation as follows:

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Neither the Housing Commission nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

1. Any present or former member or officer of the Housing Commission (except an appointed resident commissioner);
2. Any employee of the Housing Commission, or any contractor, subcontractor, or agent of the Housing Commission, who formulates policy or who influences decisions with respect to the programs;
3. Any public office, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the program; or
4. Any member of the Congress of the United States.

Any of these members must disclose their interest or prospective interest to the Housing Commission and HUD.

The conflict of interest prohibition may be waived by the HUD field office for good cause.

All Housing Commission staff is subject to the "Standards of Conduct" code, Section 102.900 as defined in the San Diego Housing Commission Policies, Revised July 1, 2001.



## **Chapter 2**

### **WAITING LIST, ADMISSION, AND DENIAL OF ADMISSION**

[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

#### **INTRODUCTION**

This Chapter defines both HUD and the Housing Commission's criteria for the waiting list, admission, and denial of admission to the program. The policy of the Housing Commission is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply and to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply and are treated in a fair and consistent manner.

#### **A. APPLICATION TAKING PROCESS AND WAITING LIST**

The purpose of application taking is to permit the Housing Commission to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information.

Families who wish to apply for any one of the Housing Commission's programs must complete an Application for Housing Assistance.

Any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application. The information is to be filled out by the applicant whenever possible. To provide specific accommodation for a person with a disability, the information may be completed by a staff person over the telephone. It may also be mailed to the applicant.

Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

The application process will involve two phases. The first is the "initial" application for placement on the waiting list.

The application will be dated, time-stamped, and referred to the Housing Commission's eligibility office where it will be maintained until such time as it is needed for processing. .

When the application is submitted to the Housing Commission it establishes the family's date and time of application for placement order on the waiting list.

The second phase is the "final determination of eligibility." The determination of eligibility takes place when the family is selected for eligibility processing. At this time, the Housing Commission ensures that verification of HUD and Housing Commission eligibility factors is current in order to determine the family's eligibility for the issuance of a voucher.

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## **B. COOPERATIVE WAITING LIST**

The San Diego Housing Commission, the Housing Authority of the County of San Diego, Community Development Commission of the City of National City, City of Carlsbad Housing Authority, City of Oceanside Housing Authority, and the Housing and Development Department of the City of Encinitas agree to maintain a cooperative waiting list for those applicants who live in the jurisdiction of the other housing agency. Any other Housing Agency within the region that requests to participate in the cooperative waiting list will be allowed to participate.

Each housing agency will exchange waiting list applications, preserving the original time and date of application, for applicants residing in the jurisdiction of the other agency

## **C. FAMILY OUTREACH**

The Housing Commission will publicize and disseminate information to make known the availability of housing assistance and related services for very low income families on a regular basis. When the Housing Commission's waiting list is open, the Housing Commission will publicize the availability and nature of housing assistance for very low income families.

The Housing Commission will communicate the status of housing availability to other service providers in the community, and advise them of housing eligibility factors and guidelines in order that they may make proper referrals for housing assistance.

## **D. APPLICANT STATUS WHILE ON WAITING LIST**

[24 CFR 982.204]

Applicants are required to inform the Housing Commission in writing of changes in address within 14 days. Applicants are also required to respond to requests from the Housing Commission to update information on their application and to determine their interest in assistance.

After the receipt of the Application for Housing Assistance, a written notification of waiting list status will be mailed to the applicant.

## **E. SPLIT HOUSEHOLDS (PRIOR TO VOUCHER ISSUANCE)**

During the time while a family is on the Section 8 waiting list, if the family were to decide to split into two otherwise eligible families (due to divorce or legal separation) and the new families both wish to claim the same placement on the waiting list, a separate application will be made for each with the original date and time of application that they had as an intact family.

However, if a family is selected from the Section 8 waiting list and begins the eligibility process for voucher issuance, the household will no longer be able to separate into two families. Instead, the Housing Commission will have the final authority to determine which of the new family members

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would be best served by Section 8 assistance. The Housing Commission will consider the following factors to determine which of the families will be issued the voucher:

- Which of the new family units has custody of the dependent child(ren)
- The composition of the new families, and whether they include elderly or disabled members
- Whether domestic violence was involved in the breakup
- Recommendations of reliable, knowledgeable third-party professionals.

Upon request of the Housing Commission, documentation of these factors will be the responsibility of the family. If documentation is not provided, the Housing Commission will terminate eligibility based on failure to provide information necessary for the eligibility determination.

#### **F. WAITING LIST ORDER**

[24 CFR 982.204]

Applicants will be selected from the Housing Commission waiting list in accordance with policies and preferences defined in this Administrative Plan. The Housing Commission will maintain information that permits proper selection from the waiting list.

Except for Special Admissions, applicants will be selected from the Housing Commission waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

#### **G. SPECIAL ADMISSIONS**

[24 CFR 982.54(d)(e), 982.203]

If HUD awards the Housing Commission program funding that is targeted for specifically named families, the Housing Commission will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not necessarily have to qualify for any preferences, nor are they required to be on the program waiting list. The Housing Commission maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

A family displaced because of demolition or disposition of a Public or Indian housing project;

A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;

For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990; and

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A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term.

#### **H. RANKING LOCAL PREFERENCES**

Within each of the following numbered categories, applicants will be served by date and time of application.

1. Applicants who live and/or work in the City of San Diego and who are families of two or more people or single persons who are disabled or age 62 or older, or a homeless person with a disability
2. Other applicants who live and/or work in the City of San Diego
3. Applicants who do not live and/or work in the City of San Diego and who are families of two or more people or single persons who are disabled or age 62 or older, or a homeless person with a disability
4. Other applicants who do not live and/or work in the City San Diego

#### **I. INITIAL DETERMINATION OF LOCAL PREFERENCE**

An applicant's certification that they qualify for a preference will be accepted without verification at the initial application. When the family is selected from the waiting list for the final determination of eligibility, the preference will be verified.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the local preference.

#### **J. CHANGE OF PREFERENCE**

[24 CFR 5.410]

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

#### **K. CROSS LISTING OF PUBLIC HOUSING AND SECTION 8**

The Housing Commission will not merge the waiting lists for public housing and Section 8. However, if the Section 8 waiting list is open when the applicant is placed on the public housing list, the Housing Commission must offer to place the family on both lists. If the public housing waiting

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list is open at the time an applicant applies for Section 8, the Housing Commission must offer to place the family on the public housing waiting list.

#### **L. PREFERENCE DENIAL**

[24 CFR 5.415]

If the Housing Commission denies a preference, the Housing Commission will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for a review with a staff member other than the one who made the decision. If the preference denial is upheld because of the review, or the applicant does not request a review, the applicant will be placed on the waiting list without benefit of the preference.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the waiting list.

#### **M. REMOVAL FROM WAITING LIST AND PURGING**

[24 CFR 982.204(c)]

The Waiting List will be purged approximately every 12 to 18 months by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless the Housing Commission determines there were circumstances beyond the person's control.

If an applicant fails to respond to any mailings to the applicant, which require a response the applicant's name will be dropped from the waiting list without further notice.

An extension for responding will be granted if requested and needed as a reasonable accommodation for a person with a disability.

If the applicant did not respond to the Housing Commission's request for information or updates because of a family member's disability, the Housing Commission will reinstate the applicant in the family's former position on the waiting list.

If a letter or other correspondence is returned by the Post Office as undeliverable, the applicant will be removed without further notice.

#### **N. SELECTION FROM WAITING LIST**

[24 CFR 982.204, 5.410]

When funding is available, families will be selected from the waiting list in their preference-determined sequence, regardless of family size.

When a family has been selected from the waiting list, they must be prepared at that time to begin the eligibility process. If the family is unable, they will be dropped from the waiting list and may reapply.

#### **O. INCOME LIMITATIONS/INCOME TARGETING**

[24 CFR 982.201(b), 982.353]

Seventy five per cent (75%) of new admissions shall not exceed 30% of the Area Median Income (AMI) as established by HUD. The remaining 25% may be between 31-80% of the AMI.

Meeting the income targeting requirements will require skipping higher income families on the waiting list as necessary to satisfy the Housing Commission's annual targeting requirement.

To determine if the family is income-eligible, the Housing Commission compares the Annual Income of the family to the applicable income limit for the family's size.

Families whose Annual Income exceeds the income limit will be denied admission and offered an administrative review.

For initial lease-up, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving PHA.

#### **P. ELIGIBILITY DETERMINATION PROCESS**

All preferences claimed on the Application for Housing Assistance or while the family is on the waiting list will be verified after the family is selected from the waiting list.

Applicants must complete a Personal Declaration.

Household composition may not be changed only to qualify for a preference.

#### **Q. COMPLIANCE WITH ELIGIBILITY PROCESS**

The Housing Commission establishes procedures to gather the information and data necessary to determine a family's eligibility. The procedures require the participation and signatures of all adult family members, 18 years and older. When interviews are scheduled, all adult family members must attend. Failure to provide requested information and data may result in the denial of an application.

Failure to attend the initial scheduled appointment will result in denial of the application. One reschedule will be allowed as a reasonable accommodation for a person with disabilities.

## **R. VERIFICATION**

[24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in the ‘Verification Procedures’ chapter. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of the Voucher.

## **S. FINAL DETERMINATION OF ELIGIBILITY**

[24 CFR 982.201]

After the verification process is completed, the Housing Commission will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the Housing Commission and the current eligibility criteria in effect. If the family is determined to be eligible, a briefing will be scheduled for the issuance of a voucher and the family's orientation to the housing program.

## **T. ELIGIBILITY FACTORS**

[982.201(B)]

The Housing Commission accepts applications only from families whose head or spouse is at least 18 years of age or emancipated minors under State law. To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the Housing Commission.

HUD eligibility criteria are:

An applicant must be a "family";

An applicant must be within the appropriate Income Limits;

An applicant must furnish Social Security Numbers for all family members age six and older;

An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and verification when required.

Reasons for denial of admission are addressed in the “Terminations and Program Integrity Unit” chapter. These reasons for denial constitute additional admission criteria.

Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a Voucher.

#### **U. FAMILY COMPOSITION**

[24 CFR 982.201]

The applicant must qualify as a Family. A Family may be a single person or a group of persons.

A family includes:

A family with a child or children.

Two or more persons living together or one or more elderly or disabled persons living with one or more live-in aides.

The Housing Commission determines if any other group of persons qualifies as a family.

A single person family may be:

An elderly person.

A displaced person.

A person with a disability. Individuals may not be considered disabled for eligibility purposes solely based on any drug or alcohol dependence.

Any other single person.

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A family will consist of a Head of Household as defined in the Glossary. In addition, a family may contain either a Spouse or a Co-Head as defined in the Glossary.

#### **Live-in Aides**

A Family may include live-in aides provided that such live-in aides:

Are determined by the Housing Commission to be essential to the care and well being of an elderly person, a near-elderly person, or a person with a disability;

Are not obligated for the support of the person(s); and

Would not be living in the unit except to provide care for the person(s).

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Live-in aides are treated differently than family members:

Income of live-in aides will not be counted for purposes of determining eligibility or level of benefits;

Live-in aides are not subject to Non-Citizen Rule requirements; and

Live-in aides may not be considered as a remaining member of the participant family.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above. Owners of the assisted unit may not be a live-in aide.

A live-in aide may only reside in the unit with the approval of the Housing Commission. Written verification will be required from a reliable, knowledgeable professional. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near elderly (50-61) or disabled.

A family member may have more than one person who shares the responsibility of providing full time live-in aide care. Each person must be approved by the Housing Commission.

At any time, the Housing Commission will refuse to approve a particular person as a live-in aide or may withdraw such approval if:

The person has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

The person has a history of drug-related criminal activity or violent criminal activity as defined by this Administrative Plan; or

The person currently owes rent or other amounts to the Housing Commission or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.

### **Joint Custody of Children**

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

## **V. MANDATORY SOCIAL SECURITY NUMBERS**

[24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of Social Security Numbers is grounds for denial or termination of assistance.

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number.

Persons who disclose their Social Security Number but cannot provide verification must sign a certification and provide verification within 60 days. Elderly persons must provide verification within 120 days.

## **W. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS**

[24 CFR Part 5, Subpart E]

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

For the Citizen/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

All members ineligible. Applicant families that include no eligible members are ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students. Defined by HUD in the non-citizen regulations at 24 CFR 5.522. Not eligible for assistance.

Appeals. For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

## **X. OTHER CRITERIA FOR ADMISSIONS**

[24 CFR 982.552(b)]

In addition to the HUD eligibility criteria, the Housing Commission will apply the following criteria:

Before the Housing Commission will allow participation in its Section 8 program, the family must be in good standing regarding any current payment agreement made with any PHA for a previous debt incurred, or have paid it in full.

The Housing Commission will check criminal history for all adults in the household in accordance with the section on Criminal Activity Policy in the "Terminations and Program Integrity Unit" chapter to determine whether any member of the family has violated any of the prohibited behaviors.

If any applicant misrepresents the information on which eligibility or tenant rent is established, the Housing Commission may deny assistance and may refer the family file for appropriate disposition.

The family must not have been terminated for violating any family obligation during a previous participation in the Section 8 program prior to final eligibility determination.

## **Y. TENANT SCREENING**

[24 CFR 982.307]

The Housing Commission will take into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" chapter.

The Housing Commission will not screen family behavior or suitability for tenancy. The Housing Commission will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening families based on their tenancy histories.

## **Z. CHANGES PRIOR TO EFFECTIVE DATE OF THE CONTRACT**

Changes in eligibility that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment.

## **AA. INELIGIBLE FAMILIES**

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an administrative review, or an informal hearing if they were denied due to non-citizen status. See "Terminations and Program Integrity Unit" chapter for additional information about reviews and hearings.

## Chapter 3

### **VERIFICATION, INCOME, ASSETS AND ALLOWANCES**

[24 CFR Part 5, Subparts E and F; 982.153, 982.551]

#### **INTRODUCTION**

The Housing Commission will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and reexamination is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations.

Applicants and program participants must provide true and complete information to the Housing Commission whenever information is requested. The Housing Commission's verification requirements are designed to maintain program integrity. This Chapter explains the Housing Commission's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The Housing Commission will obtain proper authorization from the family before requesting information from independent sources.

HUD regulations require the factors of eligibility and Total Tenant Payment be verified by the Housing Commission. Housing Commission staff will obtain written verification from independent sources whenever possible and will document client files whenever third party verifications are not possible.

This Chapter defines the allowable expenses and deductions to be subtracted from Annual Income and how the presence or absence of household members may affect the family's contribution. Income and the family's contribution are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD notices and memoranda. The formula for the calculation of the family's contribution is specific and not subject to interpretation. The Housing Commission's policies in this Chapter address those areas that allow the Housing Commission discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of the family's contribution.

#### **A. METHODS OF VERIFICATION AND AGE OF DATA**

[24 CFR 982.516]

SDHC will verify information through the five methods of verification acceptable to HUD in the following order:

1. Upfront income verification (UIV)
2. Third-party written verification
3. Third-party oral verification
4. Review of documents

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#### 5. Certification/self-declaration

Prior to relying on another source, two sources of written third-party verifications, sent directly to the source, will be attempted: 1) upfront income verification, and 2) third-party written. In cases where UIV is not available, third-party written will be sent directly to the source prior to relying on third-party oral. The SDHC will allow two weeks for return of third-party verifications. If third-party is not used or available, SDHC will document the reasons why other verifications method are used.

#### **Upfront Income Verification**

SDHC will utilize up-front income verification (UIV) whenever possible. UIV is income information that is available through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals, such as HUD's Enterprise Income Verification System (EIV) and the Work Number.

Upfront verification replaces, to a large extent, the more time consuming and less accurate third-party verification process of contacting individual employers identified by the family, or reviewing outdated income verification documents. However, third-party verification may continue to be necessary to complement upfront income verification, for example, when the client disputes the data.

SDHC currently utilizes HUD's Enterprise Income Verification System (EIV) which is a computer matching program, UIV tool. SDHC will pursue other computer matching agreements with federal, state, and local government agencies.

For applicants and families who are moving, the date of the UIV response must not be more than 60 days old at the time of voucher issuance. For participants, the response is valid if dated 120 days in advance of the annual recertification or interim certification.

#### **Use of Third-Party Verification to Supplement Upfront Income Verification**

Although upfront income verification replaces the third-party verification process, third-party may continue to be necessary to complement upfront income verification. Upfront income verification should not be considered an automatic substitute for other third-party verification. Rather, upfront income verification may supplement other verification documentation, such as original, current client-provided documents.

#### **Third-Party Written Verification**

Third-party written verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first-class mail, fax or e-mail. The family will be required to sign an authorization allowing the information source to release the specified information. Prior to relying on another source, two sources of written third-party verifications, sent directly to the source, will be attempted: 1) upfront income verification, and 2) third-party written. In cases where UIV is not available, third-party written will be sent directly to the source prior to relying on third-party oral.

The SDHC will allow two weeks for return of third-party verifications. If third-party is not used or available, SDHC will document the reasons why other verifications methods were used (review of documents or certification/self-declaration).

For applicants and families who are moving, verifications may not be more than 60 days old at the time of voucher issuance. For participants, verifications are valid if dated or effective 120 days in advance of the annual recertification or interim certification.

### **Documenting the Absence of Third-Party Verification**

There are four acceptable reasons for not having third-party verification of an income or expense item in an applicant's or participant's file:

1. SDHC staff has made efforts to obtain third-party verification in accordance with SDHC policy, and the independent source of verification has not responded.
2. An independent source that has been asked to provide written third-party verification does not have the capability of sending such verification directly to the SDHC or of facilitating oral third-party verification.
3. It is not cost-effective or reasonable to obtain third-party verification.
4. The income or expense item to be verified is an insignificant amount that would have minimal impact on total tenant payment (TTP) and the SDHC is able to verify the amount through original documents provided by the applicant or participant.

When third-party verification is requested and not received for reason one (1) or two (2) above, an applicant's or participant's file should contain documentation of SDHC efforts. The documentation should include the following:

- Date of the initial requests
- The name of the company and the person to whom the request was sent
- A notation that no response was received and an explanation of the reason, if known.

When third-party verification is not attempted for reasons three (3) or four (4) above, an applicant's or participant's file will contain documentation of the reasoning used to justify the decision.

### **Third-Party Oral Verification**

Oral third-party verification will be attempted when written third-party verification is delayed or impossible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third-party verification is provided by telephone, SDHC must originate the call. If third-party verification is not available, SDHC will compare the specified information to any documents provided by the family.

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## **Review of Documents**

In the event that third-party written or oral verification is unavailable or information has not been verified by a third party within two weeks, SDHC will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents contain complete information. For applicants and families who are moving, documents may not be more than 60 days old at the time of voucher issuance. For participants, they are valid if dated or effective 180 days in advance of the annual recertification or interim certification. Exception for Averaging: For the purpose of averaging annual income or income from assets, only one of the documents used for averaging is required to be within 60 days at the time of voucher issuance and 180 days from the effective date of the annual reexamination or interim certification effective date.

All such documents, excluding government checks, will be photocopied and retained in the family file. When documents cannot be photocopied, staff viewing the documents will complete a Certification of Document Viewed or Person Contacted form.

SDHC will accept the following unaltered documents from families:

- Printed wage stubs
- Computer printouts from employers
- Written Statements (provided that the information is confirmed by phone)
- Other documents identified by SDHC as acceptable verification.

If there is a gross monthly discrepancy between the third party verification/UIV and the documents provided by the client, SDHC will use the most accurate information and document why.

- SDHC will use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.
- SDHC will analyze all data (UIV data, third party verification and other documents/information provided by the family) and attempt to resolve the income discrepancy
- SDHC will review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when SDHC can not readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.

SDHC will allow up to ten days for families to provide documents.

SDHC will not delay the processing of an application beyond two weeks because third-party verification is impossible to obtain.

## **Self-Certification/Self-Declaration**

When information cannot be verified by a third party or by review of documents, families will be required to submit a self-certification. Self-certification means a notarized statement.

SDHC will allow up to ten days for a family to provide a self-certification or self-declaration if other forms of verification are impossible to obtain.

## **B. RELEASE OF INFORMATION**

[24 CFR 5.230]

Adult family members will be required to sign the HUD-9886 Release of Information/Privacy Act form.

Adult family members will be required to sign an authorization form which allows verification of any information that is not covered by the HUD Form 9886, Authorization for Release of Information/Privacy Act Notice.

Each family member requested to consent to the release of specific information may be provided with a copy of the appropriate forms for their review and signature, if requested.

It is a family obligation to supply any information and sign consent forms requested by the Housing Commission or HUD. Family refusal to cooperate will result in denial of admission or termination of assistance.

## **C. ITEMS TO BE VERIFIED**

[24 CFR 982.516]

The following items will be verified annually:

All income not specifically excluded by the regulations.

Full-time student status including High School students who are 18 or over.

Current assets including assets disposed of for less than fair market value in the preceding two years.

Child care expense when it allows an adult family member to be employed, to further his/her education, or seek employment.

Total medical expenses of all family members in households whose head, spouse, or co-head is elderly or disabled.

Disability assistance expenses which allow an adult family member to be employed include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family.



Familial or marital status when needed for head or spouse definition.

The following items will be verified annually, every five years or one time only, based on the medical professional's certification of how long the condition will continue:

Disability for determination of preferences, allowances or deductions.  
The need for a live-in aide.

In addition to the above, the following items will be verified at Eligibility and when adding household members, including live-in aides:

Preference status (at Eligibility only).

Picture Identification for all adults (age 18 or older) including live-in aides.

U.S. citizenship/eligible immigrant status.

Social Security Numbers for all family members over six years of age or older who have been issued a social security number.

History of criminal activity, illegal drug activity and alcohol abuse.

#### **D. VERIFICATION OF PREFERENCES**

[24 CFR 5.410-5.430]

All preferences must be verified.

#### **Live in or Work in the City of San Diego**

Copy of Lease Agreement and three most recent rent receipts, canceled checks or money order receipts.

A California driver's license or California ID in conjunction with copies of recent bills sent to the address.

Copy of paycheck stubs that indicate the location of the place of employment or third party verification that indicates the place of employment

#### **Homeless**

An applicant is considered homeless if the applicant lacks a fixed, regular and adequate night-time residence and can provide verification that their nighttime residence is:

a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

- b) An institution that provides temporary residence for individuals intended to be institutionalized (not incarcerated); or
- c) A public or private place not designed for, or ordinarily used as, a regular place for human beings.

Homeless applicants who meet the criteria described above must provide certification of homeless status from a public or private facility that provides shelter for such households, or from the local police department, or any social service agency that provides services for homeless people.

Applicants who are homeless due to residing in a transitional housing program must provide a letter from the transitional program's sponsoring agency documenting the applicant's participation and readiness to maintain an independent tenancy.

### **Veteran**

DD214 discharge document.

Letter from Veteran's Administration verifying the branch of service, date and place of discharge and type of discharge.

### **Family of a Veteran**

One of the above forms of verification must be provided for the veteran and familial status verified as follows:

Marriage certificate or license.

If veteran is deceased and the spouse has not remarried, a copy of the marriage certificate/license and a copy of the veteran's death certificate.

### **Active Military**

Current military paycheck stub or current military ID.

## **E. VERIFYING NON-FINANCIAL FACTORS**

[24 CFR 5.508(b), 982.153(b)(15)]

### **Verification of Legal Identity**

There must be verification of all applicants that reside in the household. Birth certificates or some proof of residence must be submitted. Picture ID will be required of all adult household members, including live-in aides.

Verification for adults includes one of these forms:

Certificate of Birth

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Naturalization Papers (cannot be copied - use document viewed statement)  
Acceptable INS documents  
Legal driver's license  
US military discharge  
US passport  
Company ID  
Health and Human Services ID  
Social Security Card  
Department of Motor Vehicles California ID

Verification for minors includes one of these forms:

Certificate of Birth  
Acceptable INS documents  
Adoption papers  
Custody agreement  
Health and Human Services ID  
School records  
U. S. passport

### **Verification of Marital Status**

Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.

Verification of a separation may be a copy of court-ordered maintenance or other records.

Verification of marriage status is a marriage certificate.

### **Familial Relationships**

The definition of “family” includes but is not limited to:

A family with or without children (a child temporarily absent from the home due to placement in foster care shall still be considered in determining family composition and family size); an elderly family; a disabled family; a displaced family, the remaining member of a client family; and a single person who is not elderly, disabled, or displaced.

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications will be required if applicable:

Verification of relationship:

Official identification showing names

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Birth Certificates  
Baptismal certificates

Verification of guardianship is:

Court-ordered assignment  
Notarized affidavit from the parent  
Verification from social services agency  
School records  
Parent designation of responsibility for medical care.

### **Verification of Permanent Absence of Family Member**

If an adult member who was formerly a member of the household is reported permanently absent by the family, the Housing Commission will accept a self-certification from the head of household. If the head is the absent member, the spouse, co-head, or other adult member can report the change in household composition.

The Housing Commission reserves the right to require any of the following as verification that the household member is absent from the home:

Husband or wife instituted divorce action paperwork.

Husband or wife instituted legal separation paperwork.

Order of protection/restraining order obtained by one family member against another.

Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.

Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.

If the adult family member is incarcerated, a document from the Court or prison should be obtained stating how long they will be incarcerated.

### **Verification of Change in Family Composition**

The Housing Commission may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

### **Verification of Disability**

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act 42 U.S.C. 6001(7) or verified by a reliable, knowledgeable third-party professional, using the HUD language as the verification format.

### **Verification of Social Security Numbers**

Social Security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted instead of the Social Security Card information provided is/are complete and accurate:

A driver's license

Identification card issued by a Federal, State or local agency

Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)

An identification card issued by an employer or trade union

An identification card issued by a medical insurance company

Earnings statements or payroll stubs

Bank Statements

IRS Form 1099

Benefit award letters from government agencies

Retirement benefit letter

Life insurance policies

Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records

Verification of benefits or Social Security Number from Social Security Administration

New family members age six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the Housing Commission.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the Housing Commission. The applicant/participant or family member will have an additional 30 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's assistance will be terminated.

In the case of an individual at least 62 years of age, the Housing Commission may grant an extension for an additional 60 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

### **Verification of Citizenship/Eligible Immigrant Status**

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare his or her status only one time. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the Housing Commission hearing is pending.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury. The Housing Commission may require citizens to provide documentation of U. S. citizenship. Acceptable documentation may include:

- U. S. birth certificate
- U. S. passport
- Social Security card
- Other documentation as determined by the Housing Commission

Eligible Immigrants who are 62 years of age or older are required to sign a declaration of eligible immigration status form and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The Housing Commission verifies the status through the INS SAVE system. If this primary verification fails to verify status, the Housing Commission must request within ten days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household, spouse, or co-head.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are included on the statement of ineligible members.

If an applicant or participant family member fails to sign required declarations and consent forms or provide documents as required, they must be included as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility.

For participants, the verification occurs when adding any new family member into the household composition.

Once verification has been completed, it need not be reverified.

The Housing Commission will not provide assistance to any family prior to the affirmative establishment and verification of the eligibility of the individual or at least one member of the family.

### **Acceptable Documents of Eligible Immigration**

The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows the individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents concerning U.S. citizenship/eligible immigrant status must be kept five years.

### **F. VERIFICATION OF DRUG OR VIOLENT CRIMINAL HISTORY, REGISTERED SEX OFFENDER AND ALCOHOL ABUSE**

The Housing Commission will perform a criminal history check and sex offender registration records search on every adult (18 years or older) household member and live in aide, utilizing the

California Law Enforcement Telecommunications System (CLETS), through the San Diego Police Department and other applicable comprehensive methods of verification.

#### **G. CONFIDENTIALITY OF CRIMINAL RECORDS**

The Housing Commission will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed not more than 30 days after the Housing Commission's final decision. A decision on the individual's eligibility is not final until the period of time for all possible appeals have elapsed.

#### **H. DEFINITION OF INCOME**

[24 CFR 5.609]

Income is defined as all monetary amounts received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income that is not specifically excluded in the regulations is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or annual reexamination. Gross income is the amount of income before any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether applicants are within the applicable income limits.

#### **Income of Person Confined to a Nursing Home**

If a family member is permanently confined to a hospital or nursing home and there is a remaining household member(s), the Housing Commission will remove the member and exclude the income of the person permanently confined to the nursing home and not allow deductions for medical expenses of the confined family member.

#### **Regular Contributions and Gifts**

A regular gift or contribution is counted when there is an agreement between the parties, oral or written, that the gift or contribution will be received on a regular basis.

#### **Alimony and Child Support**

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.



If the amount of child support or alimony received is less than the amount awarded by the court, the Housing Commission will use the amount awarded by the court unless the family can verify they are not receiving the full amount and verification of item(s) below are provided.

The Housing Commission will accept as verification that the family is receiving an amount less than the award if:

The Housing Commission receives verification from the agency responsible for enforcement or collection; or

The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

### **Employer Mileage Reimbursement**

Employment reimbursement for mileage expenses for use of personal vehicle will not be counted as income.

### **Employer Paid Medical Benefits**

Medical benefits paid by the employer will not be counted as income.

## **I. VERIFICATION OF INCOME**

[24 CFR 982.516]

This following defines the methods SDHC will use to verify various types of income.

### **Employment Income**

Verification forms may request the employer specify the following:

- Dates of employment
- Amount and frequency of earnings
- Date of last pay increase
- Earning history
- Year to date earnings
- Expected Change in employment status
- Effective date of any anticipated wage increase during the next twelve months
- Anticipated unpaid time off.

Acceptable methods of verification include, in order of priority:

1. Upfront income verification.
2. Employment verification form completed by the employer (third-party written)
3. Oral third-party verification.
4. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings (review of documents).
5. W-2 forms plus income tax return form (review of documents).
6. Self-certifications or income tax returns signed by the family may be used for verifying income from tips and other gratuities.

In cases where there are questions about the information provided by the family, the Housing Commission may require the most recent federal income tax statements and returns.

### **Social Security and Supplemental Security Income**

Acceptable methods of verification include, in order of priority:

1. EIV (UIV) for Social Security and Supplemental Security Income.
2. Computer report, hard copy or annual award letter, benefit notification or cost of living adjustment letters (review of documents).
3. Bank statement with standard SSI benefit amount or the standard amount of SSI and SSA (review of documents). This form of documentation will not be used when only SSA is received. When only SSA is received, it must be verified through another method to determine the amount of Medicare.
4. SDHC may verify changes in standard benefit amounts and establish an effective date for implementation.

### **Pensions and Disability Income**

Acceptable methods of verification include, in order of priority:

1. Upfront verification
2. Benefit verification form completed by the agency providing the benefits (third-party written).
3. Third-party oral verification

4. Computer report, hard copy or annual award letter, benefit notification or cost of living adjustment letters (review of documents).

### **Unemployment Compensation**

Acceptable methods of verification include, in order of priority:

1. Upfront verification through EIV.
2. Verification form completed by the unemployment compensation agency or unemployment report that is e-mailed, faxed, or mailed directly from EDD (third-party written).
3. Third-party oral verification.
4. Agency award letter (review of documents).
5. Payment stubs (review of documents).

### **Welfare Payments or General Assistance**

Acceptable methods of verification include, in order of priority:

1. Upfront income verification.
2. Housing Commission verification form completed by the agency/payment provider (third-party written).
3. Third-party oral verification.
4. Written statement from the agency/payment provider or computer-generated Notice of Action (review of documents).

### **Alimony or Child Support Payments**

Acceptable methods of verification include, in order of priority:

1. Upfront income verification.
2. Verification form completed by the Child Support Agency (third-party written).
3. Third-party oral verification.
4. Copy of a separation or settlement agreement or a divorce decree stating amounts and types of support and payment schedules (review of documents). If the amount of child support or alimony received is less than the amount awarded by the court, the Housing Commission will use the amount awarded by the court unless the family can verify they are not receiving the full amount and verification of item(s) below are provided:

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The Housing Commission receives verification from the agency responsible for enforcement or collection; or

The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

5. A notarized letter from the person paying the support.
6. Copies of personal checks for two consecutive months and/or payment stubs from Court Trustee.

### **Net Income from a Business/Self Employment**

In order to verify the net income from a business, the Housing Commission will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:

Schedule C (Small Business)  
Schedule E (Rental Property Income)  
Schedule F (Farm Income)

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.

2. Audited or unaudited financial statement(s) of the business.
3. Documents such as manifests, daily logs, appointment books, cashbooks, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
4. Credit report or loan application.
5. Family's self-certification as to net income realized from the business during previous years. For some self-employment types, where there is the potential for substantial income, self-certification is unacceptable.
6. In cases of large gross income yet minimal net income to applicant or participant, additional documentation may be required, for example documentation of wages and payroll taxes, receipts for expenses, etc.

Income from self-employment can be positive or zero. Self-employment losses cannot reduce other income to the household.

### **Child Care Business**

If an applicant/participant is operating a licensed day care business, income will be verified just as any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the Housing Commission will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

### **Recurring Gifts**

The applicant/participant family must furnish a self-certification, which contains the following information:

- The person who provides the gifts; and
- The value of the gifts; and
- The regularity (dates) of the gifts; and
- The purpose of the gifts.

### **Zero Income Status**

The family will be required to complete Monthly Budget forms and a certification statement.

Families claiming to have no income may be required to provide verification that forms of income such as unemployment benefits, Cal works, etc. are not being received by the household.

The Housing Commission may request information from the State Employment Development Department.

The Housing Commission may run a credit report if information is received that indicates the family has an unreported income source.

### **Full-time Student Status – Financial Assistance**

Verification of full time student status includes:

1. Written verification from the registrar's office or other school official.

2. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

### **Student Financial Assistance**

The San Diego Housing Commission will abide by HUD's Final Rule on Student Financial Assistance in accordance with [24CFR 5.609 (b)(9) and FR 4/10/2006]

Financial assistance will be included in annual income to determine financial eligibility for the following students:

Students who are enrolled in an institution of higher education, as defined under the Higher Education Act (HEA) of 1965, and are:

Under the age of 24

Not a veteran

Unmarried, and

Do not have any children, and

The student has not established their own household for a minimum of not less than one year, and are not included on their parent's last year's tax return.

Student financial assistance in excess of tuition received: 1) under the 1965 HEA, 2) from a private source, or 3) from an institution of higher education, as defined under the 1965 HEA, will be included in annual income.

### **Student Financial Assistance Excluded from Annual Income [24 CFR 5.609©(6)]**

Any student financial assistance not subject to inclusion is fully excluded from annual income whether it is paid directly to the student or to the education institution the student is attending. This includes any financial assistance received by:

Students residing with parents who are seeking or receiving Section 8 assistance

Students who are enrolled in an educational institution that does not meet the 1965 HEA definition of institution of higher education

Students who are over 23 **AND** have at least one dependent child.

Students who are receiving financial assistance through a governmental program not authorized under the 1965 HEA.

Only the first \$480 of the earned income of full-time students, other than head, spouse, or co-head, will be counted towards family income.

## **J. VERIFICATION OF ASSETS**

[24 CFR 982.516]

**Family Assets** - Checking and Savings Accounts, Stocks, Bonds, Certificates of Deposit, and Money Market Funds.

Current cash value of a family's assets is the net amount the family would receive if the assets were converted to cash. The current value of assets will be counted unless there is evidence provided by the family that an average of the balance for the last 2-6 months is a better reflection of anticipated income. Interest will be calculated based on the interest rate reflected on the most current statement, or on the CD set rate, unless third party verification reflects a higher interest rate. For stocks, the asset income will be based on the earnings for the most recent reporting period unless there is evidence provided by the family that an average of the earnings for a prior 12 months is a better reflection of anticipated income.

- **Assets Totalling \$5,000 or Less:** The total family assets under \$5,000 will be considered nominal and will not require third party verification. Nominal assets will be verified by review of documents using the current balance.
- **Assets that Exceed \$5,000:** SDHC will attempt third party verification of all family assets and will utilize the current balance for savings and checking accounts.

Acceptable verification may include any of the following:

- Third-party written verification forms, letters, or documents provided directly by a financial institution or broker, unless not cost effective.
- Checking account statements (3 – 6 bank statements), certificates of deposit, bonds, or financial statements supplied by a family if completed by a financial institution or broker
- Estimates by a stockbroker or real estate agent of the net amount a family would receive if it liquidated securities or real estate.
- Real estate tax statements if the approximate current market value can be deducted from them
- Financial statements for business assets
- Copies of closing documents showing selling price and distribution of sales proceeds
- Appraisals of personal property held as an investment
- A family's self-certification describing assets or cash held at the family's home or in safe-deposit boxes.
- *Note:* When SDHC determines that requesting third-party written verifications to verify asset accounts for applicants/participants constitutes a cost burden to the client and SDHC, SDHC will use the Review of Documents method to verify all asset accounts.

**Assets Disposed of for Less Than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification**

At admissions and reexaminations, SDHC will obtain each family's certification that it has or has not disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that it has disposed of assets for less than fair market value, the certification must show: (a) all assets disposed of for less than fair market value, (b) the date they were disposed of, (c) the amount the family received for each asset, and (d) the market value of each asset at the time of disposition. Third-party verification will be obtained whenever possible in conjunction with review of documents.

### **Savings or Checking Account Interest and Dividend Income**

Acceptable methods of verification include, in order of priority:

1. Verification form completed by the financial institution
2. Financial institution generated account statements, certificate of deposit statements, three (3) to six (6) months of statements for checking accounts; supplied by the family.
3. Broker statements showing the value of stocks or bonds and the earnings credited to the family (Earnings can also be obtained from current newspaper quotations or orally from brokers.)
4. IRS Form 1099 from a financial institution.
5. Life insurance policy/statement from Financial Institution showing cash surrender value table.

### **Interest Income from Mortgages and Similar Arrangements**

Acceptable methods of verification include, in this order:

1. A letter received directly from an accountant, attorney, real estate broker, the buyer, or a financial institution stating the interest due for the next 12 months (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. An amortization schedule showing interest for the 12 months following the effective date of certification or recertification.

### **Net Rental Income from Property Owned by Family**

Acceptable methods of verification include, in this order:

1. IRS Form 1040 with Schedule E (Rental Income)
2. Copies of latest rent receipts, leases, or other documentation of rent amounts
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense



4. Lessee's written statement verifying rent payments to the family and the family's self-certification of net income realized.

## **K. ALLOWANCES AND DEDUCTIONS**

Adjusted Income is defined as the Annual income minus any HUD allowable expenses and deductions.

HUD has five allowable deductions from Annual Income:

1. Dependent Allowance: \$480 each for family members (other than the head, spouse, co-head, foster child, foster adult or live-in aide) who are minors, and for family members who are 18 or older and who are full-time students or who are disabled.
2. Elderly/Disabled Allowance: \$400 per family for families whose head, spouse or co-head is 62 years of age or older or disabled.
3. Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.
4. Child Care Expenses: Deducted for the care of children under 13 when childcare is necessary to allow an adult member to work, attend school or actively seek employment.
5. Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for a persons with a disability if needed to enable the individual or an adult family member to work.

## **L. CHILD CARE EXPENSES**

[24 CFR 5.603]

Child care expenses for children under 13 may be deducted from annual income if they enable an adult to work, attend school full time, or actively seek employment.

The cost of tuition for a child attending private school will not be counted as child care expenses; only after-hours care can be counted as child care expenses.

Deductions for child care expenses are based on the following guidelines:

Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

Child care for seeking employment: The number of hours claimed for child care may not exceed 20 hours per week.

### **Verification of Child Care Expenses**

Written verification from the person who receives the payments is required.

Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

### **M. MEDICAL EXPENSES**

[24 CFR 5.609(a)(2), 5.603]

Anticipated medical expenses will be calculated by using one of the two following methods, (whichever is more beneficial to the family);

Current Circumstances: Use the family's current medical bills, accumulated over the last twelve months, as anticipated medical expenses.

Estimated Circumstances: Estimate the cost of medical bills based on current or anticipated medical bills that will be on-going expenses.

Allowable medical expenses include:

- Services of doctors and health care professionals
- Services of health care facilities
- Medical insurance premiums
- Prescription medicines
- Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts when prescribed by a physician.
- Transportation to treatment (cab fare, bus fare, mileage)
- Dental expenses, eyeglasses, hearing aids, batteries
- Live-in or periodic medical assistance
- Acupressure, acupuncture, and chiropractic services will be considered allowable medical expenses.

- Non-traditional treatments, vitamins and herbal supplements will be considered medical expenses if prescribed by a doctor.

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Receipts or other record of medical expenses paid by the family during the previous year (appointment date to appointment date, or in the case of mail-in annual reexaminations, due date to due date) can be used to anticipate future medical expenses. If an applicant/participant will become entitled to a deduction, medical expenses will be anticipated based on verifications provided.

The Housing Commission will not duplicate a medical expense that was already allowed during the prior year.

### **Verification of Medical Expenses**

Families may only claim medical expenses that have not been and will not be reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. The Housing Commission may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not as reimbursement for one-time expenses from the previous year.

The Housing Commission will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

For attendant care:

A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes; and

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

### **Assistance to a Person with a Disability**

1. In All Cases:
  - (a) Written certification from a licensed third-party professional or certified social service agency that the person with a disability requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function independently to enable another family member to be employed.
  - (b) Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
2. Attendant Care:
  - (a) Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
  - (b) Certification of family and attendant and/or copies of canceled checks family used to make payments.
3. Auxiliary Apparatus:
  - (a) Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
  - (b) In the case where the person with a disability is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

### **Verification of Reasonable Accommodation to Accommodate a Person with a Disability**

Acceptable verification of reasonable accommodation to accommodate a person with a disability include in this order:

1. SDHC verification form completed by a State of California licensed doctor, or other licensed medical professional, such as a nurse, psychiatrist, psychologist, or a social service professional.
2. A letter from a State of California licensed doctor, or other licensed medical professional, such as a nurse, psychiatrist, psychologist, or a social service professional that provides the following information:
  - Whether or not the nature of the patient's disability requires an accommodation in order to make the program equally accessible
  - If yes, how long the need will last
  - What accommodation is being requested by the family and recommended by the Health Provider
  - An explanation of how this accommodation to the patient's disability is reasonably necessary to make the program accessible
  - If the accommodation cannot be provided, a list of all alternatives that would serve to make the Section 8 program accessible to the family.

The Housing Commission's decision with supporting documentation will be maintained in the applicant/participant's file. The requested housing type must be approvable by all other HUD standards and HQS requirements in accordance with 24 CFR 982 Section M, Special Housing Types.

## Chapter 4

### TENANT RENT CALCULATION

#### **INTRODUCTION**

The Housing Commission will use the methods as set forth in this Administrative Plan to verify and determine that family income at admission and reexamination is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations.

#### **A. MINIMUM RENT**

[24 CFR 5.616]

##### **Minimum Rent**

"Minimum rent" is \$50. Minimum rent refers to the Total Tenant Payment and includes the combined amount a family pays towards rent and/or utilities when it is applied.

##### **Hardship Requests for an Exception to Minimum Rent**

The Housing Commission recognizes that in some circumstances even the minimum rent may create a financial hardship for families. The Housing Commission will review all relevant circumstances brought to the Housing Commission's attention regarding financial hardship as it applies to the minimum rent. The following section states the Housing Commission's procedures and policies concerning minimum rent financial hardship as set forth by the Quality Housing and Work Responsibility Act of 1998.

##### **Criteria for Hardship Exception**

In order for a family to qualify for a hardship exception the family's circumstances must fall under one of the following HUD hardship criteria:

The family has lost eligibility or is awaiting an eligibility determination for federal, state, or local assistance.

The family would be evicted because of the imposition of the minimum rent requirement.

The income of the family has decreased because of changed circumstances, such as loss of employment.

Death in the family, which means the immediate family, listed on the lease and spouse, parents, siblings and grandparents.

Other circumstances as determined by the Housing Commission or HUD.

Temporary hardship is defined as lasting three months or less.

Long-term hardship is defined as lasting four months or more.

### **Notification to Families of Right to Hardship Exception**

The Housing Commission will notify all families subject to minimum rents of their right to request a minimum rent hardship exception and keep a copy in the family's file. "Subject to minimum rent" means the minimum rent was the greatest figure in the calculation of the TTP, which is the greater of 30% of monthly adjusted income, 10% of monthly income, or minimum rent.

The Housing Commission notification will advise families that hardship exception determinations are subject to Housing Commission review and hearing procedures.

The Housing Commission will review all family requests for exception from the minimum rent due to financial hardships.

All requests for minimum rent hardship exceptions are required to be in writing. The Housing Commission will request documentation as proof of financial hardship. The Housing Commission will use its standard verification procedures to verify circumstances that have resulted in financial hardship. Requests for minimum rent exception must include a statement of the family hardship that qualifies the family for an exception.

### **Suspension of Minimum Rent**

The Housing Commission will suspend the minimum rent for all families whose requests meet the criteria, effective the first day of the month after the request is received by the Housing Commission.

The minimum rent will be suspended until the Housing Commission completes verifying the family's eligibility for the exemption and determines if the hardship is temporary or long term.

"Suspension" means that the Housing Commission must not use the minimum rent calculation until the Housing Commission has made this decision.

During the minimum rent suspension period, the family will not be required to pay a minimum rent and the housing assistance payment will be increased accordingly.

If the Housing Commission determines that the suspension of minimum rent is not covered by statute, the Housing Commission will impose a minimum rent retroactive to the date of suspension.

### **Temporary Hardship**

If the Housing Commission determines that the hardship is temporary, a minimum rent will not be imposed for a period of up to 90 days from the date of the family's request. At the end of the temporary suspension period, a minimum rent will be imposed retroactively to the time of suspension.

The Housing Commission will offer a Payment Plan Agreement to the family for any such rent not paid during the temporary hardship period. (See "Owner and Family Debts to the Housing Commission" chapter for Repayment agreement policy).

### **Long-Term Duration Hardships**

If the Housing Commission determines that there is a qualifying long-term financial hardship, the Housing Commission must exempt the family from the minimum rent requirements.

## **B. AVERAGING INCOME**

When Annual Income cannot be anticipated for a full twelve months, the Housing Commission may average known sources of income that vary to compute an annual income.

If there are bonuses or overtime that the employer cannot anticipate for the next 12 months, the year to date information or last year's income tax return will be used in calculating the TTP.

If by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used to reduce the number of interim adjustments.

## **C. MINIMUM INCOME**

There is no minimum income requirement. Families who report zero income will be required to report any increase of income within ten (10) days for the purpose of an interim adjustment in their share of the rent.

## **D. REIMBURSEMENT POLICY WHEN HOUSING COMMISSION ERROR**

For every change in the rent, the Housing Commission will provide the participant a rent portion letter. The letter will give information regarding the method for calculating the rent and it will allow seventeen calendar days to dispute the calculation. If the participant disputes the calculation within the seventeen day period and it is determined that an error was made, the rent will be corrected retroactively and reimbursement will be made.



**RESERVED**

## **Chapter 5**

### **SUBSIDY STANDARDS, VOUCHER ISSUANCE, AND BRIEFINGS**

[24 CFR 982.54(d)(9)]

#### **INTRODUCTION**

HUD guidelines require that the Housing Commission establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must also be within the minimum unit size requirements of HUD's Housing Quality Standards. This chapter explains the subsidy standards, which will be used to determine the voucher size (family unit size) for families when they are selected from the waiting list, as well as the Housing Commission's procedures when a family's size changes or a family selects a unit size that is different from the Voucher size issued.

The Housing Commission's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the Housing Commission will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, Housing Commission procedures, and how to lease a unit. The family will also receive a briefing packet that provides more detailed information about the program including the benefits of moving outside areas of low income and poverty concentration. This Chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

#### **A. DETERMINING FAMILY SUBSIDY STANDARDS (VOUCHER SIZE)**

##### **Initial Issuance and Decreases in Household Composition**

The Housing Commission does not determine who shares a bedroom/sleeping room.

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements. The subsidy standards for voucher size shall be applied in a manner consistent with fair housing guidelines.

The Housing Commission may make the administrative decision to change its subsidy standards at any time, without prior notice to its participants, should the circumstances warrant it, such as in the case of funding reductions.

The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented, except when there is a Subsidy Standard change. Subsidy Standard changes will be implemented at the next annual reexamination or move, whichever occurs first.

The guidelines below will be used to determine initial eligibility and decreases in household size.

- The Housing Commission must approve all members of the family residing in the unit.
- One bedroom is assigned to each two household members, regardless of sex, age or relationship. When funding is available, one bedroom will be assigned for the head of household and/or spouse or co-head, and one bedroom awarded to each two family members, regardless of sex, age or relationship.
- Exceptions to these standards may be made in accordance with state and federal law to accommodate a legally recognized disability. When a disabled family member requires their own bedroom as a reasonable accommodation; the remaining household members will be assigned one bedroom for each two household members regardless of sex, age or relationship.
- Live-in aides must be approved by the Housing Commission prior to moving into the assisted unit. To receive approval, live-in aides must perform vital assistance that cannot be provided in any other way to an elderly household member or a household member with disabilities. An additional bedroom will be assigned for the live-in aide. The live-in aide's family members may reside in the unit as long as the unit is not over-crowded.
- Foster children will be included in determining voucher size only if verification completed by a social service agency confirms that they will be in the unit for more than six months.
- Space will not be provided for a family member, other than a spouse/co-head, who will be absent 51% or more of the time, such as a member absent due to military service or a student who does not live at home during the school year.
- Bedroom sizes are based on available funding.
- For initial issuance only, a single pregnant woman with no other members must be treated as a two-person family.

## INITIAL VOUCHER SIZE ISSUANCE CHART

### Chart 1

Voucher Size	Persons in Household	
	Minimum	Maximum

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0 Bedroom	1	1
1 Bedroom	1	2
2 Bedroom	2	4
3 Bedroom	4	6
4 Bedroom	6	8
5 Bedroom	8	10
6 Bedroom	10	12

### **Changes for Applicants**

The voucher size is determined before the briefing by comparing the family composition to the Housing Commission subsidy standards. If an applicant requires a change in the voucher size, the above guidelines will be applied.

### **Housing Commission Error**

If the Housing Commission errs in the bedroom size assignment, the family will be reissued the correct size voucher at the time of discovery.

### **Increases in Household Composition for Participants**

The family must obtain prior approval from the owner and Housing Commission for additional family members, before any new adult member occupies the unit. Prior approval is not required for additions by birth, adoption, or court-awarded custody; however, the family must inform the Housing Commission in writing within 10 calendar days. Requests by the family to add additional family members, other than by birth, adoption, marriage or court-awarded custody, will only be approved if they do not require an increased voucher size.

The guidelines below on Chart 2, will be used to determine the maximum number of people that can be added to a household without increasing the voucher size. In addition, Chart 2 will be utilized when the number of household members who have been added to the family due to additions by birth, adoption, marriage or court-awarded custody, exceeds the maximum number allowed for their voucher size. They will be assigned a larger voucher size based on the voucher size issuance standards on Chart 2.

### **VOUCHER SIZE ISSUANCE FOR INCREASES** **Chart 2**

Unit Size	Maximum Number in Household
0 Bedroom	1
1 Bedroom	4
2 Bedroom	6
3 Bedroom	8
4 Bedroom	10
5 Bedroom	12

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Adopted 4/4/2008

**NOTE:** Children ten (10) years or older of opposite gender will not be required to share a living/sleeping room.

## **B. EXCEPTIONS TO SUBSIDY STANDARDS**

[24 CFR 982.403(a)&(b)]

The Housing Commission may grant exceptions to the subsidy standards, upon request, in order to accommodate a legally recognizable disability. Exceptions to the subsidy standards shall be made in accordance with state and federal law. When an exception is granted as a reasonable accommodation for a disabled family member of an applicant or participant household; the remaining household members will be assigned one bedroom for each two household members regardless of sex, age or relationship.

The disability must meet the HUD definition of disability that requires a reasonable accommodation.

### **Request for Exceptions to Subsidy Standards**

The family must request, in writing, a larger size voucher than indicated by the Housing Commission's subsidy standards as a reasonable accommodation for a family member with disabilities. The family's request for a larger voucher size must be in writing. In addition, the request must describe fully how the additional bedroom will allow the person with disabilities better access to the program and there is no other reasonable alternative solution. The additional bedroom must be needed to accommodate the person with disabilities, not the family member without disabilities. Documentation from a health professional verifying the need or justification will be required by the Housing Commission.

A State of California licensed doctor, or other licensed medical professional, such as a nurse, psychiatrist, psychologist, or a social service professional must provide a certification of the need for additional bedrooms as a reasonable accommodation for a family member with disabilities. The health professional must explain why the extra bedroom is needed to provide a reasonable accommodation for the disabled family member. The Housing Commission will require only information necessary to determine the need for an additional bedroom and not to determine the nature of the disability.

## **C. UNIT SIZE SELECTED**

[24 CFR 982.402(c)]

The family may select a different size dwelling unit than that listed on the Voucher. The subsidy standard utilized is the smaller of the voucher size or the actual unit size. In either case, the unit

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must meet the HUD affordability standard which specifies that the family cannot pay more than 40% of their monthly adjusted income for their share of the rent.

In addition, the maximum number of people who can reside in a unit is based on the Housing Quality Standards. The standards allow two persons per living/sleeping room and permit maximum occupancy levels (a living room as a living/sleeping area). The levels may be exceeded if a room in addition to bedrooms and living room qualifies as a living/sleeping room, e.g. den, family room, etc.

#### **D. ISSUANCE OF VOUCHERS**

[24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, the Housing Commission will issue vouchers to applicants who have been determined eligible. The number of vouchers issued must ensure that the Housing Commission stays as close as possible to 100% lease-up. The Housing Commission determines monthly whether applications can be processed and the number of vouchers that can be issued.

#### **E. BRIEFINGS AND REQUIRED ATTENDANCE**

[24 CFR 982.301]

##### **Initial Applicant Briefing**

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups or individual meetings. Briefings will be conducted in English, Spanish and Vietnamese.

The purpose of the briefing is to explain to the family how the program works and the documents in the briefing packet. This will enable them to use the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

The Housing Commission will not issue a voucher to a family unless the household representative has attended a briefing and signed the voucher. Scheduled applicants who provide prior notice of inability to attend a briefing will be rescheduled. Applicants who fail to attend two scheduled briefings, without good cause, may be denied admission based on failure to supply information needed for certification. If required to accommodate a person with a disability, the Housing Commission will conduct individual briefings for families with a disability.

#### **F. ENCOURAGING PARTICIPATION IN LOW POVERTY AREAS**

At the briefing, families are encouraged to search for housing in low poverty areas. The Housing Commission has information about facilities, services, schools, and transportation for various communities.

The Housing Commission will investigate and analyze when Voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

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The assistance provided to such families includes:

- Direct contact with landlords.
- Counseling with the family.
- Providing information about services in various low poverty areas.
- Meeting with neighborhood groups to promote understanding.
- Formal or informal discussions with landlord groups.
- Formal or informal discussions with social service agencies.
- Meeting with rental referral companies or agencies.
- Meeting with fair housing groups or agencies.

#### **G. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION**

The Housing Commission will give participants a copy of HUD form 903 to file a complaint.

#### **H. TERM OF VOUCHER**

[24 CFR 982.303, 982.54(d)(2)]

During the briefing session, each household will be issued a Voucher which represents a contractual agreement between the Housing Commission and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program, which occurs when the lease and contract become effective.

#### **Issuance at Admission and Move**

The initial term of the voucher will be for a minimum of 60 days and maximum of 120 days and is based on available funding and the rental housing market at the time.

#### **Extensions**

A family may request a written request for an extension of the voucher period. All requests for extensions must be received before the expiration date of the voucher.

Extensions may be granted for a minimum of an additional 60-day period or a maximum of a 120 day period for the following reasons:

When there are extenuating circumstances such as hospitalization or a family emergency for an extended period of time, which affects the family's ability to find a unit within the initial period (verification is required).

When the family has evidence that they have made an effort to locate a unit and communicated with the Housing Commission during the initial term of the voucher with regard to their inability to locate a unit. Families will meet this criteria by completing the Request for Extension form, and providing three addresses where they searched for housing.

When the family meets the "Hard to House" criteria.

When the family needs the additional time to port to another jurisdiction.

Voucher extension will be based on the availability of funding. If there is not sufficient funding to extend the voucher, the client will not be granted an extension.

### **Reasonable Accommodation to Accommodate a Person With a Disability**

If the family needs and requests an extension of the initial voucher term as reasonable accommodation to make the program accessible to a family member who is a person with a disability, the Housing Commission will grant an extension to the Voucher of 120 days. The family may submit a doctor's statement in conjunction with the Request for Reasonable Accommodation form.

### **Suspensions**

When a Request for Tenancy Approval is received, the Housing Commission will add the number of days required to process the request to the term of the voucher.

#### **Assistance to Voucher Holders**

Voucher holders will be notified at their briefing session that the Housing Commission periodically updates the listing of available units and how the updated list may be obtained.

The Housing Commission will assist families with negotiations with owners and provide other assistance related to their search for housing.

### **Expirations**

The voucher is valid for a period of at least sixty calendar days from the date of issuance. The family must submit a Request for Tenancy Approval and Lease within the initial term of the voucher unless an extension has been granted by the Housing Commission.

If the voucher has expired, and has not been extended by the Housing Commission or expires after an extension, the family will be denied assistance. The family will not be entitled to a review or



hearing. If the family is currently assisted, they must remain as a participant in their unit if there is an assisted lease/contract in effect.

## **I. VOUCHER ISSUANCE FOR SPLIT HOUSEHOLDS**

[24 CFR 982.315]

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the Housing Commission is bound by the court's determination as to which family members will receive rental assistance.

In the absence of a court decision or mutual agreement by the families, the Housing Commission will have the final authority to determine which family members would be best served by continued assistance of housing benefits. The Housing Commission will consider the following factors to determine which of the families will continue to be assisted:

Which of the two new family units has custody of the dependent child(ren).

Which family member was the head of household when the voucher was initially issued (listed on the initial application).

The composition of the new families, and whether they include elderly or disabled members.

Whether domestic violence was involved in the breakup.

Recommendations of reliable, knowledgeable third-party professionals.

Upon request of the Housing Commission, documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, the Housing Commission will terminate assistance based on failure to provide information necessary for a annual reexamination.

## Chapter 6

### REQUEST FOR APPROVAL OF TENANCY AND CONTRACT EXECUTION

[24 CFR 982.302]

#### **INTRODUCTION**

The Housing Commission's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. The Housing Commission's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a voucher, they may search for a unit anywhere within the jurisdiction of the Housing Commission, or outside of the Housing Commission'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 Contract with the Housing Commission. This Chapter defines the types of eligible housing and the Housing Commission's policies that pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests For Tenancy Approval.

#### **A. REQUEST FOR TENANCY APPROVAL**

[24 CFR 982.54(d)(8), 982.161, 982.302, 982.305(b), 982.306, 982.308(e)]

The Request for Tenancy Approval (RFTA) and a copy of the proposed Lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the RFTA in the form and manner required by the Housing Commission.

Both the owner and voucher holder must sign the Request for Tenancy Approval.

The Housing Commission will not permit the family to submit more than one RFTA at a time.

The Housing Commission will review the proposed lease and the RFTA documents to determine whether they can be approved. The Request will be approved if:

The unit is an eligible type of housing.

The unit meets HUD's Housing Quality Standards (and any additional criteria as identified in this Administrative Plan).

The rent is approved as reasonable.

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The proposed lease complies with HUD and Housing Commission requirements (See "Lease Review" section below).

The owner is approved and there are no conflicts of interest.

In addition to the above, when a family initially receives assistance (new admissions and moves), the family share of rent may not exceed 40 percent of the family monthly adjusted income.

### **Disapproval of the Request for Tenancy Approval**

If the Housing Commission determines that the Request cannot be approved for any reason, the landlord and the family will be notified. The Housing Commission will instruct the owner and family of the steps necessary to approve the Request.

When, for any reason, an RFTA is not approved, the Housing Commission will furnish another RFTA form to the family so they may continue to search for eligible housing.

### **B. ELIGIBLE TYPES OF HOUSING**

[24 CFR 982.353, 982.601(a)]

The Housing Commission will approve any of the following types of housing in the voucher program:

All residential structure types can be utilized.

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.

Single Room Occupancy

A family can own a rental unit but cannot reside in it while being assisted, except in the case when the tenant owns the manufactured home and leases the pad. A family may lease in and have an interest in a cooperative housing development.

The Housing Commission may not permit a voucher holder to lease a unit that is receiving Project-Based Section 8 assistance or any duplicative rental subsidies.

### **C. LEASE REVIEW**

[24 CFR 982.305(b), 982.308]

The tenant must have legal capacity to enter into a lease under state and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the RFTA. The family and owner may submit a standard lease as used in the locality by the owner for other

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unassisted tenants in the premises. The Housing Commission will provide a model lease in lieu of a standard lease when the landlord indicates they do not have a standard lease. The initial term of the lease must be for a minimum of six months. The terms and conditions of the lease must be consistent with state and local law. The lease must specify what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family. The HUD prescribed tenancy addendum must be included in the lease word-for-word before the lease is executed.

House Rules of the owner may be attached to the lease as an addendum providing they do not violate any fair housing provisions and do not conflict with the tenancy addendum.

### **Actions Before Lease Term**

All of the following must always be completed before the beginning of the initial term of the lease for a unit:

The Housing Commission has inspected the unit and has determined that the unit satisfies the HQS.

The landlord and the tenant have executed the lease, including the HUD-prescribed tenancy addendum.

The Housing Commission has approved leasing of the unit in accordance with program requirements.

The Housing Commission has determined that the rent charged by the owner is reasonable.

The Housing Commission has determined that the family's share (total family contribution) will not be more than 40% of the family's monthly adjusted income when the gross rent exceeds the applicable payment standard for the family.

### **D. SEPARATE AGREEMENTS**

Separate agreements are not necessarily illegal side agreements. Families and owners will be advised of the prohibition of illegal side payments for additional rent, items normally included in the rent of unassisted families, or for items not shown on the approved lease.

The family is not liable under the lease for unpaid charges for items covered by separate agreements. Nonpayment of these charges cannot be cause for eviction.

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease.

Any appliances, services or other items that are routinely provided to unassisted families as part of the lease (such as air conditioning, dishwasher or garage) or are permanently installed in the unit, cannot be put under separate agreement and must be included in the lease. For there to be a

separate agreement, the family must have the option of not utilizing the service, appliance or other item.

If the family and owner have come to a written agreement on the amount of allowable charges for a specific item, so long as those charges are reasonable and not a substitute for higher rent, they will be allowed.

#### **E. DISAPPROVAL OF PROPOSED RENT**

[982.305(a)(4), 982.507]

If the proposed Rent to Owner is not reasonable, or the family share is more than 40% of the family's monthly adjusted income, the Housing Commission, at the family's request, will negotiate with the owner to reduce the rent to a reasonable rent.

If the Housing Commission and owner have tried and failed to negotiate a revised rent, the Housing Commission will inform the family and owner that the lease is disapproved.

#### **F. INFORMATION TO OWNERS**

[24 CFR 982.54(d)(7), 982.307(b)(2)]

The Housing Commission will provide owners, upon written request, information in the Housing Commission's possession regarding the rental history of family members or verified drug-trafficking.

The Housing Commission will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The Housing Commission will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

A statement of the Housing Commission's policy on release of information to prospective landlords will be included in the briefing packet provided to the family.

#### **G. CHANGE IN TENANT PAYMENT BEFORE HAP EFFECTIVE DATE**

At admission, when the family reports changes in factors that will affect the TTP before the effective date of the HAP contract, the information will be verified and the TTP will be recalculated. If the family does not report any change, the Housing Commission need not obtain new verifications before signing the HAP Contract, even if verifications are more than 60 days old.

#### **H. ZERO HAP CONTRACT RESTRICTIONS**

The Housing Commission shall not enter into a new HAP contract if there will not be a HAP payment made on behalf of the family.

## Chapter 7

### MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314, 982.353, 982.355(a)]

#### **INTRODUCTION**

HUD regulations permit families to move with continued assistance to another unit within the Housing Commission's jurisdiction, or to a unit outside of the Housing Commission's jurisdiction under Portability procedures. The regulations also allow the Housing Commission the discretion to develop policies that define any limitations or restrictions on moves. This Chapter defines the procedures for moves, both within and outside of the Housing Commission's jurisdiction, and the policies for restriction and limitations on moves.

#### **A. ALLOWABLE MOVES**

A family may move to a new unit with continued assistance one time within a twelve month period if:

The assisted lease for the old unit has terminated because the Housing Commission has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.

The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).

The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to owner).

#### **B. RESTRICTIONS ON MOVES**

[24 CFR 982.314, 982.551, 982.552(a) & (c)]

Families will not be permitted to move within the Housing Commission's jurisdiction during the initial term of assisted occupancy.

Families will not be permitted to move more than once in a 12 month period.

The Housing Commission will deny permission to move if there is insufficient funding for continued assistance.

The Housing Commission will deny permission to move if:

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The Housing Commission has evidence that the family has violated a Family Obligation;

The family owes the Housing Commission money and is not up to date with their repayment agreement; or

The family has moved within the last 12 months; or

The family has been issued a Notice of Intended Action to terminate tenancy.

The Housing Supervisor may make exceptions to these restrictions if there is an emergency reason for the move.

### **C. PROCEDURE FOR MOVES**

[24 CFR 982.302(a), 982.305(a)(5), 982.314]

#### **Issuance of Voucher**

Subject to the above restrictions on moves, the Housing Commission will issue the family a voucher.

#### **Notice Requirements**

The family must give the owner a written thirty-day notice of intent to vacate and simultaneously must give a copy to the Housing Commission. The Housing Commission begins the rent on the new unit no sooner than the day after the expiration of the tenant's 30-day notice to vacate.

#### **Time of Contract Change**

[24 CFR 982.311(d)]

A move within the same building or project, or between buildings owned by the same owner, will be processed as any other move.

In a move, assistance stops at the old unit at the end of the 30-day notice provided by the tenant. When the notice is provided by the owner, assistance stops when the tenant vacates the unit, provided both the unit and the tenant remain eligible for the program. When the owner issues a notice and the tenant remains in the unit, SDHC will stop the HAP payment at the end of the owner's initial notice to the tenant. SDHC will provide the owner HAP payments for the additional period of time that the tenant remains in the unit upon receipt of documentation of the date that the tenant moved-out. Assistance will start on the new unit on the effective date of the lease and contract.



#### **D. OUTGOING PORTABILITY**

[24 CFR 982.353, 982.355, 982.552 9(a) & (c)]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the Housing Commission's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program. When a family requests to move outside of the Housing Commission's jurisdiction, the request must specify the area to which the family wants to move.

If there is more than one PHA in the area in which the family has selected a unit, the Housing Commission will select the receiving PHA.

The receiving PHA must be in compliance with HUD regulations in order for the Housing Commission to reimburse the HAP subsidy.

#### **Restrictions on Portability**

The Housing Commission will not permit families to exercise portability if:

The family is within the first term of their lease.

The family is in violation of a family obligation.

The family owes money to the Housing Commission.

The family has moved within the last 12 months.

#### **E. INCOMING PORTABILITY**

[24 CFR 982.353, 982.355]

#### **Absorption or Administration**

The Housing Commission will accept a family with a valid voucher from another jurisdiction and administer or absorb the voucher. If administering, the family will be issued a "portable" voucher by the Housing Commission. The term of the voucher will not expire before the expiration date of any initial PHA voucher. The family must submit a Request for Tenancy Approval for an eligible unit to the Housing Commission during the term of the PHA voucher. The Housing Commission may grant extensions in accordance with this Administrative Plan. However, if the Family decides not to lease-up in the Housing Commission's jurisdiction, they must contact the initial PHA.

When the Housing Commission does not absorb the incoming voucher, it will administer the Initial PHA's voucher and the Housing Commission's policies will prevail.

The Housing Commission will issue a "portability voucher" according to its own Subsidy Standards. If the Family has a change in family composition that would change the voucher size, the Housing Commission will change it to the proper size based on the subsidy standards.

### **Income and Total Tenant Payment of Incoming Portables**

The Housing Commission may perform an annual reexamination of income when the family ports to the Housing Commission.

If the family's income is such that a zero subsidy amount is determined before lease-up in the Housing Commission's jurisdiction, the Housing Commission will refuse to enter into a contract on behalf of the family at zero assistance.

### **Requests For Tenancy Approval**

When the Family submits a Request For Tenancy Approval, it will be processed using the Housing Commission's policies. If the Family does not submit a Request for Tenancy Approval, the Initial PHA will be notified within thirty days of the expiration of the voucher, whenever possible.

If the Family leases up successfully, the Housing Commission will notify the Initial PHA within sixty days, and the billing process will commence.

If the Housing Commission denies assistance to the family, the Housing Commission will notify the Initial PHA within 10 days from the denial and the family will be offered a review or hearing.

The Housing Commission will notify the Family of its responsibility to contact the initial PHA if the Family wishes to move outside the Housing Commission's jurisdiction under continued portability.

### **Regular Program Functions**

The Housing Commission will perform all functions applicable to the tenant-based assistance program, such as:

- Annual reexaminations of family income and composition.

- Annual inspection of the unit.

- Interim Examinations when requested or deemed necessary by the Housing Commission.

### **Terminations**

The Housing Commission will notify the initial PHA in writing of any termination of assistance within ten days of the termination. If an Informal Hearing is required and requested by the family, the hearing will be conducted by the Housing Commission, using the regular hearing procedures included in this Plan.

The Initial PHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the Initial PHA notifies the Housing Commission that the Family is in arrears or the family has refused to sign a Payment Agreement, the Housing Commission will terminate assistance to the family.

### **Required Documents**

The Housing Commission will require the documents listed on the HUD Portability Billing Form from the initial PHA.

### **Billing Procedures**

When administering income portable families, the Housing Commission will bill based on HUD procedures and the HUD Portability Billing Form HUD- 52665.

The Housing Commission will notify the Initial PHA of changes in subsidy amounts and will expect the Initial PHA to notify the Housing Commission of changes in the Administrative Fee amount to be billed.

**RESERVED**

## **Chapter 8**

### **ANNUAL REEXAMINATIONS AND INTERIM ADJUSTMENTS**

[24 CFR 982.516]

#### **INTRODUCTION**

In accordance with HUD requirements, the Housing Commission will reexamine the income and household composition of all families at least annually. Annual reexaminations and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This Chapter defines the Housing Commission's policy for conducting annual reexaminations and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

#### **A. ANNUAL ACTIVITIES**

[24 CFR 982.516, 982.405]

The Housing Commission must conduct the following activities on an annual basis:

Annual reexamination of Income and Family Composition.

HQS Inspection.

#### **B. ANNUAL REEXAMINATION**

[24 CFR 982.516]

Families are required to complete an annual reexamination of income, assets, allowances, and deductions.

#### **Reexamination Notice to the Family**

The Housing Commission will maintain a reexamination tracking system and the household will normally be notified by mail at least 120 days in advance of the anniversary date.

### **Completion of Annual Reexamination of Income**

The Housing Commission will have all annual reexaminations for families completed before the anniversary date. This includes notifying the family of their portion of the rent. Families will be notified at least 30 days before the scheduled date of the increase in their rent.

### **Collection of Information**

[24 CFR 982.519(f)]

The Housing Commission has established appropriate reexamination procedures necessary to ensure that the income data provided by families is complete and accurate.

The Housing Commission will require the family to complete a Personal Declaration form.

### **C. COMPLIANCE WITH ANNUAL REEXAMINATION PROCESS**

The Housing Commission establishes procedures to gather information and data necessary to complete the annual reexamination. The procedures require the participation and signatures of all adult family members, 18 years and older. When interviews are scheduled, all adult family members must attend. Failure to provide requested information and data and or failure to attend scheduled appointments may result in termination of eligibility.

### **D. NOTIFICATION OF RESULTS OF ANNUAL REEXAMINATIONS**

[HUD Notice PIH 98-6]

The HUD Form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by the Housing Commission. If the family disagrees with the rent adjustment, they may request an administrative review or follow the procedures stated on their Notice of Intended Action Rent Portion letter.

### **E. REPORTING INTERIM CHANGES**

[24 CFR 982.516]

Program participants must report all changes in household composition to the Housing Commission between annual reexaminations in writing within ten days of the change. This includes additions due to birth, adoption and court-awarded custody. For all other additions to the household, the family must obtain Housing Commission and owner approval in writing. Any additions not reported within the 10 days will be considered unauthorized household members.

If a new family member is added, family income must include any income of the new family member. The Housing Commission will conduct an interim examination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size. In addition, criminal activity and the U.S. citizenship and/or eligible immigrant status of additional family members must be declared and verified.

### **Increases in Income**

Program participants are not required to report increases in income or assets between regular annual reexaminations.

- **Exception:** “Zero Income” households must report any increase of income within ten (10) days of the increase for the purpose of an interim adjustment in their share of the rent. Family Self Sufficiency participants may request an interim adjustment through the FSS program coordinator.
- The Housing Commission establishes timeframes and processing procedures for gathering complete and accurate information for the annual reexamination. Participants who report increases of income outside of the established annual reexamination process will be notified that no change will be made to their share of the rent.

### **Decreases in Income**

Participants may report a decrease in income and other changes that would reduce the amount of tenant rent, such as an increase in allowances or deductions. If the loss of income is anticipated for more than 60 days, the Housing Commission will perform an interim and will only verify income amounts or allowances and/or deductions that have changed and any replacement income the family will receive.. The reduced rent will begin the first of the month after the decrease is reported.

*Note:* When an individual family member reports a loss of income, replacement income is any income they receive. For example, the family reports the loss of their welfare grant because they started a job; the income from their job is considered replacement income. A decrease in their share of the rent will only occur if the replacement income is less than the amount of income they have lost.

## **F. FAMILY COMPOSITION CHANGES**

The owner’s approval is required, in writing, to add an adult member(s), prior to initiating adult family composition change(s).

Staff will only verify the income, deductions, and allowances of the person being added.

If a household member is removed, the head of household’s signature on the Personal Declaration will be sufficient verification to certify, under penalty of perjury, that the person has moved from the

unit. The income of the person removed from the household can be deleted from the record without reverifying the household income.

If he/she requests to be added back into the household, the Housing Commission allows adults only one return to the household within a twelve month period.

### **Exceptions to Policy**

The following requests for exceptions to this policy will be considered on a case by case basis:

- Medical reasons.
- Reasonable accommodation to accommodate a person with a disability.

### **G. TIMELY REPORTING OF CHANGES IN INCOME AND ASSETS**

[24 CFR 982.516(c)]

#### **Timely Reporting of Changes of Family Composition**

Participants are required to report family composition changes in writing within 10 days of when the change occurs. Any information, documents or signatures needed from the family, which is needed to verify the change, must be provided when requested.

If the family composition change is not reported within the required time period, or the family fails to provide documentation or signatures, it will be considered untimely reporting. Untimely reporting may result in the family being required to sign a repayment agreement or termination of assistance.

#### **When the Change of Family Composition is Reported in a Timely Manner**

The effective date of the rent portion changes are as follows:

Increases in the Tenant Rent due to family changes are effective on the first of the month, after at least thirty days notice to the family.

Decreases in the Tenant Rent are effective the first of the month following the month in which the change is reported.



### **When the Change is Not Reported Timely by the Family**

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to sign a Repayment Agreement or make a lump sum payment.

Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported.

### **When the Change is Not Processed Timely by the Housing Commission**

If there is an administrative delay, the following will be the effective date:

An increase will be effective the first of the month following 30 days notice to the family. In the event of a decrease, the overpayment of rent paid by the family will be calculated retroactively. An adjustment will be paid to the landlord.

## **H. NOTIFICATION OF NOMINAL RENT PORTION INCREASES**

The Housing Commission will notify program participants at least 30 days in advance of any increases to their share of the rent. However, an increase to the participant's share of the rent that is **\$20** or less as a result of an annual recertification, rent increase or correction, can be effective without a 30 day notice. In no case, would an increase rent portion be implemented retroactively to a prior month.

## **I. DEFINITION OF TEMPORARILY OR PERMANENTLY ABSENT**

[24 CFR 982.54(d)(10), 982.317, 982.551]

The Housing Commission must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the Housing Commission must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

Temporarily absent is defined as away from the unit for less than six months.

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.

It is the responsibility of the head of household to report changes in family composition. The Housing Commission will evaluate absences from the unit using this policy.

### **Absence of Any Member**

Any member of the household will be considered permanently absent if s/he is away from the unit for more than six months except as otherwise provided in this Chapter.

### **Absence Due to Medical Reasons**

If any family member leaves the household to enter a facility such as a hospital, nursing home, or rehabilitation center, the Housing Commission will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 180 days, the family member will not be considered permanently absent.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the Housing Commission's "Absence of Entire Family" policy.

### **Absence Due to Full-time Student Status**

Full time students who attend school away from the home will be treated in the following manner:

A student (other than head of household, spouse, or co-head) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of voucher size.

### **Absence Due to Incarceration**

If any member of the household is incarcerated for other than drug related or violent criminal activity and is absent more than 90 days s/he will be considered permanently absent.

If they are incarcerated for drug related or violent criminal activity the Housing Commission will begin the termination process of the household.

### **Absence of Children Due to Placement in Foster Care**

If the family includes a child or children temporarily absent from the home due to placement in foster care, the Housing Commission will determine from the appropriate agency when the child/children will be returned to the home.

If the period is to be greater than 180 days from the date of removal of the child/ren, the voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the Housing Commission's subsidy standards.

### **Absence of Entire Family**

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the Housing Commission will terminate assistance in accordance with appropriate termination procedures contained in this Plan.

"Absence" means that no family member is residing in the unit.

Families must notify the Housing Commission if they are going to be absent from the unit for more than 30 consecutive days.

If the entire family is absent from the assisted unit for more than 30 consecutive days without notifying the Housing Commission, the unit will be considered to be vacated and the assistance will be terminated.

In order to determine if the family is absent from the unit, the Housing Commission may:

- Write letters to the family at the unit.
- Telephone the family at the unit.
- Contact the landlord.
- Verify if utilities are in service.
- Check with the post office.

### **Caretaker for Children**

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the Housing Commission will treat that adult as a visitor for the first 180 days. Although their income will be counted, they will not qualify as a remaining member of the household.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the Housing Commission will review the status at 90-day intervals.

If the court has not awarded custody or legal guardianship, but the action is in process, the Housing Commission will secure verification from social services staff or the attorney as to the status.

The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

When the Housing Commission approves a person to reside in the unit as caretaker for the children, the income will be counted pending a final disposition. The Housing Commission will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 180 days, the person will be considered permanently absent.

### **Visitors**

Any adult not included on the HUD 50058 who has been in the unit more than 30 consecutive days without Housing Commission approval will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address may be considered verification that the visitor is an unauthorized member of the household.

Statements from neighbors and/or the landlord will be considered in making the determination.

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

The burden of proof that 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 household and the Housing Commission will terminate assistance because prior approval was not requested or granted for the additional household member.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 90 days per year.

In a joint custody arrangement, if the minor is in the household less than 183 days per year, the minor will be considered an eligible visitor.

## **J. PROGRAM ABUSE PREVENTION POLICY**

### **Decreases at Reexamination**

If a pattern of regularly reporting a decrease in income during the reexamination timeframe is discovered by utilizing UIV (Upfront Income Verification) or other methods for two or more years, it may be considered program abuse. For example, the family was employed and then became unemployed prior to the reexamination, causing a lowered Total Tenant Payment (TTP). After the effective date of the reexamination, the family's income increases. In such cases, SDHC may increase the tenant rent upon an increase in the family's income, or issue a Notice of Intended Action for committing program abuse.

## **Chapter 9**

### **OWNER RENTS, RENT REASONABLENESS AND PAYMENT STANDARDS**

[24 CFR 982.505, 982.503, 982.504]

#### **INTRODUCTION**

The Housing Commission will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the Housing Commission'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 Housing Commission's procedures for determination of rent-reasonableness, payments to owners, adjustments to the Payment Standards, and rent adjustments.

#### **A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM**

The Rent to Owner is limited by rent reasonableness. The Housing Commission must demonstrate that the Rent to Owner is reasonable in comparison to rent for other comparable unassisted units.

The 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 of rent may not exceed 40 percent of the family's monthly adjusted income.

#### **B. MAKING PAYMENTS TO OWNERS**

[24 CFR 982.451]

##### **Method of Rent Payment**

Housing Assistance Payments to owners will be paid through direct deposit to the owner's financial institution.

##### **Excess Payments**

The total of rent paid by the tenant plus the Housing Commission 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 Housing Commission.

Owners who do not return excess payments will be subject to penalties as outlined in the "Owner or Family Debts to the Housing Commission" chapter of this Administrative Plan.

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### **Late Payments to Owners**

The Housing Commission will pay a \$50 late fee, if requested, for housing assistance payments that are not mailed to the owner by the tenth day of the month. Proof of date mailed will be the postmark date on the envelope that the owner shall submit with the request for late fees.

The HAP contract specifies that late fees may only be requested after the first two calendar months of the HAP contract term and will not be paid if the HAP payments are delayed due to an owner's breach of contract.

The Housing Commission will not be obligated to pay any late payment penalty if HUD determines that the late payment is due to factors beyond the Housing Commission's control, such as a delay in the receipt of program funds from HUD.

Late fees will not be paid for partial payments of less than \$100.

### **C. RENT REASONABLENESS DETERMINATIONS**

[24 CFR 982.507]

The Housing Commission 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 open market. This does not apply to the Moderate Rehabilitation program.

The Housing Commission will not approve a lease or increase rent until the Housing Commission determines that the requested rent to owner is a reasonable rent.

The Housing Commission must redetermine rent reasonableness if directed by HUD and based on a need identified by the Housing Commission's auditing system. The Housing Commission may elect to redetermine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent.

By accepting each monthly housing assistance 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.

When requested, the owner must give the Housing Commission information on rents charged by the owner for other units in the premises or elsewhere.

Data for other unassisted units will be gathered from realtors, professional associations, inquiries of owners, market surveys, and other available sources.

Some or all of the following factors will be used for evaluating rent reasonableness:

Size (number of bedrooms/square footage)

Location

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Quality

Amenities (bathrooms, dishwasher, air conditioning, etc.)

Housing Services

Age of unit (on occasion)

Unit Type

Maintenance

Utilities

*Note:* The age of the unit rarely impacts the cost of rental housing in the San Diego market.

### **Rent Reasonableness Methodology**

The Housing Commission maintains an automated database by sub-regional areas of unassisted units for making rent reasonableness determinations. The Housing Commission may also use data gathered from newspapers, realtors, professional associations, inquiries of owners, market surveys, and other available sources.

The area to be used to determine unit rent reasonableness must be within the Housing Commission's jurisdiction and within the same sub-regional area.

Comparables kept in the automated database may be updated annually based on the percentage of rental market rent increases or decreases as provided by such services as the San Diego Apartment Owners Association and Market Point Realty Advisors.

At initial move-in and subsequent moves, the owner completes the Request for Tenancy Approval, including the section of the form listing the most recently leased comparable unassisted units within the premises.

Also, the Housing Commission refers to the database for two comparables for each move-in and annual reexamination inspection and the average amount of the two comparables is used to determine the maximum reasonable rent. If the need arises, the owner may submit information on two unassisted units from different complexes, preferably under different ownership, within a 2 mile radius.

If there are no available comparables with the same number of bedrooms or bathrooms, dollar adjustments will be made based on market conditions.

The Housing Commission may use a point system or a dollar adjustment system, or both, to compare size, quality, utilities, amenities, maintenance services and housing services.

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When requesting a rent increase, the owner must provide the addresses for two units in the same complex, which have the same number of bedrooms, if present, that rent for the same amount or more. If an owner currently has a lower rental rate for other unassisted comparable units in the same complex, but will raise the rental rate for all new vacancies, the owner's certification will be acceptable to approve the requested rent.

#### **D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM**

[24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. The Housing Commission reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the Housing Commission will ensure that the Payment Standard is always within the range of 90 percent to 110 percent of the new FMR, unless an exception payment standard has been approved by HUD.

The Housing Commission will establish a single voucher payment standard amount for each FMR area in the Housing Commission jurisdiction. For each FMR area, the Housing Commission will establish payment standard amounts for each unit size. The Housing Commission may have a higher payment standard within the Housing Commission's jurisdiction if needed to expand housing opportunities outside areas of low income and poverty concentration, as long as the payment standard is within the 90-110% of FMR range.

The Housing Commission may approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with a disability.

#### **E. 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 Housing Commission will not raise Payment Standards solely to make "high end" units available to Voucher holders. The Housing Commission may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

##### **Rent Burdens of Assisted Families**

If it is determined that particular unit sizes in the Housing Commission's jurisdiction have payment standard amounts that are creating rent burdens for families, the Housing Commission will modify its payment standards for those particular unit sizes.

The Housing Commission may 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 Housing Commission's jurisdiction are paying.

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The Housing Commission may establish a separate voucher payment standard, within the basic range, for designated areas if it determines that a higher payment standard is needed in these to provide families with quality housing choices.

### **Rent to Owner Increases**

The Housing Commission may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

### **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 currently published FMR without authorization from HUD.

## **F. PAYMENT IN THE HOUSING CHOICE VOUCHER PROGRAM**

Owners must request a rent increase after the initial term of the lease by submitting the request in writing, with a 60-day advance notice to both the tenant and the Housing Commission.

The notice of rent change does not affect the automatic renewal of the lease and does not require a new lease, contract or executed amendment.

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## Chapter 10

### HOUSING QUALITY STANDARDS AND INSPECTIONS

[24 CFR 982.401]

#### **INTRODUCTION**

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based and project-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the unit, building and premises. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

The Housing Commission will inspect each unit under contract at least annually. The Housing Commission will perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the Housing Commission's required standards and to assure consistency in the Housing Commission's program. This Chapter describes the Housing Commission's procedures for performing HQS and other types of inspections, and Housing Commission standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and Housing Commission requirements. (See the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter.)

#### **A. GUIDELINES/TYPES OF INSPECTIONS**

[24 CFR 982.401(a), 982.405]

The Housing Commission has adopted the HUD mandated HQS Regulations.

All utilities must be in service by the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the Inspector will notify the tenant or owner to have the utilities turned on. The tenant or owner will certify that the utilities are on.

If the tenant is responsible for supplying the stove and/or the refrigerator, the Housing Commission will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS. The family must then certify that the appliances are in the unit and working. The Housing Commission will not conduct a reinspection to verify this.

The Housing Commission will perform five types of inspections:

1. Initial/Move-in: Conducted upon receipt of Request for Tenancy Approval (RFTA).
2. Annual: Must be conducted within twelve months of the last annual inspection.

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3. Move-Out: For Mod Rehab contracts when owner files a Damage Claim and for the purposes of terminating eligibility when the tenant has severely damaged the unit.
4. Special: At request of owner, family or third party.
5. Quality Control.

## **B. INITIAL HQS INSPECTION**

[24 CFR 982.401(a)]

### **Timely Initial HQS Inspection**

To the extent practicable, the inspection will be completed within 15 days after the family and the owner submit a RFTA. The 15-day period is suspended during any time when the unit is not available for inspection.

The Initial Inspection will be conducted to:

Determine if the unit and property meet the HQS defined in this Plan.

Document the current condition of the unit.

Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial HQS inspection, the family and owner will be advised to notify the Housing Commission once repairs are completed.

If two failed reinspections occur, the unit will be disqualified.

## **C. ANNUAL HQS INSPECTIONS**

[24 CFR 982.405(a)]

The Housing Commission conducts an annual HQS inspection within 3 months of the anniversary date. Special inspections may be scheduled between anniversary dates.

The landlord must correct HQS deficiencies that cause a unit to fail unless the tenant is responsible.

The family must allow the Housing Commission to inspect the unit at reasonable times with reasonable notice.

The family and owner are notified of the date and time of the inspection appointment by mail. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within 30 days.

If the family does not contact the Housing Commission to reschedule the inspection, or if the family misses two inspection appointments, the Housing Commission will consider the family in violation of a Family Obligation and their assistance will be terminated in accordance with this Plan.

### **Time Standards for Repairs**

The owner and/or tenant must correct emergency items that endanger the family's health or safety within 24 hours of notification. (See Emergency Repair Items section.)

For non-emergency items, repairs must be made within 30 days.

For major repairs, the Housing Commission may approve an extension beyond 30 days.

### **Rent Increases**

Rent to owner increases may not be given until the unit passes HQS.

## **D. SPECIAL INSPECTIONS**

[24 CFR 982.405(c)]

If at any time the Housing Commission is notified that the unit does not meet HQS, the Housing Commission will conduct an inspection.

Prior to requesting a special HQS inspection, except in cases of emergency, the family must provide verification to the Housing Commission they have made prior requests to the landlord to resolve the issue and the landlord has failed to do so.

The Housing Commission may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The Housing Commission will inspect only the items that were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

## **E. QUALITY CONTROL INSPECTIONS**

[24 CFR 982.405(b)]

Quality Control inspections will be performed by designated staff as required by SEMAP.

**F. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS**

[24 CFR 982.401 (a)]

The Housing Commission applies the HUD acceptability criteria with the additions described below.

Exterior:

Street number must be present and visible from the street

Interior:

The owner may not access any portion of the assisted unit for their personal use.

Garages:

Garage attached to the unit with access to the assisted unit is part of the assisted unit.

Doors:

All exterior doors must be lockable, have no holes, have all trim intact, and have a threshold.

All interior doors must open without the use of a key.

Security:

If window security bars or security screens are present on emergency exit window, they must be equipped with a fluid motion quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

Hot Water Heater:

The pressure relief valve discharge line must be directed downward 6" to 24" from the ground or platform. If the water heater is inside the unit, the discharge line must be vented to the outside or downward 6" to 24" from an approved drainage outlet.

**Modifications**

Modifications or adaptations to a unit must meet all applicable HQS and be permitted by the city of San Diego. The owner may be required to provide copies of permits when requested.

## **G. EMERGENCY REPAIR ITEMS**

[24 CFR 982.401(a)]

The following are considered emergency items and must be corrected by the responsible party within 24 hours of notice by the Housing Commission:

Units that cannot be secured.

Waterlogged ceiling in imminent danger of falling.

Major plumbing leaks or flooding.

Natural gas leak or fumes.

Electrical problem that could result in shock or fire.

No heat when outside temperature is below 45 degrees Fahrenheit and temperature inside unit is below 45 degrees Fahrenheit.

Utilities not in service.

No running water.

Lack of one functioning toilet.

If the emergency repair item(s) are not corrected in the period required by the Housing Commission, and the owner is responsible, the Housing Assistance Payment will be abated and the HAP contract will be terminated.

If the family does not correct an HQS breach for which they are responsible, in the time required, the Housing Commission will terminate assistance to the family.

## **H. CONSEQUENCES IF OWNER IS RESPONSIBLE**

[24 CFR 982.405, 982.453]

When it has been determined that a unit on the program fails to meet HQS for non-emergency items, and the owner is responsible for completing the necessary repair(s) in the time period specified by the Housing Commission, the assistance payment to the owner will be abated.

### **Abatement**

A Notice of Abatement will be sent to the owner, and the abatement will be effective the first day of the month after the unit has been in a failed status for 30 days. If the unit passes inspection prior to the end of the month, the rent will not be abated.

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The Housing Commission will inspect abated units as soon as possible after the owner's notification that the work has been completed. If an owner calls prior to the end of the abatement month to schedule a reinspection because the repairs have been made and a reinspection cannot be made prior to the end of the month the Housing Commission may pay the full HAP for the month if the unit passes the inspection.

If the owner makes repairs during the abatement period, payment will resume on the day SDHC is notified of the repairs as long as the unit passes inspection on the scheduled date.

If the unit is in abatement status, only the owner or manager may cancel or reschedule the inspection. The family and owner will be notified of the reinspection date.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for the Housing Commission's portion of rent that is abated.

### **Reduction of Payments**

The Housing Commission may grant an extension in lieu of abatement in the following cases:

There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.

The owner makes a good faith effort to make the repairs.

The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds.

The repairs must be delayed due to climate conditions.

The extension will be made for a period not to exceed 30 days, or at the discretion of the Housing Commission. At the end of that time, if the work is not completed, the Housing Commission will begin the abatement.

### **Termination of Contract**

If the owner is responsible for repairs, and fails to correct all the deficiencies cited before the end of the abatement period, the owner will be sent a HAP Contract Termination Notice and the abatement will remain in effect through the effective date of the termination.

If repairs are completed before the effective termination date, the Housing Commission will rescind the termination if the tenant chooses to remain in the unit.

### **Lead Based Paint**



If the owner is not in compliance with lead based paint requirements the HAP contract will be terminated.

## **I. DETERMINATION OF RESPONSIBILITY**

[24 CFR 982.404]

Certain HQS deficiencies are the responsibility of the family:

Tenant-paid utilities not in service.

Failure to provide or maintain family-supplied appliances.

Damage to the unit or premises beyond normal wear and tear caused by a household member or guest.

“Beyond normal wear and tear” is defined as items that could be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations.

The inspector will make a determination of owner or family responsibility during the inspection.

## **J. CONSEQUENCES IF FAMILY IS RESPONSIBLE**

[24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the Housing Commission will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made in this period, the Housing Commission will terminate assistance to the family, after providing an opportunity for an informal hearing. In these cases, a Housing Supervisor must approve extensions. The HAP will not be abated for items that are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.

## **K. UTILITY ALLOWANCE AND REIMBURSEMENT PAYMENTS**

[24 CFR 982.153, 982.517]

The same Utility Allowance Schedule is used for all tenant-based programs and all building types. The schedule will be based on information available from local utility companies.

Where families provide their own range and refrigerator, the Housing Commission will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance.

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The Housing Commission will review the utility allowance schedule annually. If the review finds a utility rate has changed by 10% or more since the last revision, the schedule will be revised to reflect updated rates for all utilities. The revised utility allowance will be applied to participant family's rent calculation at their next reexamination.

On request from a family that includes a person with a disability, the Housing Commission will approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to accommodate a person with a disability. The Housing Commission will review six months of the family's utility expenses to determine the average. The determined averaged amount will be used as the utility allowance schedule for an accommodation for a persons with a disability. This may be reviewed on an annual basis at reexamination.

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family, the Housing Commission will provide a Utility Reimbursement Payment for the family each month. The check will be payable directly to the tenant.

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## Chapter 11

### **PROGRAM TERMINATIONS AND PROGRAM INTEGRITY UNIT**

[24 CFR 982.54, 982.306, 982.311, 982.314, 982.453, 985.552, 982.553, 982.554(d)(13), 982.555(a-f)]

#### **INTRODUCTION**

The Housing Assistance Payments (HAP) Contract is the contract between the owner and the Housing Commission that defines the responsibilities of both parties. This Chapter describes the circumstances under which the contract can be terminated by the Housing Commission and the owner, and the policies and procedures for such terminations. Also included in this chapter is the criteria for owner disapproval and the various penalties for owner violations.

The Housing Commission may deny or terminate assistance for a family because of the family's action or failure to act. The Housing Commission will provide families with a written description of the Family Responsibilities.

The Housing Commission shall give participants an opportunity for administrative reviews and informal hearings for decisions regarding termination of participation in the Rental Assistance Program in accordance with the Code of Federal Regulations. Participants include persons assisted under the rental assistance program who hold a voucher and have been admitted to the program. The family becomes a participant on the effective date of the first HAP contract.

An Administrative Review or Informal Hearing is not required for any of the following:

- Discretionary administrative determinations by the Housing Commission.
- General policy issues or class grievances.
- A Housing Commission determination not to grant approval of the tenancy.
- Determination that unit is not in compliance with HQS.
- Determination that unit is not in accordance with HQS due to family size or composition.

#### **A. CONTRACT TERMINATION**

[24 CFR 982.311]

The term of the HAP Contract is the same as the term of the lease. Upon the issuance of a written 30 day notice, the Contract between the owner and the Housing Commission may be terminated by the Housing Commission, the owner, or by the tenant terminating the lease.

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

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If the family continues to occupy the unit after the Section 8 contract is terminated, the family is responsible for the total amount of rent due to the owner.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

Family termination of the lease must be in accordance with the terms of the lease.

## **B. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS**

[24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease, the owner is required under the lease to provide proper notice as stated in the lease.

During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

During the initial term of the lease, the owner may not terminate the tenancy “for other good cause” unless the owner is terminating the tenancy because of something the family did or failed to do (see 24 CFR 982.310).

During the term of the lease the owner may only evict for:

Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease.

Violations of federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents or persons residing in the immediate vicinity of the premises; or any drug-related criminal activity on or near the premises.

Other good cause.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a notice to vacate, or other initial pleading used under State or local law to commence an eviction action.

Housing assistance payments are paid to the owner under the terms of the HAP Contract. If the owner has begun the eviction process, and the family and the unit remains eligible and continues to reside in the unit, the Housing Commission must 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 tenant.

The Housing Commission must continue making housing assistance payments to the owner in accordance with the Contract as long as the tenant continues to occupy the unit and the Contract is not violated.

By endorsing the monthly check from the Housing Commission, the owner certifies that the tenant is still in the unit, the rent is reasonable and the owner is not charging more rent for assisted units than unassisted units and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the Housing Commission has no other grounds for termination of assistance, the Housing Commission may issue a new voucher so the family can move with continued assistance.

### **C. TERMINATION OF THE CONTRACT**

[24] CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when the Housing Commission terminates program assistance for the family, or when the owner has breached the HAP contract. (See "Disapproval of Owner" and "Owner Restrictions and Penalties" sections)

The Housing Commission may also terminate the contract if:

The family is required to move from a unit when the unit does not meet the HQS space standards because of an increase in family size or a change in family composition;

Funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

### **Notice of Termination**

When the Housing Commission terminates the HAP contract under the violation of HQS space standards, the Housing Commission will provide the owner and family written notice of termination of the contract, and the HAP contract terminates at the end of the calendar month that follows the calendar month in which the Housing Commission gives such notice to the owner.

### **D. GROUND FOR DENIAL OR TERMINATION**

[24 CFR 982.552, 982.553]

### **Form of Denial/Termination**

Denial of assistance for an applicant may include any or all of the following:

Denial for placement on the Housing Commission's waiting list.

Denying or withdrawing a certificate or voucher.

Refusing to enter into a HAP contract or approve a lease.

Refusing to process or provide assistance under portability procedures.

Termination of assistance for a participant may include the following:

Terminating housing assistance payments under an outstanding HAP contract.

### **Mandatory Denial and Termination**

The Housing Commission must deny assistance to applicants and terminate assistance for participants:

If any member of the family fails to sign and submit HUD or Housing Commission required consent forms for obtaining information.

If no member of the family is a U.S. citizen or eligible immigrant (see Section H).

If the family is under contract and 180 days have elapsed since the Housing Commission's last housing assistance payment was made.

For a family evicted from housing under the program for serious violations of the lease.

If a member of the family is subject to a lifetime sex offender registration requirement.

The Housing Commission must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine in violation of any federal or state law.

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### **Grounds for Denial or Termination of Assistance**

The Housing Commission may deny assistance to applicants or proposed additions to the family and terminate assistance for participants for violations of any of the following family responsibilities:

The family must:

Supply any information that the Housing Commission or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. "Information" includes any requested certification, release, or documentation used for initial eligibility and for regularly scheduled reexamination or interim reexamination of family income and composition.

Disclose and verify Social Security Numbers, sign and submit consent forms for obtaining information

Supply true and complete information.

Be responsible for a Housing Quality Standards damages and/or failed items caused by the family.

Failure to allow the Housing Commission to inspect the unit at reasonable times and after reasonable notice to comply with HUD requirements for an inspection.

Notify the Housing Commission and the owner, in writing, at least 30 days prior to vacating the unit or terminating the lease after the initial term of the lease.

Give/mail the Housing Commission a copy of any owner eviction notice within ten (10) days from receipt of the notice.

Use the dwelling unit for residence by the family. The unit must be the family's only place of residence.

Request, in writing, Housing Commission approval to add other family members, foster children, or a live-in aide as an occupant of the unit **prior** to moving them into the assisted unit.

Report to the Housing Commission the birth, adoption, or court-awarded custody of a child, except for foster children, within ten (10) days of the change.

Notify the Housing Commission in writing within ten (10) days if any family member no longer resides in the unit.



Ensure that if the family engages in legal profit making activities in the unit, that such activities are approved by the property owner and are incidental to primary use of the unit by the family.

Supply information or certification to verify that the family is living in the unit or relating to the family's absence from the unit. If the absence will be for more than 30 days, the family must notify the Housing Commission in writing within ten (10) days from their absence. If a family member is absent from the unit more than 90 days, the "absent members" will be terminated.

Have a minimum of one household member who is a U.S. citizen, National, or has HUD-defined eligible immigration status.

Prior to requesting a special HQS inspection, except in cases of emergency, the family must provide verification to the Housing Commission they have made prior requests to the landlord to resolve the issue and the landlord has failed to do so.

The family must not:

Intentionally misrepresent the family income or composition.

Commit any serious or repeated violation of the lease (such as non-payment of rent, destruction of property, or violent criminal or drug related activity).

Sublease, assign the lease, or transfer the unit, or rent any part of the unit to outside parties.

Own or have any interest in the unit.

Rent a unit from an owner who is a parent, child, grandparent, grandchild, sister or brother of any member of the family.

Engage in drug related criminal activity or violent criminal activity.

Receive another housing subsidy for the same unit or a different unit.

Commit any fraud, bribery, or any other criminal or corrupt act in connection with the Rental Assistance Program. This includes making "side" payments or "under the table" payments to the owner.

Other reasons for terminating/denying assistance:

If the applicant owes rent or other amounts to the Housing Commission or any other Public Housing Agency (PHA).

If the family has not reimbursed or complied with the terms of their repayment agreement to the Housing Commission or any other Housing Authority for any amounts owed by the family.

If any member of the family has been evicted from federally assisted housing within the last 5 years.

If Housing Commission or any other PHA has ever terminated assistance under the Certificate/Voucher program for any member of the family.

If any member of the family commits drug related criminal activity or violent criminal activity.

If two (2) scheduled appointments/inspections have been missed without good cause and without prior notice to the Housing Commission within a twelve month period.

If the family fails to cooperate with any terms or conditions of the Rental Assistance Program.

If the family has threatened abusive or violent behavior toward Housing Commission personnel, including written, verbal, physical abuse or violent use of statements that are generally considered insulting or used to insult or intimidate.

If the family violates one of the Family Responsibilities listed above.

If the family is not currently in an assisted unit and does not submit a Request for Tenancy Approval within the term of their Housing Choice Voucher.

If any member of the family has alcohol abuse which interferes with the health, safety, or peaceful enjoyment of other residents.

If any member is convicted of manufacturing or producing methamphetamine in violation of any federal or state law.

If any member is subject to lifetime registration requirements under a State sex offender registration program.

If the family allows the assisted unit to be used by others not on the lease as a mailing address.

## **E. CRIMINAL ACTIVITY POLICY**

### **Purpose**

Federally assisted housing is intended to provide a safe place to live and to raise families. The Housing Commission shall not tolerate violent criminal or illegal drug activity. It is the intention of the Housing Commission to fully endorse and implement a policy that is designed to:

Help create and maintain a safe and drug-free community.

Keep our program participants free from threats to their personal and family safety.

### **Approval of Applicants and Household Additions**

Before approving a household member the Housing Commission will perform a criminal history check and sex offender registration records search on every adult household member (18 years and older) and live-in aides, utilizing the California Law Enforcement Telecommunications System (CLETS) through the San Diego Police Department and any other applicable comprehensive method of verification.

The Housing Commission will deny participation in the program to applicants and terminate assistance to participants in cases where the Housing Commission determines there is a preponderance of the evidence to believe that the person is illegally using a controlled substance or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the Housing Commission determines that there is a pattern of illegal use of a controlled substance or pattern of alcohol abuse.

“Engaged in or engaging in” violent criminal activity means any act by applicants, participants, household members, or guests which involved 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, including lewd and lascivious acts with a minor, which did or did not result in the arrest and/or conviction of the applicant, participant, household members, or guests.

The existence of the above-referenced behavior by any household member or guest, regardless of the applicant or participant’s knowledge of the behavior shall be grounds for denial or termination of assistance.

If an applicant, a member of an applicant or participant household or an addition to the participant’s household, including a live-in aide, has been arrested, convicted or otherwise been determined to have engaged in illegal drug-related or violent criminal activity within the prior five years, admission or continued participation may be denied. In cases where a family member recently has been

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released from incarceration for drug-related or violent criminal activity and it has been more than five years since the activity occurred, the Housing Commission and the family will execute a stipulated agreement that should engagement in such activity by any household member occur the Housing Commission will issue a Notice of Intended Action to terminate assistance.

### **Address Match Program (AMP)**

The Housing Commission has formed an ongoing relationship with the San Diego Police Department to identify possible drug or criminal activities committed by residents of assisted housing units or in assisted housing units through the use of Address Match Program reports.

AMP reports will be reviewed to determine if a person suspected of drug or violent criminal activity is a participant or guest of assisted housing. If the person named in the AMP report is a participant, guest, or unauthorized household member, a Notice of Intended Action may be issued to terminate housing assistance.

## **F. NOTICE OF TERMINATION OF ASSISTANCE**

When the Housing Commission decides to terminate assistance, the family will receive a written Notice of Intended Action to terminate assistance, which states:

The reason(s) for the proposed termination.

The effective date of the proposed termination.

The family's right, if they disagree, to request an Informal Hearing held before termination of assistance.

The date by which a request for an informal hearing must be received by the Housing Commission.

### **Required Evidence**

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

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.

**G. HOUSING COMMISSION POLICY FOR CONSIDERATION OF CIRCUMSTANCES**

[24 CFR 982.552]

**Violence Against Women**

The San Diego Housing Commission will comply with the Violence Against Women Act (VAWA) as signed in to law on January 5, 2006.

SDHC will follow HUD's requirements as established in the regulation.

The new law states that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking, will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and will not be good cause for terminating the assistance, tenancy or occupancy rights of the victim of such violence.

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights, if the tenant or an immediate family member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence or stalking

Upon determination of each individual case, and as needed, the SDHC will make certain that a referral is made to the San Diego County Mental Health Services, Child Protective Services, and Adult Protective Services agencies and any other service providers to ensure the family's safety. The SDHC will cooperate with the social services agencies to make sure that the family is able to maintain their housing assistance.

**Other Circumstances**

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the Housing Commission has discretion to consider all of the circumstances in each case, including the seriousness of the violation. The Housing Commission will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The Housing Commission may also review the family's more recent history and record of compliance, patterns of providing false information and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

In appropriate cases, the Housing Commission may permit the family to continue receiving assistance provided that the family member(s) determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, the Housing Commission may consider individual circumstances. The Housing Commission may consult with Juvenile Court officials.

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In appropriate cases, the Housing Commission may offer the family a stipulated agreement that will contain the terms and conditions for continued assistance. Failure to enter into, or comply with the agreement, shall result in the issuance of a Notice of Intended Action to terminate assistance.

Consideration shall be given for applicants of special programs such as Family Unification and Shelter Plus Care.

#### **H. DENIAL OR TERMINATION DUE TO INELIGIBLE IMMIGRANT STATUS**

[24 CFR 5.514, 5.516, 5.518]

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The Housing Commission must offer the family an opportunity for a hearing.

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

#### **I. MISREPRESENTATION IN COLLUSION WITH OWNER**

[24 CFR 982.551, 982.552 (c)]

If there is a preponderance of evidence that the owner commits fraud or is involved in any other illegal scheme with the participant, the Housing Commission will deny or terminate assistance.

#### **J. MISSED APPOINTMENTS AND DEADLINES**

[24 CFR 982.551, 982.552 (c)]

It is a Family Responsibility to supply information, documentation, and certification as needed for the Housing Commission to fulfill its responsibilities. The Housing Commission schedules appointments and sets deadlines in order to obtain the required information. A participant who fails to keep an appointment or meet a set deadline without prior notice or good cause or fails to supply required information may be sent a Notice of Intended Action.

A Notice of Intended Action may be sent to a participant who fails to keep two (2) scheduled appointments and/or two (2) scheduled inspections without prior notice or good cause within a one-year period.

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

A participant who fails to supply information required by a deadline without notifying the Housing Commission may be sent a Notice of Intended Action.

**K. DISAPPROVAL OF OWNER**

[24 CFR 982.306, 982.54(d)(8)]

For purposes of this section, "owner" includes a principal or other interested party.

The Housing Commission will disapprove the owner for the following reasons:

HUD has informed the Housing Commission that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

HUD has informed the Housing Commission that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.

HUD has informed the Housing Commission that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.

Unless their lease was effective before June 17, 1998, the owner may not be a parent, child, grandparent, grandchild, sister or brother of any family member. The Housing Commission may waive this restriction as a reasonable accommodation for a family member who is a person with a disability (24 CFR 8.3). The Housing Commission requires all owners and tenants to complete a certification declaring they are not related.

The owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

The owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligations to maintain the unit to HQS, including any standards the Housing Commission has adopted in this policy.

The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program.

The owner has engaged in drug trafficking.

The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program.

The owner has failed to comply with regulations, the mortgage or note, or the regulatory agreement for projects with mortgages insured by HUD or loans made by HUD.

## **L. OWNER RESTRICTIONS AND PENALTIES**

[24 CFR 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the Housing Commission will restrict the owner from future participation in the program. The Housing Commission may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the Housing Commission 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.

## **M. CHANGE IN OWNERSHIP**

A change in ownership or transfer of the HAP contract does not require execution of a new HAP contract.

As a party to the HAP contract, the Housing Commission may approve the reassignment of the HAP contract at the owner's request. The Housing Commission may deny assignment of the contract for any of the reasons listed in this chapter.

The Housing Commission may approve a change of property ownership upon the written request of the new owner accompanied by a copy of the closing escrow statement or other document(s) showing title to subject property.

The Housing Commission may not approve an assignment of the contract without the new payee's completion of form "Assumption of Lease and Housing Assistance Payments Contract," as well as the Internal Revenue Service Tax Form W-9.

The Housing Commission will provide the same name/tax identification number combination provided on Tax Form W-9 for income tax reporting purposes to the Internal Revenue Service.

The Housing Commission must receive in writing all requests to change the payee and/or the address to which HAP payment will be sent.

In the event there is a disagreement between the owner and assignee (e.g. property manager, bank or other interested party) as to who should receive the HAP payment, the Housing Commission shall withhold future payments until there is a court decision or mutual agreement between the owner and the assignee as to who shall receive the HAP payment.



**N. PAYMENT PLAN AGREEMENT FOR FAMILIES**

[24 CFR 982.552 (b)(6-8)]

A Payment Plan Agreement is a document entered into between the Housing Commission and a person who owes a debt to the Housing Commission. It details the nature of the debt, the terms of payment, any special provisions of the agreement and the remedies available to the Housing Commission upon default of the agreement.

The Housing Commission will determine whether to enter into a Payment Plan Agreement with a family based on the circumstances surrounding the debt. The Housing Commission will prescribe the terms of the Payment Plan Agreement.

The minimum monthly amount due for any Payment Plan Agreement is \$25.

A signed Payment Plan Agreement does not waive the Housing Commission's right to terminate housing assistance.

Families who owe money to the SDHC will be required to repay in accordance with the Payment Plan Agreement. The family's payment plan agreement may:

Require the family to pay the balance in full; and/or

Pursue civil collection of the balance due; and/or

Pursue tax set-off programs; and/or

Terminate the housing assistance.

If the family requests to move, or is required to move by the owner, the family will be required to pay the balance in full or be in good standing with their Payment Plan Agreement prior to the issuance of a voucher unless they qualify for a hardship exemption and are not in violation of the lease. Families who owe the Housing Commission money will not be allowed the ability to exercise Portability and move to jurisdictions outside of the City of San Diego.

If the family is required to move due to an action by the Housing Commission (mandatory move) the family will not be required to pay the balance in full prior to the issuance of a voucher.

**O. DEBTS OWED FOR CLAIMS**

[24 CFR 792.103, 982.552 (b)(6-8)]

If a family owes money to the Housing Commission for claims paid to an owner, the Housing Commission will enter into a Payment Plan Agreement.

After the payment is made to the owner, the Housing Commission will inform the family of the payment and of the family's responsibility to reimburse the Housing Commission for payment made on their behalf.

Families who refuse to enter into a Payment Plan Agreement will be terminated from the Rental Assistance Program.

Nonpayment of monies owed to the Housing Commission will result in termination from the Rental Assistance Program.

**P. DEBTS DUE TO NON-REPORTING OF INFORMATION**

[24 CFR 982.163]

SDHC will terminate assistance and will consider all circumstances in each case, including the seriousness of the violation. SDHC will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred.

Families who refuse to enter into a Payment Plan Agreement will be terminated from the Rental Assistance Program.

Where appropriate, the Housing Commission will refer the case for civil or criminal prosecution.

**Q. OWNER DEBTS TO THE HOUSING COMMISSION**

[24 CFR 982.453(b)]

If the Housing Commission determines that the owner has retained Housing Assistance Payments or claim payments the owner is not entitled to, the Housing Commission may reclaim the amounts from future Housing Assistance Payments or claim payments owed the owner for any other units under contract.

If future Housing Assistance or Claim Payments are insufficient to reclaim the amounts owed, the Housing Commission will:

- Require the owner to pay the amount in full; and/or

- Enter into a Payment Agreement with the owner for the amount owed; and/or

- Pursue collections through public or private agencies; and/or

- Restrict the owner from future participation.

Amounts under \$500 that are owed to the SDHC, and disputed by an owner may be disregarded at the discretion of SDHC to avoid administrative burden.

## **R. COLLECTION TOOLS**

The Housing Commission will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil or criminal suits
- Payment Plan Agreements
- Abatements
- Reductions in HAP to owner
- Collection agencies
- Credit bureaus
- Income tax set-off programs

## **S. HOUSING COMMISSION RETENTION OF MONIES**

[24 CFR 792.202]

The Housing Commission shall retain 50% of the amount collected from Payment Plan Agreements received due as a result of misrepresentation, fraud or abuse.

## **T. ADMINISTRATIVE REVIEW PROCEDURES**

### **New Admissions**

The Housing Commission will issue a written Notice of Intended Action to Section 8 applicants that have been determined ineligible. The Notice will include the reason(s) for the decision and the procedures and timeframe for requesting an Administrative Review.

The Administrative Review shall be conducted by any person designated by the Housing Commission other than the person who made or approved the original decision under review.

The applicant shall be given the opportunity to present documentation or written objections to the Housing Commission's decision. The Housing Commission shall promptly notify the participant in writing of the decision.

### **Participants**

The Housing Commission will issue participants a written Notice of Intended Action (NIA). The notice shall include: the reasons for the decision; the procedures for requesting a review if the participant does not agree with the determination; and the timeframe for requesting a review.

The Housing Commission must give a participant family an opportunity for an Administrative review to consider whether the following Housing Commission decisions relating to the individual circumstances of the participant family are in accordance with the law, HUD regulations and Housing Commission policies:

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A determination of the family's annual adjusted income and the use of such income to compute the housing assistance payment.

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

A determination of the family unit size under the Housing Commission subsidy standards.

The administrative review shall be conducted by any person designated by the Housing Commission other than the person who made or approved the decision under review.

The participant shall be given an opportunity to present oral or written objections to the Housing Commission decision. The Housing Commission shall promptly notify the participant in writing of the decision after the administrative review, including a brief statement of the reasons for the decision.

If the family does not agree with the determination, the family may request an informal hearing on the decision.

#### **U. WHEN AN INFORMAL HEARING IS REQUIRED**

In addition to the cases described above, the Housing Commission must give a participant family an opportunity for an Informal Hearing to consider whether the following Housing Commission decisions relating to the individual circumstances of the participant family are in accordance with the law, HUD regulations and Housing Commission policies:

A determination to terminate assistance for a participant family because of the family's action or failure to act.

A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under Housing Commission policy and HUD regulations.

#### **V. INFORMAL HEARING POLICY**

The purpose of the Informal Hearing Process is to afford the Housing Commission the opportunity to have an objective party consider whether decisions relating to a family's continuing eligibility are in accordance with law, HUD regulations and this Administrative Plan.

The Informal Hearing is not meant to replace or circumvent appropriate judicial review.

The Housing Commission may implement the following prior to the hearing:

Changes in total participant payment or participant rent.

Denial of a new voucher for a family that wants to move.

Unit size determinations for a family that wants to move.

The informal hearing will be conducted by any person designated by the Housing Commission, other than a person who made or approved the decision under review or a subordinate of that person.

The participant will be given the option of presenting oral or written objections to the decision in question. The participant has a right to legal counsel, at their own expense. The Hearing Officer will regulate the conduct of the hearing. Both the Housing Commission and the participant must have an opportunity to present evidence and/or witnesses as provided in this Plan established by the Housing Commission.

The Hearing Officer shall make a determination as to whether the rule or regulation was correctly applied based only on the information submitted at the hearing. A Notice of Hearing Findings (Hearing Decision) shall be provided, in writing, to the Housing Commission with a copy to the participant within 20 work days from the conclusion of the hearing.

The Housing Commission will retain all requests for a hearing, supporting documentation and a copy of the final decision.

## **W. PRE-HEARING PROCEDURES**

If Housing Commission staff discovers possible program violations by participants, staff is responsible for gathering and reviewing information to determine if there is cause to issue a Notice of Intended Action (NIA).

The NIA will include the action which the Housing Commission proposes to take; the reason for the action; the laws, regulations or policies which staff believe require the action; and the procedures for the participant to follow to request an informal hearing. All possible violations will be listed on the NIA at the time of issuance and will include a brief description as well as the approximate timeframe and place of possible violations.

The Housing Commission shall mail or personally deliver the NIA to the participant at least 20 workdays before the date of intended action.

The NIA will advise the participant they must request an informal hearing within 17 work days from the date of mailing of said notice.

The Housing Commission shall provide a hearing if a request for an informal hearing is made by the participant pursuant to the instructions on the NIA. The participant shall be notified of the scheduled hearing at least ten calendar days before the scheduled date.

After a hearing date has been scheduled, the family may request to reschedule, only one time, upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

Should the participant submit a request for a hearing on an untimely basis (later than 17 work days from the date of mailing of the Notice by the Housing Commission), staff will inform the participant by mail within ten calendar days of such receipt that the participant is not entitled to a hearing. However, a participant who has submitted an untimely hearing request within one year from the date the NIA was issued, and has shown good cause may be granted an informal hearing.

In the event the Housing Commission receives a clear, written statement signed by the participant that he/she no longer wishes to participate in the program; or if mail directed to the participant has been returned by the post office indicating no forwarding address and/or participant's whereabouts are unknown, it is understood that the Housing Commission may proceed with the intended action immediately.

## **X. PRE HEARING RIGHTS AND RESPONSIBILITIES**

The participant has rights and must adhere to the responsibilities outlined in the "Notification of Rights and Responsibilities Regarding the Grievance Hearing." These include:

The opportunity to receive a reasonable continuance of the hearing for good cause shown.

An adequate opportunity to examine the contents of their case file and all documents and records to be used by the Housing Commission at the hearing.

The right to receive, upon request, copies of documents and/or records that the Housing Commission expects to use at the hearing.

The right to choose an attorney or another person to represent them in the hearing.

The SDHC has a right to be notified if the family will be represented by an attorney or another person at the hearing.

The right to withdraw the hearing request at any time by so informing the Housing Commission in writing.

Before the scheduled hearing the Housing Commission must be given the opportunity to examine at Housing Commission offices any family documents that are directly relevant to the hearing. These documents must be submitted to the Hearing Coordinator within three work days before the scheduled hearing if the family intends to rely on these documents at the hearing. The Housing Commission must be allowed to copy any such document(s). If the family does not make the document available for examination on request of the Housing Commission, the family will not be allowed to present them for consideration at the hearing.

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For purposes of this section, the term "document" includes records and regulations. In no case will the family be allowed to remove the file from the Housing Commission's office.

The participant and the Hearing Officer shall be sent a copy of the Hearing Packet no less than five days before the Hearing.

If the Housing Commission does not make a document available for examination at the family's request, the Housing Commission may not rely on the document at the hearing.

#### **Y. RIGHTS AT THE HEARING**

At the hearing, the participant and the Housing Commission shall have the right to:

Represent themselves or be represented by a lawyer or other persons of their choosing.

Bring and examine witnesses.

Submit evidence to establish all relevant facts and circumstances in accordance with the above policy.

Offer explanations or arguments relevant to the issue(s).

Challenge any evidence or testimony including an opportunity to call, confront and cross-examine adverse witnesses.

Provide their own interpreter or other device facility to overcome language or other communication handicaps.

Record the proceedings on audiotape. After a hearing decision has been rendered, the family may request a copy upon provision of a 120-minute blank audiotape.

#### **Z. DENIAL OR DISMISSAL OF AN INFORMAL HEARING**

The Housing Commission shall deny or dismiss a timely request for a hearing under the following conditions:

The participant requesting the hearing has withdrawn the request.

When the sole issue is one of federal law or regulation requiring automatic adjustments for classes of Rental Assistance Program participants.

A hearing is deemed abandoned if the participant fails to appear within 30 minutes of the scheduled hearing.

Should the Housing Commission determine the hearing "abandoned," a letter will be sent to the participant stating the hearing was abandoned. The participant has five work days to demonstrate, in writing, good cause that the hearing should not be considered abandoned and request another hearing. "Good cause" is defined as an unavoidable conflict, which seriously affects the health, safety or welfare of the family.

Should the participant fail to contact the Housing Commission within five work days the Housing Commission will follow through with the intended action.

## **AA. CONDUCT OF HEARING**

The hearing may be conducted by any person or person(s) designated by the Housing Commission, other than a person who made or approved the decision under review or a subordinate of this person.

### **Hearing Officer Responsibility**

In conducting the Hearing, the Hearing Officer shall be responsible for:

Explaining the hearing is informal, but that the decision is binding, subject to judicial review.

Ensuring a full inquiry into all relevant issues.

Regulating the conduct of the hearing consistent with due process and in accordance with this Plan to ensure an impartial, orderly hearing.

Preparing an official hearing record, which shall contain the substance of the oral testimony presented at the hearing; all papers, documents, records, etc., submitted for the hearing and/or considered by the Hearing Officer; and the written decision of the Hearing Officer.

### **Evidence**

The Housing Commission and the family must be given the opportunity to present evidence in accordance with this Plan and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

### **Definition of Preponderance of Evidence**

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.



With respect to burden of proof in civil actions, this means the greater weight of evidence, or evidence which is more credible and convincing to the mind; that which best accords with reason and probability.

The word "preponderance" means something more than "weight"; it denotes a superiority of weight, or outweighing.

Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence, the opportunity for knowledge and the information possessed.

### **Credible Evidence**

Credible evidence can be provided by such sources as police, the court system and Housing Commission staff. Testimony from neighbors, when combined with other credible evidence, can be used to determine whether a preponderance of evidence exists.

## **BB. HEARING DECISIONS**

The hearing decision shall be based exclusively on the evidence and other material introduced at the hearing and which shall comply with governing law, regulations and Housing Commission policies. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing (24 CFR 982.555). A hearing decision shall be rendered which will either uphold or reverse the intended action of the Housing Commission.

The Hearing Officer shall not allow the participant or Housing Commission any additional time to provide information or evidence to support the participant's case. The Hearing Officer will issue a written decision to the Housing Commission and participant no later than 20 work days following the hearing except those hearings regarding eligible immigration status; in which case the decision will be issued within 14 days.

The hearing decision shall summarize the facts, identify each issue considered, specify the reasons for the decision on each issue and identify the supporting evidence, laws, regulations, and Housing Commission policies upon which the decisions are made.

The Hearing Officer must decide:

Whether the Housing Commission correctly applied the program rules, regulations or Housing Commission policies in the action outlined in the NIA; or

Whether the participant did or did not violate a program regulation, law or policy.

When the hearing decision is unfavorable to the participant, it shall advise the participant of the following:

The participant's right to obtain judicial review of the decision under California Code of Civil Procedure 1094.6 if a petition therefore is filed within 1 year of the date of the decision.

That the hearing decision shall be final and binding upon all parties unless timely judicial review is sought by either party.

Subject to 24 CFR 982.555 (f) the Commission is not bound by a hearing decision:

Concerning a matter for which the Housing Commission is not required to provide an opportunity for an informal hearing pursuant to 982.555 (f), or otherwise exceeds the authority of the person conducting the hearing under the Housing Commission hearing procedures; or

Contrary to HUD regulations or requirements, or otherwise contrary to federal, state or local law.

If the Housing Commission determines that it is not bound by a Hearing decision, the Housing Commission shall promptly notify the participant of the determination, and of the reasons for the determination.

#### **CC. RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS**

[24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated based on immigration status at any time before the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the Housing Commission hearing is pending but assistance to an applicant may be delayed pending the Housing Commission hearing.

**RESERVED**

## Chapter 12

### **SPECIAL HOUSING TYPES**

[24 CFR 982.601]

#### **INTRODUCTION**

The Housing Commission will permit the use of the following special housing types in its program:

- Single Room Occupancy (SRO)
- Manufactured Housing

The Housing Commission will permit the use of the following special housing types in its program only if the applicant/participant is elderly or disabled and can demonstrate that it is needed as a reasonable accommodation. Acceptable demonstration will include documentation from one or more knowledgeable professionals who are familiar with the applicant/participant and or the type of special housing requested as accommodation.

- Shared Housing
- Congregate Housing
- Group Homes

The Housing Commission will not set aside any program funding for special housing types, or for a special housing type.

#### **A. SINGLE ROOM OCCUPANCY (SRO)**

[24 CFR 982.602]

A single person may reside in an SRO housing unit.

There will be a separate lease and housing assistance payment contract for each assisted person residing in a SRO. [24 CFR 982.603]

#### **SRO Rent and Housing Assistance Payment**

Voucher Program:

The Housing Commission SRO payment standard is 75 percent of the zero bedroom payment standard schedule. For a person residing in an exception area the payment standard is 75 percent of the HUD-approved zero bedroom exception payment standard amount. While an assisted person resides in SRO housing, the SRO payment standard must be used to calculate the housing assistance payment.

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Utility Allowance:

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.

### **Housing Quality Standards**

The Housing Commission will ensure that all SRO units approved for the program are in compliance with all of the Housing Quality Standards for SRO's as regulated in 24 CFR 982.605.

### **B. CONGREGATE HOUSING**

[24 CFR 982.606]

An elderly person or a person with a disability may reside in a congregate housing unit.

The Housing Commission may approve a family member or live-in aide to reside with the elderly person or a person with a disability.

The Housing Commission will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by a person with a disability.

### **Congregate Housing Lease and HAP Contract**

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

The payment standard for a family that resides in a congregate housing unit is the zero-bedroom payment standard on the Housing Commission payment standard schedule unless there is a live-in aide.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family that resides in a congregate housing unit is the one bedroom payment standard amount.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

### **Housing Quality Standards**

The Housing Commission will ensure that all congregate housing units approved for the program are in compliance with all of the Housing Quality Standards for congregate housing as regulated in 24 CFR 982.609.

### **C. GROUP HOMES**

[24 CFR 982.610, 982.612]

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.

An elderly person or a person with a disability may reside in a state-approved group home. If approved by the Housing Commission, a live-in aide may reside with a person with a disability.

The Housing Commission must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by a person with a disability. Except for a live-in aide, all residents of a group home must be elderly persons or a person with a disability.

The Housing Commission will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

#### **Group Home Lease and HAP Contract**

There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any Housing Commission approved live-in aide.

#### **Group Home Rent and HAP Contract**

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 24 CFR 982.507. In determining reasonable rent the Housing Commission will consider whether sanitary facilities, and facilities for food preparation and service, are common or private facilities.

#### **Maximum Subsidy**

Unless there is a live-in aide, the family unit size is one bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size or the pro-rata portion of the payment standard amount on the Housing Commission payment standard schedule for the group home size.

### **Utility Allowance**

The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

### **Housing Quality Standards**

The Housing Commission will ensure that all group home units approved for the program are in compliance with all of the Housing Quality Standards for group homes as regulated in 24 CFR 982.614.

### **D. SHARED HOUSING**

[24 CFR 982.615]

#### **Occupancy**

An elderly person or a person with a disability may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment. Persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

The Housing Commission may approve a live-in aide to reside with a family in order to care for a person with a disability. The Housing Commission must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by, a person with a disability.

A resident owner may enter into a HAP contract with the Housing Commission. However, housing assistance may not be paid on behalf of an owner. The Housing Commission will not approve assistance for a person or family that is related to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

#### **Rent and HAP Contract**

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five-bedroom unit, the ratio would be 3/5.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in the "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

### **Maximum Subsidy**

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

If the Housing Commission approves a live-in aide, the live-in aide will be counted in determining the family unit size.

### **Utility Allowance**

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

### **Housing Quality Standards**

The Housing Commission will ensure that all shared housing units approved for the program are in compliance with all of the Housing Quality Standards for shared housing as regulated in 24 CFR 982.618.

## **E. MANUFACTURED HOMES**

[24 CFR 982.620]

The Housing Commission will permit a family to lease a manufactured home and space with assistance under the program. The Housing Commission will provide assistance for a family that owns the manufactured home and leases only the space.

The Housing Commission may approve a live-in aide to reside with a family to care for a person with a disability. The Housing Commission will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to, and usable by, a person with a disability. If the Housing Commission approves a live-in aide, the live-in aide must be counted when determining the family unit size.

### **Housing Quality Standards**

A manufactured home must meet all the HQS requirements outlined in the "Housing Quality Standards and Inspections" chapter and regulated by 24 CFR 982.401. In addition, the manufactured home also must meet the following requirements:

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.

A tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding must securely anchor a manufactured home.

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### **Manufactured Home Space Rental**

Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

### **Reasonable Rent**

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the Housing Commission. For purposes of comparability the Housing Commission shall use rates from Mobile Home parks in the City and County of San Diego.

The Housing Commission will not approve a lease for a manufactured home space until the Housing Commission has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the Housing Commission will re-determine that the rent is reasonable.

The Housing Commission will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The Housing Commission will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the Housing Commission, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the Housing Commission, the owner must provide the Housing Commission information on rents for other manufactured home spaces.

### **Manufactured Housing Demonstration Program**

The San Diego Housing Commission has been selected by HUD to conduct a pilot program for owners of manufactured homes whose park owners refuse to accept Section 8. In cases when an eligible family owns a manufactured home and rents real property on which their home is located, the family still may participate in the tenant based assistance program. The Housing Commission shall enter into appropriate agreements with the family and issue Housing Assistance Payments directly to them. Special funding is not appropriated for this demonstration program. Participants are selected from the waiting list in accordance with this Plan.

## Chapter 13

### SPECIAL PROGRAMS

#### **SECTION 1        MODERATE REHABILITATION PROGRAM**

##### **INTRODUCTION**

The Moderate Rehabilitation Program (Mod Rehab) is a project-based program. The San Diego Housing Commission provides housing assistance to qualified, very low-income individuals and/or families. Mod Rehab participants do not locate their own unit but must move to a unit already on the Mod Rehab Program. If the family moves out of the Mod Rehab unit for any reason, their Mod Rehab assistance will be terminated.

##### **A.        MODERATE REHABILITATION WAITING LIST AND LEASE UP**

When the owner notifies the Housing Commission of a vacant unit, the computer will randomly select an adequate number of applicants within the top preference category. Selected applicants will be notified of the opportunity to be considered for the vacant unit and that it will be their responsibility to request a further opportunity if they wish to be considered for future vacancies.

NOTE:            Participation in the Mod Rehab Program will not affect the applicant's Section 8 Waiting List application.

If the owner is unable to find a suitable tenant from the initial Mod Rehab Referral List, the owner must return the Referral List, with their comments regarding each applicant, ten days after the expiration date. The owner must then request another Referral List, continuing this process until a suitable tenant from the Section 8 waiting list is found.

Owners will be required to notify the Housing Commission when a prospective applicant has been selected for a vacant unit. The Housing Assistant will conduct an interview to determine eligibility for the Mod Rehab program. Once eligibility is determined, the Housing Commission will advise the applicant that rental assistance will not be provided until the unit passes inspection and the lease has been completed.

If a Mod Rehab unit remains vacant for six months or more due to the owner not complying with the requirements in taking all feasible actions to fill the vacancy, the Housing Commission may drop the unit from the program.

The Mod Rehab Housing Assistance Payment (HAP) Contract is a 15-year contract. Only during the inception of the Mod Rehab Program was the owner required to sign a HAP contract.

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## **B. TRANSFERS WITHIN THE MOD REHAB PROGRAM**

If the Housing Commission determines a unit is overcrowded or under-occupied due to a change in the family size, the family must move to a suitable sized unit. The participant will be placed on the Mandatory Mod Rehab Transfer List. The family will receive three referrals to an appropriately sized Mod Rehab unit. If the participant fails to apply to any of the referred units, the participant's eligibility for the Mod Rehab program will be terminated.

NOTE: There is no assurance that another unit will be available or that the owner will select the family.

## **C. FAMILIES HOLDING A VOUCHER**

Families holding a Voucher may apply for the Mod Rehab Program. The family will be required to voluntarily surrender their Voucher and terminate their Section 8 eligibility prior to occupying a Mod Rehab unit.

## **D. CLAIMS AND VACANCY LOSS**

### **Vacancy Loss**

The owner must notify the Housing Commission of any units that will be vacant and the anticipated effective date. The Housing Commission will notify the next 20 applicants on the Section 8 Waiting List.

The owner may submit a claim for vacancy loss to the Claims Coordinator if the owner:

1. Has complied with the requirements of notifying the Housing Commission of a vacancy; and
2. Has taken and continues to take all feasible actions to fill the vacancy; and
3. Has not rejected any eligible applicant except for cause acceptable to the Housing Commission.

The owner may be entitled to payment of up to 80% of the Contract Rent for the unit.

The Claims Coordinator is responsible for weighing the factors involved in determining the owner's eligibility for vacancy loss. If the owner's claims are in compliance with the guidelines, the Housing Commission will process it for payment.

The owner has up to three (3) months from the move-out date, to submit a claim for vacancy loss.

### **Damage Claims**

An owner must notify the Claims Coordinator within two working days of the tenant's move-out date to request a Move-Out Inspection.

The owner may be entitled to a maximum damage claim of two months contract rent minus the security deposit.

Within 60 days from the Move-Out Inspection the owner must complete and return the application with itemized receipts.

The Claims Coordinator is responsible for weighing the factors involved, reviewing the receipts and damages and conducting the Move-Out Inspection. If the owner is entitled to a damage claim, the Claims Coordinator will process it for payment.

## **SECTION 2            FAMILY SELF SUFFICIENCY PROGRAM**

### **A.        SELECTION OF PARTICIPANTS AND SUPPORT SERVICES**

Participants in the Rental Assistance Program may participate in the Family Self-Sufficiency Program on a voluntary basis. Outreach to Rental Assistance Program participants is conducted on a regular basis, as detailed in the FSS Action Plan.

All eligibility criteria will be in accordance with the current Rental Assistance Program regulations.

The required linkages and delivery of support services will be facilitated by the Housing Commission's Resident Services department.

Full explanation of the model is included in the FSS Action Plan.

### **B.        ESCROW ACCOUNTS**

Increases in FSS participants rent shares due to increased earnings will be paid into an escrow account on behalf of participants. Upon the applicant's successful completion of the FSS Program, the participant will be eligible to receive the money in the escrow account.

### **C.        PORTABILITY**

The Housing Commission will administer incoming vouchers of families choosing to port in to San Diego. New Contracts of Participation will be executed for the remaining term of the original Contract that was executed by the Initiating PHA.

San Diego participants can elect to port out of the program at the end of the initial lease term. The Family must demonstrate to the FSS Coordinator that they will be able to fulfill the responsibilities under the original (or modified) Contract.

#### **D. TERMINATION OF ASSISTANCE**

When a Family is terminated from the Rental Assistance Program, the Family Self-Sufficiency Contract of Participation is terminated immediately. FSS services may be withheld for other circumstances, as detailed in the FSS Action Plan.

All other program procedures, regulations, etc. which apply to the Rental Assistance Program participants as outlined in the SDHC Administrative Plan will be followed for FSS participants.

For specific procedures regarding FSS participants, please refer to the FSS Action Plan.

#### **SECTION 3 PROJECT BASED**

##### **Program Description:**

This is a Federal Section 8 housing subsidy program that ties rental assistance directly to a specific unit or project for an aggregate term up to 15 years. The San Diego Housing Commission will fund the Project-Based Voucher Program through its Housing Choice Voucher Program (Section 8), using funds provided by the U.S. Department of Housing and Urban Development (HUD). A maximum of 200 PBV units will be provided during FY2009. The total cumulative number of PBV units will not exceed 20 percent of the baseline number of units in the PHA's voucher program.

The Project-based Voucher Program consists of existing housing, new construction, or rehabilitation projects comprised of multifamily or single-family units. The Program is targeted to homeless persons or families that receive supportive services in addition to housing. These populations may include, but are not limited to:

- Victims of Domestic Violence
- Persons with Disabilities – Mentally Ill, Developmentally Disabled, Physically Disabled
- Persons with HIV/AIDS
- Youth
- Persons with Alcohol/Drug Addictions
- Veterans
- Elderly

The program may also be used for projects serving the elderly or persons with disabilities, whether they are homeless or not.

Projects are eligible to receive vouchers for up to 75 percent of the units, at the sole discretion of the Housing Commission.

The PBV program provides housing assistance to qualified, very-low income individuals and families. Project-Based Voucher participants do not locate their own unit but must move to a unit already in the Project-based Voucher Program.

### **Homeless**

An applicant is considered homeless if the applicant lacks a fixed, regular and adequate night-time residence and can provide verification that their nighttime residence is:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
2. A public or private place that provides temporary residence for individuals intended to be institutionalized (not incarcerated); or
3. A public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

Homeless applicants who meet the criteria described above must provide proof of homelessness. Examples of such proof include certification of homeless status from a public or private facility, including Transitional Housing, that provides shelter for such households; a copy of an arrest record for vagrancy or illegal lodging from the local police department; or other documentation that can be obtained from any social service agency that provides services to the homeless.

### **Program Goals:**

- Expand and stabilize the housing opportunities of homeless persons/families and increase their economic opportunities by providing supportive services and teaching independent living skills.

### **Owner Proposal Selection:**

The Housing Commission will select owner proposals through a competitive Request for Proposal process. Specifically, the PHA will advertise in a newspaper of general circulation that the PHA will accept applications for PBV assistance. The advertisement will be published once a week for three consecutive weeks with an application deadline of at least 30 days after the date the advertisement is last published. The advertisement will specify the number of PBV units that will be available.

In addition, the Housing Commission will accept applications from owners with housing that is assisted under a federal, state, or local government housing assistance, community development, or supportive services program that required competitive selection of proposals (e.g. HOME, LIHTC, and MHSA projects). These applications will be continually accepted and evaluated based on the availability of vouchers.

All applications will be reviewed and evaluated based on the following criteria:

1. The project complies with the PBV site selection standards of § 983.57 and contributes to the geographic distribution of affordable housing throughout the City of San Diego, thus promoting de-concentration of poverty, and expanding housing and economic opportunities.
2. The project meets the following site and neighborhood standards:
  - Site is adequate in size, exposure, and contour to accommodate the number and type of units proposed, and adequate utilities and streets are available to service the site;
  - Site promotes greater choice of housing opportunities and avoids undue concentration of assisted persons in areas containing a high proportion of low-income persons;
  - Site is accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents;
  - Site is located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers is not excessive.
3. Site is suitable for facilitating and furthering full compliance with fair housing objectives.
4. Proposed units fully meet federal Housing Quality Standards (HQS).
5. Experience of the applicant in managing residential housing and providing supportive services.
6. The project provides one or more of the following supportive services aimed at assisting homeless participants re-establish permanent independent living and those services are appropriate for the target population:
  - Child care
  - Job training/placement
  - Case management
  - Health care, mental health care, or psychiatric care
  - Transportation
  - Employment assistance
  - Education
  - Vocational opportunities
  - Life skills training
  - Counseling, including housing counseling
  - Substance abuse treatment
  - Parenting skills
  - Budgeting
  - Housing information referrals

Each tenant will have an Individual Service Plan (ISP) that details the specific services to be provided, their frequency and duration. These ISPs will vary from individual to individual based on individual need.

7. Target Population. In the event the number of PBV applications exceeds the number of available vouchers, projects will be prioritized as follows:
  - 1) Existing housing projects will be favored over new construction or rehabilitation projects.
  - 2) Project provides comprehensive supportive services.
  - 3) Project serves homeless families with children (2+ bedroom units).
  - 4) Project serves homeless persons with disabilities.
  - 5) Project serves homeless elderly persons.
  - 6) Project serves homeless individuals.
  - 7) Project serves non-homeless persons with disabilities.
  - 8) Project serves non-homeless elderly persons.

Applications need a minimum score of 75 points (out of 100) to receive an allocation of Project-based Vouchers.

### **Waiting List and Lease Up**

The owner must notify the Housing Commission of any vacancies. When the owner notifies the Housing Commission of a vacant unit, the computer will select the next 20 applicants within the preference category from the Housing Commission's PBV waiting list. Selected applicants will be notified of the opportunity to be considered for the vacant unit and that it will be their responsibility to request a further opportunity if they wish to be considered for future vacancies. Applicants will be provided a description of the type of supportive services offered at the PBV project. PBV projects may serve specific homeless subpopulations such as veterans, victims of domestic violence, and persons with disabilities.

If the owner is unable to find a suitable tenant from the initial referral list, the Housing Commission will select the next 20 applicants within the preference category from the PBV waiting list. If the owner is still unable to find a suitable tenant from the referral list, the owner may select a tenant from their own waiting list who is also on the Housing Commission's PBV Waiting List. Owners are encouraged to refer clients to the Housing Commission Waiting List. The Housing Commission (or designee) will conduct an interview to determine eligibility for the PBV program. For PBV site-specific projects, the owner's are responsible for determining tenant eligibility to receive site-specific supportive services.

Tenants must comply with owner's supportive services program requirements as a condition of tenancy. The tenant and the PHA must sign a statement of family responsibility that contains all of the family obligations including the family's participation in an owner-provided supportive services program. Failure by the family without good cause to fulfill its supportive services obligation will result in termination of PBV assistance. The Housing Commission will require



bi-annual progress reports from the Owners in addition to owner certification that tenants are in compliance with the ISPs.

Vacancies at Hollywood Palms will be referred from the regular Housing Commission Section 8 Waiting List. When the owner notifies the Housing Commission of a vacant unit, the computer will select the next 20 applicants from the Housing Commission's waiting list. Selected applicants will be notified of the opportunity to be considered for the vacant unit. If the owner is unable to find a suitable tenant from the initial referral list, the Housing Commission will select the next 20 applicants within the preference category from the waiting list. If the owner is still unable to find a suitable tenant from the referral list, the owner may select a tenant from their own waiting list who is also on the Housing Commission's Waiting List. The Housing Commission (or designee) will conduct an interview to determine eligibility for the program.

### **PBV Waiting List Preferences**

The Housing Commission PBV Waiting List will give a preference to homeless persons/families, the elderly, and persons with disabilities: Homeless persons will receive a preference over non-homeless.

Applicants will be referred from the Housing Commission PBV Waiting List based on the date of time of their application.

1. Within each of the following categories, applicants will be served by the date and time of application based on the availability of site-specific supportive services:
  - Homeless Families
  - Victims of Domestic Violence
  - Homeless persons with disabilities
  - Homeless veterans
  - Homeless elderly persons
  - Homeless individuals
  - Persons with HIV/AIDS (homeless or non-homeless)
  - Non-homeless persons with disabilities
  - Non-homeless elderly persons

### **Conversion to Tenant Based Section 8 Assistance**

After a household has participated in the Project-based Voucher program for at least 12 months, they may move from the assisted unit and retain federal housing assistance. The Housing Commission will provide a household who leaves the Project-Based Voucher program after a one-year period with tenant-based assistance, if they are in good standing with Housing

Commission and Section 8 requirements. Households who leave the Project-Based Voucher program before one year are not eligible for continued assistance.

**Minimum Rent to Tenants**

Minimum rent to tenants under the Project-based Voucher program is \$25.00.

## **GLOSSARY**

### **A. ACRONYMS USED IN SUBSIDIZED HOUSING**

<b>AAF</b>	Annual Adjustment Factor. A factor published by HUD in the Federal Register that is used to compute annual rent adjustment.
<b>ACC</b>	Annual Contributions Contract
<b>ADA</b>	Americans with Disabilities Act of 1990
<b>AMI</b>	Adjusted Monthly Income
<b>AMP</b>	Address Match Program
<b>BMIR</b>	Below Market Interest Rate
<b>BR</b>	Bedroom
<b>CDBG</b>	Community Development Block Grant
<b>CFR</b>	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of federal rules that are first published in the Federal Register and define and implement a statute.
<b>CLETS</b>	California Law Enforcement Telecommunications System
<b>CPI</b>	Consumer Price Index. The CPI is published monthly by the Department of Labor as an inflation indicator.
<b>EIV</b>	Enterprise Income Verification System. HUD's computer matching up front verification (UIV) tool between HUD, Health & Human Services (HHS) and Social Security Administration (SSA)
<b>ELI</b>	Extremely low income
<b>FDIC</b>	Federal Deposit Insurance Corporation
<b>FHA</b>	Federal Housing Administration
<b>FICA</b>	Federal Insurance Contributions Act - Social Security taxes
<b>FMHA</b>	Farmers Home Administration
<b>FMR</b>	Fair Market Rent

<b>FY</b>	Fiscal Year
<b>GAO</b>	Government Accounting Office
<b>GR</b>	Gross Rent
<b>HAP</b>	Housing Assistance Payment
<b>HAP Plan</b>	Housing Assistance Plan
<b>HCDA</b>	Housing and Community Development Act
<b>HQS</b>	Housing Quality Standards
<b>HUD</b>	The Department of Housing and Urban Development or its designee.
<b>HURRA</b>	Housing and Urban/Rural Recovery Act of 1983; resulted in most of the 1984 HUD regulation changes to definition of income, allowances, rent calculations
<b>IG</b>	Inspector General
<b>IGR</b>	Independent Group Residence
<b>IPA</b>	Independent Public Accountant
<b>IRA</b>	Individual Retirement Account
<b>MSA</b>	Metropolitan Statistical Area established by the U.S. Census Bureau
<b>NEPD</b>	Non-Elderly Persons with Disabilities program
<b>NIMH</b>	National Institute of Mental Health
<b>PHA</b>	Public Housing Agency
<b>PMSA</b>	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
<b>PS</b>	Payment Standard
<b>QC</b>	Quality Control
<b>RFP</b>	Request for Proposals
<b>RFTA</b>	Request for Tenancy Approval

<b>RTO</b>	Rent to Owner
<b>SRO</b>	Single Room Occupancy
<b>TR</b>	Tenant Rent
<b>TTP</b>	Total Tenant Payment
<b>UA</b>	Utility Allowance
<b>UIV</b>	Upfront Income Verification
<b>URP</b>	Utility Reimbursement Payment
<b>VASH</b>	Veterans Affairs Supportive Housing
<b>VAWA</b>	Violence Against Women Act

## **B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING**

**ADMINISTRATIVE PLAN** The HUD required written policy of the PHA governing its administration of the Section 8 Certificate and Voucher program. The Administrative Plan and any revisions must be approved by the PHA's board and a copy submitted to HUD.

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

**ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE")** Account established by HUD from amounts by which the maximum payment to the PHA under the consolidated ACC (during a PHA fiscal year) exceeds the amount actually approved and paid. This account is used is the source of additional payments for the program.

**ACTIVE U.S. SERVICEPERSON** A person in the active military of the United States.

**ADDRESS MATCH PROGRAM** The San Diego Police Department provides the Housing Commission with arrest sheets for drug/violent crime arrests at subsidized housing units or for persons listing subsidized housing as their place of residence. The Housing Commission provides to the police a current list of subsidized units every month.

**ADJUSTED INCOME** Annual income, less allowable HUD deductions.

**ADMINISTRATIVE FEE** Fee paid by HUD to the PHA for administration of the program.

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

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

**ALCOHOL ABUSE** Abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

**ANNUAL BUDGET AUTHORITY** The maximum annual payment by HUD to a PHA for a funding increment.

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

**ANNUAL INCOME** The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

**ANNUAL INCOME AFTER ALLOWANCES** The Annual Income (described above) less the HUD-approved allowances.

**ANNUAL REEXAMINATION** Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim reexaminations.

**APPLICANT** (or applicant family) A family that has applied for admission to a program, but is not yet a participant in the program.

**AREA EXCEPTION RENT** Rent based on a HUD- approved payment standard amount that is higher than the basic range for a designated part of the fair market rent area ("exception area").

**ASSETS** (See Net Family Assets.)

**ASSISTED TENANT** A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or Section 8 assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

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

**CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)**  
A system accessed through the San Diego Police Department which provides statewide felony information of an individual.

**Cal WORKS** The current name for welfare that aids families with dependant children.

**CERTIFICATE** A Certificate issued by the PHA under the pre-merger Rental Certificate Assistance Program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation. Will no longer be issued after October 1, 1999.

**CHILD CARE EXPENSES** Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

**CO-HEAD** An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-head and a Spouse and; a Co-head is never a Dependent).

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**CONGREGATE HOUSING** Housing for elderly persons or a person with a disability that meets the HQS for congregate housing

**COOPERATIVE** A dwelling unit owned and or shared by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room and some bathrooms.

**CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT** (Consolidated ACC) See 24 CFR 982.151.

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

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

**CONTRACT** (See Housing Assistance Payments Contract)

**DEPENDENT** A member of the family household (excluding foster children) other than the family head, spouse, or co-head who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

**DISABILITY ASSISTANCE EXPENSE** Anticipated costs for care attendants and auxiliary apparatus for disabled family members which enable a family member (including the disabled family member) to work.

**DISABLED PERSON** A person who is any of the following:

A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).

A person who has 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 ability to live independently could be improved by more suitable housing conditions.

A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

**DISABLED FAMILY** A family where the head, spouse, or co-head meet any of the above criteria for disabled person.



**DISPLACED PERSON/FAMILY** A person or family displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

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

**DRUG-RELATED CRIMINAL ACTIVITY** The illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Drug-related criminal activity means on or off the premises, not just on or near the premises.

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

**ELDERLY FAMILY** A family whose head, spouse, or co-head or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well-being.

**ELDERLY PERSON** A person who is at least 62 years old.

**ELIGIBLE FAMILY (Family)** A family as defined by the PHA in the Administrative Plan.

**EXCESS MEDICAL EXPENSES** Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.

**EXTREMELY LOW-INCOME FAMILY** A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

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

**FAMILY** A family is either a single person or a two or more people and includes:

- A household with or without children. A child who is temporarily away from home due to placement in foster care should be considered a member of the family.
- An elderly family, which is defined as a family whose head, co-head, spouse, or sole member is at least 62 years of age; or two or more persons, each of whom are at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.

- A disabled family, which means a family whose head, co-head, spouse, or sole member is a person with a disability; or two or more persons with a disability; or one or more persons with a disability with one or more live-in aides.
- A displaced family, which is a family in which each member or the sole member is a person displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized by federal disaster relief laws.
- A remaining member of a tenant family is a family member of an assisted tenant family who remains in the unit when other members of the family have left the unit.
- A single person who is not an elderly or displaced person, or a person with a disability, or the remaining member of a tenant family.

**FAMILY OF VETERAN OR SERVICE PERSON** A spouse or ex-spouse that has not remarried.

**FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM)** The program established by a PHA to promote self-sufficiency of assisted families, including the provision of an escrow account.

**FAMILY SHARE** The amount calculated by subtracting the housing assistance payment from the gross rent.

**FAMILY UNIT SIZE** The size of the voucher issued to the family based on the PHA's subsidy standards.

**FMR/EXCEPTION RENT LIMIT** The fair market rent published by HUD headquarters. In the voucher program the PHA may adopt a payment standard up 110% of the FMR/exception rent limit.

**FOSTER CHILD CARE PAYMENT** Payment to eligible households by state, local, or private agencies appointed by the state, to administer payments for the care of foster children.

**FULL-TIME STUDENT** A person who is attending school or vocational training on a full-time basis as defined by the institution.

**FUNDING INCREMENT** Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

**GROSS RENT** The sum of the Rent to Owner and the utility allowance. If there is no utility allowance, Rent to Owner equals Gross Rent.

**GROUP HOME** A dwelling unit that is licensed by a state as a group home for the exclusive residential use of two to twelve persons who are elderly or a persons with a disability (including any live-in aide).

**HAP CONTRACT** (See Housing Assistance Payments contract)

**HEAD OF HOUSEHOLD** The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

**HOMELESS** An applicant is considered homeless if the applicant lacks a fixed, regular and adequate night-time residence and can provide verification that their nighttime residence is:

- a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- b) An institution that provides temporary residence for individuals intended to be institutionalized (not incarcerated); or
- c) A public or private place not designed for, or ordinarily used as, a regular place for human beings.

**HOUSING AGENCY** A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "PHA" includes an Indian housing authority (IHA). ("HA" and "PHA" mean the same thing.)

**HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974** Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the Section 8 Programs.

**HOUSING ASSISTANCE PAYMENT** The monthly assistance payment by a PHA. The total assistance payment consists of:

A payment to the owner for rent to owner under the family's lease.

An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

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

**HOUSING ASSISTANCE PLAN** (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A

Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

**HOUSING QUALITY STANDARDS (HQS)** The HUD minimum quality standards for housing assisted under the tenant-based programs.

**HUD REQUIREMENTS** HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations, Federal Register notices or other binding program directives.

**IMPUTED ASSET** Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

**IMPUTED INCOME** HUD passbook rate times total cash value of assets. Calculation used when assets exceed \$5,000.

**INITIAL PHA** In portability, the term refers to both:

A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and

A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

**INITIAL PAYMENT STANDARD** The payment standard at the beginning of the HAP contract term.

**INITIAL RENT TO OWNER** The rent to owner at the beginning of the HAP contract term.

**INCOME** Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

**INCOME FOR ELIGIBILITY** Annual Income.

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

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

By exercise of the power of self-government of an Indian Tribe, independent of state law, or

By operation of state law providing specifically for housing authorities for Indians.

**INTEREST REDUCTION SUBSIDIES** The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR

projects. Includes monthly interest reduction payments made to mortgages of Section 236 projects and front-end loan discounts paid on BMIR projects.

**JURISDICTION** The area in which the PHA has authority under state and local law to administer the program.

**LANDLORD** This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

**LEASE** A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA. In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the PHA.

**LEASE ADDENDUM** See Tenancy Addendum

**LIVE-IN AIDE** A person who resides with an elderly person or disabled person and who:

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

Is not obligated for the support of the person.

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

**LOCAL PREFERENCE** A preference used by the PHA to select among applicant.

**LOW-INCOME FAMILY** A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

**MANUFACTURED HOME** A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type. See 24 CFR 982.620 and 982.621.

**MANUFACTURED HOME SPACE** Is a space leased by an owner to a family in a manufactured home space rental. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624

**MARKET RENT** The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

**MEDICAL EXPENSES** Those total medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. A deduction for Elderly/Disabled Households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

**MINOR** A member of the family household (excluding foster children) other than the family head, spouse or co-head who is under 18 years of age.

**MIXED FAMILY** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status as defined in 24 CFR 5.504(b)(3)

**MONTHLY ADJUSTED INCOME** 1/12 of the Annual Income after Allowances or Adjusted Income.

**MONTHLY INCOME** 1/12 of the Annual Income.

**NATIONAL** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**NEGATIVE RENT** Utility Reimbursement Payment (URP).

**NET FAMILY ASSETS** Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

**NET FAMILY CONTRIBUTION** Tenant Rent.

**NON CITIZEN** A person who is neither a citizen nor a national of the United States.

**OCCUPANCY STANDARDS** Subsidy Standards.

**OWNER** Any persons or entity having the legal right to lease or sublease a unit to a participant.

**PARTICIPANT** A family that has been admitted to the PHA's voucher program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (First day of initial lease term).

**PAYMENT STANDARD** The maximum subsidy payment for a family (before deducting the family contribution). The PHA sets a payment standard in the range from 90 to 110 percent of the current FMR/exception rent limit.

**PERSONS WITH DISABILITIES** Individuals with any condition or characteristic that renders a person an individual with a handicap as defined in 24 CFR 8.2.

**PHA PLAN** The annual plan and the 5-year plan as adopted by the PHA and approved by HUD in accordance with part 903 of this chapter.

**PORTABILITY** Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA

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

**PREPONDERANCE OF EVIDENCE** 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.

**PRIVATE SPACE** In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

**PROGRAM** The Section 8 tenant-based assistance program under this part.

**PROGRAM RECEIPTS** HUD payments to the PHA under the consolidated ACC, and any other amounts received by the PHA in connection with the program.

**PUBLIC ASSISTANCE** Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

**PUBLIC HOUSING AGENCY (PHA)** PHA includes any State, county, municipality or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality of such an entity), or any of the following:

A consortia of housing agencies, each of which meets the qualifications in paragraph (1) of this definition, that HUD determines has the capacity and capability to efficiently administer the program (in which case, HUD may enter into a consolidated ACC with any legal entity authorized to act as the legal representative of the consortia members):

Any other public or private non-profit entity that was administering a Section 8 tenant-based assistance program pursuant to a contract with the contract administrator of such program (HUD or a PHA) on October 21, 1998; or

For any area outside the jurisdiction of a PHA that is administering a tenant-based program, or where HUD determines that such PHA is not administering the program effectively, a private non-profit entity or a governmental entity or public body that would otherwise lack jurisdiction to administer the program in such area.

**REASONABLE RENT** A rent to owner that is not more than rent charged for comparable units in the private unassisted market, and not more than the rent charged for comparable unassisted units in the premises.

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

**REGISTERED SEX OFFENDER** A person who is subject to a lifetime registration requirement under a state sex offender registration program.

**REMAINING MEMBER OF TENANT FAMILY** A family member of an assisted family who remains in the unit after other family members have left the unit.

**RENT TO OWNER** The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

**RESIDENCY PREFERENCE** A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area (“residency preference area”).

**RESIDENCY PREFERENCE AREA** The specified area where families must reside to qualify for a residency preference.

**RESIDENT ASSISTANT** A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving Section 8 housing assistance and who is essential to these individuals' care or well-being. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving Section 8 assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

**RESPONSIBLE ENTITY** For the public housing and Section 8 tenant-based assistance, project-based voucher assistance and moderate rehabilitation program, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

**SECRETARY** The Secretary of Housing and Urban Development.

**SECURITY DEPOSIT** A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

**SERVICE PERSON** A person in the active military of the United States.

**SINGLE PERSON** A person living alone or intending to live alone who is not elderly or displaced or a person with a disability, or the remaining member of a tenant family.

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



**SPECIAL HOUSING TYPES** See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

**SPOUSE** The husband or wife of the head of the household.

**SUB-REGIONAL AREAS** Homogeneous geographic areas created by combining census tracts.

**SUBSIDIZED PROJECT** A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or

Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or

Direct loans pursuant to Section 202 of the Housing Act of 1959; or

Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;

Payments under the Section 8 Housing Assistance Payments Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;

A Public Housing Project.

**SUBSIDY STANDARDS** Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

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

**TENANCY ADDENDUM** In the lease between the tenant and the owner, the lease language required by HUD.

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

**TENANT RENT** The amount payable monthly by the family as rent to the unit owner (Section 8 owner or PHA in public housing).

**TOTAL TENANT PAYMENT (TTP)** The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

**UNIT** Residential space for the private use of a family.

**UTILITIES** Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

**UTILITY ALLOWANCE** If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthy living environment.

**UTILITY REIMBURSEMENT PAYMENT (URP)** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

**VACANCY LOSS PAYMENTS** (For contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

**VERY LOW INCOME FAMILY** A Lower-Income Family who's Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the Voucher Program.

**VETERAN** A person who has served in the active military service of the United States at least four (4) months or longer and who shall have been released under conditions other than dishonorable, bad conduct or court martial.

**VIOLENCE AGAINST WOMEN ACT (VAWA)** A federal law that provides certain rights and protections to program applicants or Section 8 program participants, who are victims of domestic violence, dating violence or stalking, and who are otherwise compliant with all program obligations. The law protects against denial of assistance or denial of admission by a PHA or evictions by an owner or manager for an incident or incidents of actual or threatened domestic violence, dating violence, or stalking.

**VIOLENT CRIMINAL ACTIVITY** 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.

**VOUCHER HOLDER** A family holding a voucher with an unexpired term (search time).

**VOUCHER PROGRAM** The Housing Choice Voucher program.

**WAITING LIST ADMISSION** An admission from the PHA waiting list.

**WAITING LIST** A list of families organized according to HUD regulations and PHA policy who are waiting for subsidy to become available.

**WELFARE ASSISTANCE** Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely for meeting housing expenses, nor programs that provide health care, child care or other services for working families.

### **C. GLOSSARY OF TERMS USED IN THE NONCITIZEN RULE**

**CHILD** A member of the family other than the family head, spouse, or co-head who is under 18 years of age.

**CITIZEN** A citizen or national of the United States.

**EVIDENCE** Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

**HEAD OF HOUSEHOLD** The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

**HUD** Department of Housing and Urban Development.

**INS** The U.S. Immigration and Naturalization Service.

**MIXED FAMILY** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

**NATIONAL** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**NONCITIZEN** A person who is neither a citizen nor nation of the United States.

**PHA** A housing authority who operates Rental Assistance or Public Housing.

**RESPONSIBLE ENTITY** The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the PHA).

**SECTION 214** Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

**SPOUSE** Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by HUD.

**End of Administrative Plan**

**Attachment 6 – ca063g09 – Version 2**  
**Revision Summary - Family Self-Sufficiency Action Plan**

Current – FY08	Revision – FY09	Explanation
<p><b><u>PROGRAM SIZE</u></b></p> <p>The current FSS Action Plan identifies the size of the FSS Program as follows:</p> <p><b>Public Housing FSS Program:</b></p> <p>Minimum Program Size: 31</p> <p>Total Program Size: 100 (includes voluntary slots)</p> <p><b>Section 8 FSS Program:</b></p> <p>Minimum Program Size: 259</p> <p>Total Program Size: 400 (includes voluntary slots)</p>	<p><b><u>REVISED PROGRAM SIZE</u></b></p> <p>The revision identifies program size as follows:</p> <p><b>Section 8 FSS Program:</b></p> <p>Minimum Program Size: 244</p> <p>Total Program Size: 475</p>	<p>As the Housing Commission exited the Public Housing Program, individuals who were residing in Public Housing units received Section 8 vouchers. Those families who were enrolled in the Public Housing FSS Program transitioned into the Section 8 FSS Program. The start date for their FSS contract and the level of service available to those families will remain the same.</p>

# **SAN DIEGO HOUSING COMMISSION**

## **Family Self-Sufficiency Program Action Plan**

Policies and regulations governing the administration  
of the San Diego Housing Commission  
Family Self-Sufficiency Program

Approved April 4, 2008

**SAN DIEGO HOUSING COMMISSION**  
**Family Self-Sufficiency Program**  
**Action Plan**

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## **I. INTRODUCTION**

As the seventh largest metropolitan area in the nation, San Diego has a countywide population of over six million people, with one of the highest costs of living in the nation. The rising cost of living in San Diego presents economic challenges for low-income families as they struggle to meet basic needs, such as housing, child care and transportation. A widening income gap in San Diego is brought about by growth on two opposite ends of the job spectrum. Growth in the service industry has produced more low-wage jobs that require less education and less specialized skills. At the same time, expansion in high-wage industries such as healthcare and technology has produced jobs that require higher levels of education and specialized skills. The working poor find themselves trapped in dead-end jobs at the low paying end of the spectrum with very little prospect of reaching higher-paying careers.

The welfare reform movement that began in the 1990's has had a significant impact on low-income households. The legislation that required able-bodied adults to enter the workforce increased the competition for low-wage, entry-level employment. With limited skills and education, thousands of families found themselves leaving welfare assistance behind in order to join the ranks of the "working poor". The impact of welfare reform, the rising cost of living, and the widening income gap have increased the barriers to self-sufficiency that low income families face in San Diego.

In addition to the challenges caused by reduced income support programs and limited employment opportunities, San Diego's low-income families are faced with a booming real estate market that has increased the cost of housing and deflated the dream of homeownership. It is not unusual for families without housing assistance to pay as much as 60% to 80% of their take-home pay for housing. Without a significant increase in the availability of affordable housing, training, education, employment and support services, the situation for low-income households is expected to worsen.

Understanding these economic and social realities, the San Diego Housing Commission (SDHC or Agency) is committed to the development of innovative programs and progressive options for empowering and improving the lives of those it serves. The Family Self-Sufficiency Program is needed now more than ever to assist participants in gaining resources, skills and education to keep them from falling further behind in a rapidly changing economic environment. The design and delivery of the San Diego Housing Commission's Family Self-Sufficiency Program is driven by a commitment to help families overcome obstacles to economic self-sufficiency.

### **A. FAMILY SELF SUFFICIENCY GOALS AND OBJECTIVES**

The Family Self Sufficiency Program (FSS) was established by the United States Department of Housing and Urban Development (HUD) as part of the Cranston/Gonzales National Affordable Housing Act of 1990. The goal of the program is to enable very low-income families to achieve economic independence by addressing each family's needs for housing, education, employment, and the supportive services required to progress toward economic self-sufficiency.

SDHC collaborates with public and private organizations citywide in order to provide an FSS Program in which participants have access to the tools and resources necessary to identify and implement long-range career development plans. The program emphasizes the following objectives to assist families in achieving self-sufficiency:

1. Promotion of education and life-long learning through services provided at SDHC Learning Opportunity Centers (LOCs) and at other educational sites in the community, as a means to achieving economic stability and upward mobility;

2. Implementation of a referral system through the local One-Stop Career Centers which enables FSS participants to access core services, training vouchers and referrals for training and employment opportunities;
3. Coordination of efforts with the San Diego Workforce Partnership, Workforce Investment Board, the San Diego Community College District, trade organizations and others to educate FSS participants about non-traditional occupations, the trades and apprenticeship programs;
4. Establishment of new collaborations and partnerships within the business community as well as with community-based organizations and educational institutions, to leverage existing resources, fill gaps in services, address unmet needs, and provide innovative, resident-centered services.

## B. PROGRAM COORDINATING COMMITTEE

Upon the inception of the FSS Program, SDHC established a local coordinating body to plan, advise, monitor, and ensure the integrity of the FSS Program. The Program Coordinating Committee (PCC) consists of key leaders in the community who understand the needs and challenges of FSS participants as well as the needs of San Diego employers. These leaders represent both the public and private sectors, as well as the educational community. PCC members are influential in moving initiatives forward that will assist families in gaining access to resources to remove barriers towards self-sufficiency. The PCC meets on a quarterly basis to ensure that the program design is kept current and relevant to meet the needs of the FSS participants as they develop upward mobility in today's challenging job market.

## II. FAMILY DEMOGRAPHICS

The following tables contain demographics on families receiving housing assistance from SDHC. The data includes race, ethnicity, employment, and source(s) of income. **Table A** contains data on *total household members*, and **Table B** contains data on *heads of household only*.

HOUSEHOLD DATA	Public Housing		Section 8		Total	
	Number	%	Number	%	Number	%
<b>TOTAL MEMBERS</b>	<b>4027</b>		<b>34880</b>		<b>38907</b>	
<b>RACE</b>						
American Indian/Alaskan Native	17	0.4%	168	0.5%	185	0.5%
Asian	272	7%	5853	17%	6125	16%
Black/African American	1406	35%	11263	32%	12669	33%
Native Hawaiian/Other Pacific Island.	1	0%	62	0.2%	66	0.2%
White	2331	58%	17531	50%	19862	51%
<b>ETHNICITY</b>						
Hispanic or Latino	2019	50%	12271	35%	14290	37%
Not Hispanic or Latino	2008	50%	22609	65%	24617	63%
<b>TOTAL HOUSEHOLDS</b>	<b>1,334</b>		<b>11,882</b>		<b>13,216</b>	
<b>EMPLOYMENT STATUS</b>						
Employed	713	53%	5044	42%	5757	44%
Unemployed	621	47%	6838	58%	7459	56%
<b>INCOME</b>						
Less than \$10,000	468	35%	4159	35%	4627	35%
\$10,000 to \$14,999	201	15%	2184	18%	2385	18%
\$15,000 to \$24,999	375	28%	3496	29%	3871	29%
\$25,000 to \$34,999	187	14%	1473	12%	1660	13%
\$35,000 to \$49,999	78	6%	477	4%	555	4%
\$50,000 to \$74,999	21	2%	89	1%	110	1%
\$75,000 to \$99,999	4	0.3%	5	0%	9	0%
With Earnings	713	53%	5044	42%	5757	44%
Mean Earnings (dollars)	\$20,275		\$14,602		\$17,439	
With SSN/SSI (dollars)	534	40%	7,492	63%	8026	61%
Mean SSN/SSI (dollars)	\$10,198		\$10,451		\$10,325	
With Welfare	289	22%	2483	21%	2772	21%
Mean Welfare (dollars)	\$6,892		\$6,587		\$6,740	

**TABLE A**  
Total Household

HEAD OF HOUSEHOLD DATA TOTAL HEAD OF HOUSEHOLDS	Public Housing		Section 8		Total	
	Number	%	Number	%	Number	%
RACE	1334		11882		1326	
American Indian/Alaskan Native	6	0.4%	62	1%	68	1%
Asian	101	8%	1724	15%	1825	14%
Black/African American	416	31%	3528	30%	3944	30%
Native Hawaiian/Other Pacific Island	0	0%	0	0%	0	0%
White	811	61%	6567	55%	7378	56%
ETHNICITY						
Hispanic or Latino	725	54%	3644	31%	4369	33%
Not Hispanic or Latino	609	46%	8240	69%	8849	67%
EMPLOYMENT STATUS						
Employed	561	42%	3885	33%	4446	34%
Unemployed	773	58%	7997	67%	8770	66%
INCOME						
Less than \$10,000	896	67%	6209	52.3%	7105	54%
\$10,000 to \$14,999	102	8%	2685	22.6%	2787	21%
\$15,000 to \$24,999	211	16%	2284	19.2%	2495	19%
\$25,000 to \$34,999	99	7%	729	6.1%	828	6%
\$35,000 to \$49,999	22	2%	158	1.3%	180	1%
\$50,000 to \$74,999	4	0.3%	9	0.1%	13	0%
\$75,000 to \$99,999	0	0%	1	0.0%	1	0%
With Earnings	561	42%	3885	33%	4446	34%
Mean earnings (dollars)	\$17,948		\$16,286		\$17,117	
With SSN/SSI (dollars)	469	35%	6912	58%	7381	56%
Mean SSN/SSI (dollars)	\$9,370		\$9,538		\$9,454	
With Welfare	258	19%	2119	18%	2377	18%
Mean Welfare (dollars)	\$7,035		\$6,587		\$6,811	

**TABLE B**  
Head of  
Household

### III. OVERVIEW OF THE FAMILY SELF SUFFICIENCY PROGRAM

#### A. PROGRAM DESCRIPTION

The Family Self-Sufficiency Program is designed to support conventional public housing residents and Section 8 rental assistance families in obtaining the training, education, employment, and support services necessary to increase their earned income, to relinquish welfare assistance, and to achieve economic self-sufficiency. Upon enrollment, participants receive guidance in identifying a viable career goal that will meet their economic needs and which offers upward mobility through career track options. While the FSS Program encourages families to reach an earning level that makes housing assistance unnecessary, their housing assistance is not impacted by successful completion of the FSS Program.

Families who choose to enter the FSS Program must execute a Contract of Participation (Contract) which identifies the responsibilities of the participant, as well as the role of SDHC and partnering service providers. The Contract includes the development of an Individual Training and Services Plan (Career Plan) outlining the participant's goals and interim steps toward self-sufficiency. The Contract is entered into for five (5) years, although in some cases, a participant may complete their Contract in less time. The FSS Program does not consider nor grant extensions beyond the Contract's original end date.

Housing authorities are required by HUD to provide FSS participants with an array of support services coordinated by the Agency's staff and the staff of partner organizations. In addition, HUD requires that housing authorities establish an escrow account on behalf of eligible FSS participants. Eligibility for an escrow account is determined by a HUD-approved formula, based on income data. Families with escrow accounts are able to make interim and final withdrawals based on HUD regulations and Agency policies as outlined in this FSS Action Plan. FSS regulations and policies are explained to participants at orientation, at the time the Contract is executed, and at various times throughout their participation in the program.

## **B. MINIMUM PROGRAM SIZE**

HUD requires housing authorities to establish a minimum number of FSS slots for Section 8 participants and public housing residents. The minimum program size (MPS) was originally determined by the number of units reserved in the 1991-1992 fiscal year under the Section 8 and Family Self Sufficiency Incentive Award dated February 7, 1992. Added to this number was the total number of units of any new allocations from fiscal year 1993 through October 20, 1998.

In 1998, the passage of the Quality Housing and Work Responsibility Act allowed housing authorities to reduce the MPS by one FSS slot for each participant who fulfilled its obligations under the Contract (program graduates). SDHC's current MPS is based on the following calculations:

### **Public Housing:**

- a. The original FSS Program Incentive Award allocation for SDHC was 100 units. There have been no additional allocations granted to the Agency for public housing.
- b. As of September 1, 2007, the MPS for the public housing program was 24. In September 2007, HUD approved SDHC's application to exit the public housing program. In October 2007, HUD awarded Section 8 vouchers which were issued to the families living in the (former) public housing units. Public housing residents who were enrolled in the PH-FSS Program were transitioned into the Section FSS Program, where they will be continually assisted through the term of their original FSS contract date, receiving the same level of service without interruption.
- c. As a result of this transition, the San Diego Housing Commission no longer operates a public housing FSS program.

### **Section 8:**

- a. The FSS Incentive Award allocation in fiscal year 1991-1992 for the Section 8 program was 265 certificates and vouchers. Allocations between fiscal year 1993 and October 20, 1998, added 400 slots to the Section 8 MPS. By October 20, 1998, the Section 8 MPS grew to 595 slots.
- b. As of September 1, 2007, the MPS for the Section 8 was 244. At that time, enrollment was 308 voucher assisted families. By October 2007, the addition of the families who received vouchers at the public housing exit increased the enrollment in the Section 8 FSS program to 409.

The Housing Commission may request to operate an FSS Program smaller than the mandatory MPS when necessary due to local circumstances in which there is a:

1. Decrease in or lack of accessible support services;
2. Decrease in or lack of funding for reasonable administrative costs;
3. Decrease in or lack of cooperation by other units of state or local government; or
4. Decrease in or lack of interest in participation in the program on the part of eligible families.

HUD allows housing authorities to establish "voluntary" slots over and above the MPS. SDHC has established 475 slots (including 244 MPS and 231 voluntary slots) for Section 8. The increase in voluntary slots will allow SDHC to continue to accommodate the increased number of voucher assisted families as a result of the transition from the public housing program. Although it has not been necessary to turn families away, the SDHC may choose to establish a waiting list for interested families when all program slots are filled.

## **C. COORDINATION OF SUPPORT SERVICES**

During the FSS Program's intake process, the head of household works with an FSS Service Coordinator to develop a five year Career Plan leading toward economic self-sufficiency. The FSS participant and Service Coordinator work as a team in developing a career-related goal, and in determining the needed

support services and interim steps necessary to complete this goal. During the Contract term, Service Coordinators refer FSS participants to partner organizations that provide the necessary support services to assist participants in completing their Career Plan.

The SDHC collaborates with the following organizations in providing services to FSS participants: San Diego Community College District, University of California at San Diego, San Diego State University, Southwestern College, the San Diego Workforce Partnership, Once-Stop Career Centers, the County's Health & Human Services Agency, Neighborhood House Association, the Boys & Girls Club, Family Health Centers of San Diego, Consumer Credit Counselors, Community Housing Works, Home Loan Counseling Services, US Bank and others.

Support services coordinated by SDHC may include:

- Case Management
- Homeownership
- Vocational Assessment
- Career Planning
- Micro-Business Development
- Non-Traditional Career Development
- Support Groups
- Personal Development
- Escrow Account Interim Withdrawals
- Transportation Assistance
- Childcare Assistance
- Professional Clothing
- Book Scholarships
- Credit and Debt Counseling
- Home Loan Counseling and Education

#### **IV. OUTREACH AND ORIENTATION**

In order to establish the FSS Program, outreach was conducted to participants of Operation Bootstrap, a forerunner to the FSS Program. Additional outreach was then conducted to public housing and Section 8 participants as well as families on the waiting list that expressed an interest in education and employment programs. Ongoing outreach efforts focus on families receiving conventional public housing and Section 8 assistance.

##### **A. OUTREACH STRATEGIES**

Families receiving Section 8 and public housing assistance are mailed flyers on a regular basis describing the FSS Program and announcing upcoming orientation dates. Flyers are also mailed to residents living in close proximity to upcoming scheduled orientations.

Descriptions of the FSS Program are included in briefing packets which are provided to families upon receipt of housing assistance and when they move from one unit to another. The FSS Program is also advertised to families in the waiting area of the Agency's main office and satellite offices via brochures, continuous loop videos and an electronic bulletin board. SDHC staff throughout the Agency and staff of partner organizations also refer clients to the FSS Program.

## **B. PROGRAM ORIENTATION**

Families interested in the FSS Program are invited to attend an orientation in order to gain information about the program. Orientations are conducted at various accessible and safe venues at times of day that will accommodate the needs of prospective participants. Language translation is provided on an as-needed basis to meet the needs of monolingual residents. At each orientation, attendees are given a general overview of the program and are led through a sample Contract and Career Plan. The roles and responsibilities of FSS participants, as well as the role of SDHC and service providers are described along with details about support services, escrow accounts, program policies, and expectations and requirements for successful completion of the program. Heads-of-households are invited to make an individual appointment with an FSS Service Coordinator to sign an FSS Contract and develop a Career Plan for achieving their self-sufficiency goals.

## **C. INCENTIVES TO PARTICIPATE**

The Housing Commission's FSS Program offers potential participants the following incentives:

- Individual assistance from an FSS Service Coordinator in developing and implementing a Career Plan;
- Referrals to partner organizations for support services that help remove barriers toward the attainment of self-sufficiency;
- Referrals for technical assistance, training and support in the areas of micro-business and non-traditional career development;
- Peer support and personal development programs;
- Subsidized childcare and transportation support in order to attend FSS sponsored events (funding permitting);
- If eligible, establishment of an interest bearing escrow account and interim withdrawals.

## **D. FAMILIES NOT PARTICIPATING IN FSS**

Participation in the FSS Program is voluntary. Families who elect not to participate in FSS retain all other rights and responsibilities afforded to them under Section 8 and public housing program regulations, as well as rights to occupancy in accordance with any applicable lease. Families who join, but later leave the FSS Program, also retain all rights and responsibilities afforded to them under the Section 8 and public housing assistance programs administered by SDHC.

## **V. PARTICIPANT SELECTION**

### **A. NON-DISCRIMINATION IN PARTICIPANT SELECTION**

Selection of participants for the FSS Program is made without regard for race, color, gender, religious creed, national or ethnic origin, age, family or marital status, sexual orientation, or physical ability. All selections are made in accordance with the SDHC Fair Housing Policy described in the Administrative Plan for the Section 8 Certificate and Voucher Programs and the Admissions and Continued Occupancy Policy for public housing.

### **B. ELIGIBILITY FOR PARTICIPATION**

1. Participation in the FSS Program is available on a voluntary basis to all Section 8 assisted families and all families receiving conventional public housing rental assistance administered by SDHC. The Agency may establish a waiting list as long as the minimum program size is maintained.
2. Re-enrollment in the FSS Program is not available to participants who successfully completed the program or whose Contracts expired or were terminated. If a participant is enrolled in FSS but will not be able to continue with the program due to extenuating circumstances (see section V, Part B-2a)

they must contact their service coordinator and be dropped immediately from the program. This is in order to be eligible to rejoin at a later date pending recommendation by an FSS Service Coordinator and approval of a Supervising Resident Initiatives Coordinator. In such case, the participant must provide the following information:

- a. Adequate documentation to verify that health related reasons prevented the participant from meeting the terms of their original contract; or
- b. Adequate documentation to verify that extenuating circumstances prevented the participant from meeting the terms of their original contract (e.g., participant was a victim of domestic violence; a member of the household experienced serious illness or death; the educational institution the participant was attending closed unexpectedly).

### **C. PARTICIPANTS WITH DISABILITIES**

SDHC encourages all residents to reach their self-sufficiency potential. Residents with differing abilities are included in FSS outreach efforts. SDHC does not define the nature, character, duration or any other aspect of a disability, but relies on verification of a qualified physician.

Participants who become disabled after joining the FSS program are responsible for updating their Career Plan in accordance with any medically necessary or physician-directed requirements that impact their ability to work. Because the FSS Program requires that participants have a job-related goal, participants whose doctors determine that they will not be able to work under any circumstances (permanent disability) will be referred to appropriate service providers. Upon such referral, the participant's FSS Contract will be terminated and any accrued escrow funds will be forfeited.

Exceptions to the 32 hour work policy are based solely on the third party verification by a qualified physician of an inability to work the required number of hours. No exceptions to other standard criteria will be considered. FSS participants with disabilities must be free of welfare for 12 consecutive months and have completed all the steps identified in their Career Plan, in addition to working a physician-approved number of hours, to be considered for graduation from the FSS Program.

### **D. DENIAL OF PARTICIPATION**

The SDHC may deny participation to families who wish to join the program. Participation will be denied to families who:

1. Owe money to SDHC or any other housing authority;
2. Have support service needs which present an undue financial or administrative burden to the Agency;
3. Act in ways which are contrary to the intent of the program (e.g., repeatedly fail to attend intake appointments; fail to attend mandatory activities; fail to create, update or implement a Career Plan; communicate a lack of intent to engage in activities related to successful completion of the Contract; perform inappropriate actions or communications toward FSS participants, staff or its partners);
4. Have successfully met the terms of a previous FSS Contract with SDHC or another housing authority and officially graduated from the program with or without an escrow account;
5. Have participated in the FSS Program previously, through the SDHC or another housing authority, but did not meet graduation requirements during their original contract (see Item V. PARTICIPANT SELECTION, Part B-2);
6. Do not meet the criteria for Eligibility of Participation as detailed in Item V. PARTICIPANT SELECTION, Part B. which states "Participation in the FSS Program is available on a voluntary basis to all Section 8 assisted families and all families receiving conventional public housing assistance administered by SDHC."

## **VI. SERVICE DELIVERY**

After attending a mandatory orientation session, the head-of-household is invited to schedule an intake appointment with an FSS Service Coordinator. The Service Coordinator will work with the FSS participant during the term of their Contract to assist them in developing and achieving their self-sufficiency goals, and help ensure that the participant meets all of the requirements of the program.

### **A. CONTRACT OF PARTICIPATION**

During the intake appointment, a Contract is signed by the designated head-of-household. The Contract describes the rights and responsibilities of the participant, SDHC, and its partners. The Contract is entered into for five (5) years. SDHC's FSS Program will not consider nor grant any extensions to the Contract, past the Contract's original end date.

The FSS Program start date will be the first of the month following the month in which the Contract was signed by the participant and the FSS Service Coordinator. In compliance with HUD regulations, a contract cannot be executed if the time between a family's most recent HUD 50058 recertification and the FSS Contract start date exceeds 120 days. When a HUD 50058 recertification exceeds the 120 day time period the family will have to request an interim 50058 recertification with the appropriate SDHC housing assistance department.

### **B. INDIVIDUAL TRAINING AND SERVICE PLAN (CAREER PLAN)**

The Individual Training and Services Plan (Career Plan) identifies the participant's job-related final goal, as well as interim steps with timelines for completion. The final goal must demonstrate job advancement on the part of the participant through increased skills acquired during the term of the contract. These steps and timelines are monitored by the FSS participant and their FSS Service Coordinator throughout the five year Contract period. Participants whose final goal is to operate a business must have an approved business plan as one of their interim goals. Business plans must be approved by a reliable source, such as the Small Business Development Center, Southwestern College, etc.

The individualized Career Plan encompasses a range of goals, including but not limited to:

- Career Exploration
- Skills Development
- Education and Training
- Employment
- Barrier Identification
- Resource Identification

### **C. GRADUATION REQUIREMENTS**

Completion of the Contract and official graduation from the FSS Program occurs when the participant is determined to be "self-sufficient" and has met all of the following three (3) conditions:

1. All steps in the participant's individual Career Plan have been completed;
2. Every member of the participant's household has been free of welfare assistance for 12 consecutive months before the contract end date. (Welfare assistance is defined by HUD as "income assistance from Federal or state welfare programs and includes cash maintenance payments designed to meet a family's ongoing basic needs". SDHC considers payments made to participants through Temporary Assistance to Needy Families (TANF) and General Relief programs to be Federal or state welfare programs.) FSS participants must be free of assistance from these programs for 12 consecutive months before Contract expiration. SDHC may request a third-party verification that the participating



family has not received these types of cash maintenance payments for the preceding 12 months prior to final graduation approval, and disbursement of escrow funds; and

3. Minimum employment standards have been met. Participant must be employed and must provide verification that the combined number of hours of employment per week for their household is no less than 32 hours. Disabled participants must provide third party verification if unable to work 32 hours per week. Minimum employment standards for disabled participants will factor in appropriate information from medical professionals.

Alternatively, a participant can be determined to be "self-sufficient" if 30% of the family's monthly adjusted income is equal to or greater than the fair market rate for the unit size for which the family qualifies.

Participants who meet all graduation requirements prior to the expiration of their Contract will be graduated early, if no additional significant steps are added to their Career Plan. Participants may not stay in the program for the sole purpose of increasing their escrow savings.

#### **D. ESCROW ACCOUNTS**

As an incentive for families to join the FSS Program, and as a strategy to assist families in building assets, HUD regulations allow for an escrow account to be established on behalf of eligible families. Eligibility for an escrow account is determined according to a HUD-defined formula using the family's income data.

As the family's earned income increases and the household rent increases, the FSS Program Analyst will calculate escrow eligibility according to the HUD formula to determine the amount of escrow credits as appropriate, on behalf of the participant (in accordance with 24 Code of Federal Regulations 984.304). Escrow funds are held in the participant's name until requirements for final withdrawals have been met by the participant.

SHDC may permit FSS participants to make interim withdrawals from the escrow accounts established on their behalf in order to remove barriers related to the completion of their Career Plan. The criteria under which FSS participants may make interim withdrawals are defined in **Item VII.**

#### **SUPPORT SERVICES.**

Participants with balances in an escrow account established by the Agency on their behalf may apply for a final withdrawal of funds if the terms of their Contract have been met prior to its expiration and the participant has:

- Completed the steps in their Career Plan; **and**
- Provided verification that the participant is employed and that the combined total number of hours worked per week for the household is at least 32 hours; **and**
- Certified that all members of the household have not received welfare assistance for 12 consecutive months prior to the Contract end date; **OR**
- Thirty percent (30%) of family's monthly adjusted income is equal to or greater than the fair market rate for the bedroom size they are eligible for, and the family has certified that no one is receiving welfare assistance.

#### **E. CAREER PLANNING AND PERSONAL DEVELOPMENT WORKSHOP**

The Family Self-Sufficiency Career Planning and Personal Development Workshop is designed specifically for program participants and facilitated by FSS staff. All FSS participants are required to attend the workshop as part of their Career Plan. The topics covered in the Workshop may include, but are not limited to:

- Career Assessment
- Values, Skills, Interests and Abilities Identification

- Goal-Setting and Decision-Making
- Problem Solving
- Time Management
- Resource Identification
- Career Planning
- Budgeting
- Peer Mentoring

For participants who joined the FSS Program prior to January 1, 2003, attendance at a two-day Career Planning and Personal Development Workshop is mandatory. For those families who joined the FSS Program January 1, 2003 or thereafter, attendance at the two-day Workshop is mandatory during the first two (2) years of the Contract provided Workshops are available for participants to attend. The Workshop is offered on a regular basis, typically three (3) times per year. Support services may be reduced or denied to participants who have not attended the Workshop.

Participation in the Workshop provides each participant with: the tools necessary to complete a written, individualized Career Plan complete with education, training and employment objectives; an empowering peer support and community building group experience; and, resources and information helpful in overcoming obstacles towards self-sufficiency.

#### **F. CAREER SUPPORT ACTIVITIES**

In order to provide participants with ongoing, regularly scheduled opportunities to receive support from FSS staff and participant peers, SDHC offers career support activities via individual appointments with a Service Coordinator. To accommodate the schedules of working participants, the program also offers Extended Hours which can provide participants with on-going support in career development as well as the opportunity to clarify questions about the FSS Program and request support services. Discussions often focus on resource identification, education, employment and barriers that may interfere with completion of the Contract. During the meeting, participants are referred to partner organizations that provide needed support services.

As part of their annual attendance requirement, all FSS participants must meet individually with their Service Coordinator to do a thorough and in-depth update of their Career Plan. Intake appointments with Service Coordinators at the start of the program may not be counted toward the annual update requirement.

Support services may be reduced or denied to participants who have not attended an update meeting at least annually, or more often, as identified in their Career Plan. Families who do not attend the mandatory number of meetings may also be denied interim escrow account withdrawals until such time as the requirement is fulfilled.

#### **G. EDUCATION, TRAINING, TECHNICAL ASSISTANCE AND EMPLOYMENT**

Education, training, and technical assistance plans leading to self-sufficiency wage employment are developed by participants through: interaction with their FSS Service Coordinator; interaction with collaborating partner organizations; attendance at the Career Planning and Personal Development Workshop; and annual update meetings. Assistance in the areas of career planning, education, training, micro-business and nontraditional career development, financial literacy, home ownership and other topics related to self-sufficiency are provided on an ongoing basis.

## **H. TERMINATION OF PARTICIPATION**

SDHC may terminate a participant's involvement in the FSS Program for willful and/or repeated failure to comply with the terms of the Contract as described in Item V. PARTICIPANT SELECTION, Part D. The FSS Contract is automatically terminated if the family's housing assistance is terminated in accordance with HUD requirements or if the family voluntarily surrenders their housing assistance. Families who are dropped from housing assistance programs for program or lease violations are not eligible to withdraw any escrow account funds maintained on their behalf.

Other reasons for terminating the FSS Contract include:

- *Left Voluntarily* (the Contract was terminated through the mutual consent of the participant and FSS Program, or the participant decided to withdraw from the FSS Program)
- *Asked to Leave Program* (Contract termination due to participant not meeting the requirements and obligation of the FSS Contract, or because the family's housing assistance was terminated)
- *Portability move-out* (the family moved to another housing authority's jurisdiction)
- *Left because essential service was unavailable* (Contract is declared null and void because a participant could not become self sufficient because of a lack of fundamental service(s))
- *Contract expired but family did not fulfill obligations* (the participant did not meet all contract obligations before the Contract end date)

## **VII. SUPPORT SERVICES**

As FSS participants make progress in completing their self-sufficiency goals, a wide range of support services may be needed. Case management and service coordination focuses on developing the skills participants need in order to meet the challenges presented by an unpredictable job market, changing employment trends and, most importantly, to make the transition off of public assistance into a lifestyle of self-sufficiency. In addition to case management and service coordination, some participants find themselves in need of additional support in order for them to make progress on their Career Plan. To this end, the FSS Program offers, on an as available basis, a variety of support services to aid participants through particularly challenging times.

### **A. GENERAL POLICY FOR FINANCIAL ASSISTANCE**

Financial support may be available to FSS participants through support funds or through interim escrow account withdrawals, when funds are available. The following general policies apply to all requests for financial support from FSS participants:

- Requests must be directly related to completion of the participant's Career Plan and the removal of barriers to achieving career goals;
- Participant must have completed annual updates and have a current Career Plan in place;
- Participant must be actively progressing toward the completion of interim steps in their Career Plan in a timely manner;
- Participant must have made a good-faith effort to secure resources through other sources;
- Funds may not be used for on-going expenses or to reimburse expenses;
- Participants with a self-sufficiency goal of operating a micro-business must have an approved business plan on file with their Service Coordinator prior to requesting financial support related to the operation of the business, with the exception of requests for computer purchases as referenced in INTERIM ESCROW ACCOUNT WITHDRAWALS, Computers;
- Prior to approval, SDHC may require a participant to contact other SDHC-referred service providers;
- For purchases over \$500, two estimates must be provided;

- Backup documentation for any previous financial supportive service received must have been submitted in order to be considered for a new request (e.g. proof of class completion after receiving a book scholarship);
- Requests that are deemed unjustifiable or inconsistent with the participant's Career Plan or that do not meet policy and procedure guidelines as set forth in this Plan may be denied. All such requests for financial assistance must receive final approval from a Supervising Resident Initiatives Coordinator;
- All decisions are subject to review and hearing procedures.
- Requests for duplicate expenses or payment of items that have been previously paid for by FSS escrow funds will not be granted.

Participants who are not expected to meet graduation requirements within the term of their contract, as outlined in Item VI. SERVICE DELIVERY, Part C, are not eligible for financial support, such as book scholarships, interim withdrawals, bus passes, etc. These participants may continue to receive service coordination and other support services, such as career planning and information referral.

## **B. SUPPORT FUNDS**

When funding permits, the Housing Commission will make available to eligible FSS participants with no balance in their escrow accounts, a maximum of \$100 per Contract term to be used for Career Plan related expenses only. The guidelines for accessing support funds shall follow the same guidelines for participants wishing to access funds through an interim withdrawal from an escrow account. In order for a participant to be eligible for support fund assistance, the following guidelines must be met:

- a. Participant must not currently have a balance in an FSS escrow account;
- b. Participant must not have received \$100 in assistance from the support fund in the past;
- c. Request must be directly related to completion of the participant's Career Plan;
- d. Participant must provide verification that they are completing interim steps of their Career Plan in a timely manner;
- e. Participant must provide verification that they have made a good-faith effort to secure the needed resources on their own.

## **C. ESCROW ACCOUNT INTERIM WITHDRAWALS**

SDHC may allow an FSS participant with an escrow account established on their behalf to request interim withdrawals from the account to support completion of the steps in their Career Plan. Participants who have not completed interim steps of their Career Plan in a timely manner, have not attended the Career Planning and Personal Development Workshop or have not participated in annual update meetings, may be denied interim escrow account withdrawals until such time as the required activities are completed. Families who have not submitted receipts for previous interim withdrawal purchases may be denied subsequent withdrawals until such time as the receipts are submitted and verified. Final withdrawals may also be denied for failure to provide receipts from previous purchases.

Interim Escrow withdrawals cannot be used for:

- Reimbursement of expenses already paid for by a participant, except for emergency automobile repairs which may be reimbursed as long as the participant submits an interim withdrawal request, repair receipts, and other appropriate documentation, within two (2) weeks of the repair. In such cases, participants must meet all other conditions for an interim withdrawal as described under Part A of this Section;
- Moving expenses;
- Ongoing expenses (e.g., rent, utilities, telephone, cell phone, pager, car payments, car maintenance, insurance, childcare);

- Expenses not directly related to the Career Plan;
- Expenses previously paid for through FSS escrow funds.

Procedures for participants who wish to withdraw funds from the escrow account are as follows:

### 1. Home Purchases

A participant requests an interim withdrawal of escrow funds in order to purchase a home must comply with the following guidelines:

- Verification must be provided to the participant's Service Coordinator that escrow proceedings have been completed on the home purchase within 60 days of the interim withdrawal;
- Funds must be returned to SDHC if escrow proceedings have not been completed on a home purchase within 60 days of issuance of escrow funds.

### 2. Automobile Repairs

When a participant requests an interim withdrawal of escrow funds for automobile repairs, they must complete the following steps before an interim withdrawal will be considered for approval:

- Provide verification to their Service Coordinator that funds for future automobile repairs have been estimated on the participant's current budget; and
- Provide two (2) quotes for the needed repair (except in cases of emergency towing where a car has already been taken to a repair facility)

Requests will not be approved for:

- Costs related to regular maintenance (e.g., oil changes, air and fuel filter replacement, worn tire replacement, tire rotation and balancing, alignment, belts and hoses, manufacturer recommended service inspections);
- Fuel purchase;
- Automobile insurance costs.

### 3. Automobile Purchases

When a participant requests an interim withdrawal of escrow funds to purchase an automobile, they must comply with the following procedures in order to be approved for a maximum withdrawal of \$4,000.00:

- Demonstrate that their budget will support car payments (if applicable), as well as costs for auto insurance, maintenance and gasoline;
- Be employed or be seeking employment at the time of the request (SDHC defines "seeking employment" as the FSS head of household engaging in demonstrable job seeking activities such as completing and submitting applications and resumes, engaging in job interviews, industry research, and on the job training);
- If job seeking, provide verification that other household members have adequate income to assist participant, as necessary, with expenses related to the automobile (i.e., car payments, auto insurance, maintenance, gasoline, and repairs);
- Provide verification that the purchase price does not exceed the blue book value;
- Provide verification that the automobile has been examined by a qualified mechanic;

- f. Provide verification that the automobile was purchased within four (4) weeks of issuance of funds;
- g. If an automobile has not been purchased within four (4) weeks of issuance of funds, funds must be returned to SDHC.

#### 4. Computers

Participants may request interim withdrawals from an escrow account for the purchase of a computer. In addition to the purchase of a computer being directly related to their Career Plan, the participant must do the following:

- a. Provide two (2) estimates for comparable computers;
- b. Provide a written statement identifying how the purchase of a computer will remove a barrier and directly impact the achievement of the participant's career goal; and
- c. If the participant's goal is to operate a micro-business, participant must have an approved business plan on file with their Service Coordinator, or provide verification that such a plan is being developed.

#### 5. Clothing

Participants in need of clothing and support services to prepare for job interviews and new employment will be referred to programs such as Dress for Success San Diego, and My Sister's Closet. Charges for referral services may be paid through an interim withdrawal if an escrow account is being held on the participant's behalf. If escrow funds are not available and participant meets eligibility requirements, funds may be available through the support fund.

### **D. BOOK SCHOLASHIPS**

The goal of the Book Scholarship program is to support participants in achieving their self-sufficiency goals by providing assistance with the books and supplies necessary to complete courses at an accredited or licensed school.

To request a Book Scholarship the participant may be asked to attend an annual update meeting to discuss their need for assistance. Participants are allowed up to two (2) book scholarships per calendar year. The maximum Book Scholarship award that may be requested at one time is \$200.00 for participants enrolled in 6 or more semester units or the equivalent, and \$100.00 for participants enrolled in less than 6 semester units or the equivalent.

For a participant to be eligible for a Book Scholarship, the following conditions must be met:

- 1. Applications for the BOGG, PELL Grant, CAL Grant B or C, CARE Program, EOPS, CALWORKS, RE-ENTRY Program and other scholarships must be completed or be in the process of completion;
- 2. Funds must be used only for book purchases and other class-related expenses;
- 3. Participant must be enrolled in an education program or vocational training that is related to their Career Plan;
- 4. Participant's Career Plan must be current and classes must coincide with the Career Plan;
- 5. Participant must be working toward a specific degree or certificate;
- 6. Participants must demonstrate that they have completed classes for which any prior Book Scholarships were granted before additional requests can be considered.

Requests for Book Scholarships must be submitted before the participant purchases books or supplies. Applicants must have estimates for book expenses. After purchase of books and related items, receipts must be submitted to the FSS office within two (2) weeks.

#### **E. BUS PASSES / GAS CARDS**

Upon request, individual tokens for the bus and trolley system and gas cards may be issued for FSS sponsored events such as Career Planning and Personal Development Workshops and annual update meetings. Tokens and gas cards can also be issued to enable participants to follow-up on FSS Service Coordinator's referrals for support services.

A one-month bus pass may be provided to assist participants with transportation related to Career Plan activities. To be eligible for a pass, the FSS head-of-household or family member who has an approved Career Plan, must be employed, searching for employment or engaged in training or education activities at the time of the request. Issuance of a one-month bus pass is based on the following guidelines:

1. Bus passes will only be issued to participants for activities related to education, training and employment;
2. Only one bus pass can be provided to an FSS household during a fiscal year (July 1 through June 30);
3. Participant must provide verification that they made a good faith effort to make other transportation arrangements.

#### **F. CHILDCARE FOR FSS-SPONSORED EVENTS**

Funding permitting, the FSS Program may assist with childcare expenses to enable participants to attend FSS-sponsored events. Approved childcare assistance will be paid at the rate of \$3.00 per hour, per child, for services provided during the day and \$3.50 per hour for services provided in the evening (after 5:00 pm). One-half hour of travel time each way may be included in the hours billed. Assistance may be approved if it meets the criteria listed below:

1. No other resources are available to provide adequate care;
2. Qualifying events must be FSS sponsored (i.e., individual meetings with a Service Coordinator, annual update meetings, Career Planning and Development Workshop);
3. Requests must be pre-approved;
4. Participant signs a release absolving SDHC of responsibility for the care of the child or children;
5. Participant confirms a provider prior to the activity date;
6. The provider forwards an invoice for services no later than ten (10) working days after service has been provided.

#### **G. MOVING**

Participants in need of financial assistance in order to relocate within the City of San Diego will be referred by their FSS Service Coordinator to programs that may be able to assist them with security deposits for rental units.

#### **H. WITHHOLDING OF SUPPORT SERVICES AND/OR TERMINATION OF CONTRACT**

SDHC may withhold FSS support services and/or terminate the Contract under the following circumstances:

1. When terms of the Contract have been met and participant requests to end their participation in the FSS Program;
2. Thirty percent (30%) of the family's monthly adjusted income is equal to or greater than the fair market rate for the unit size for which the family qualifies;
3. By mutual consent of the parties;
4. By operation of law;
5. When the FSS participant moves from the jurisdiction of SDHC within the first 12 months of participation, or, after the first 12 months, does not continue to participate in the Agency's FSS Program;
6. The participant fails to honor the terms of the Contract, Career Plan and its modification/s;
7. The participant refuses to seek and maintain suitable employment during the term of the FSS Contract and its addendum, if applicable;
8. An act occurs that is inconsistent with the purpose of the FSS Program, such as refusal to attend mandatory meetings or referral appointments.
9. Willful and/or repeated failure of the participant to comply with the terms of the Contract as described in Item V. PARTICIPANT SELECTION, Part D.
10. Non-compliance with the Section 8-assisted lease or public housing lease. **(Supportive services and escrow withdrawals may be withheld until the family resolves all noncompliance issues with Property Management or Rental Assistance.)**

## **VIII. PROGRAM ADMINISTRATION**

The FSS Program is administered and maintained by the San Diego Housing Commission. While policy decisions remain with the Agency, the Assistant Director for Resident Services receives support, expertise, and cooperation from the Program Coordinating Committee in the overall operation of the program.

### **A. PORTABILITY**

#### **Porting Out**

FSS participants should be aware that porting out to another housing authority will impact their participation in the FSS Program. Participants who are considering porting out must notify their FSS Coordinator prior to porting out (this is in addition to contacting the participant's Section 8 Housing Assistant).

HUD regulation allows agencies to terminate contracts of FSS participants who port out during the first twelve (12) months of their FSS Contract. When an FSS participant ports out during the first 12 months, the FSS Contract is terminated and any escrow funds which may have been held on the participant's behalf are forfeited.

For FSS participants who have been in the program for 12 months or more and are porting out to another jurisdiction, the following may apply:

- The FSS Coordinator will evaluate the participant's FSS Contract and Career Plan to determine if the participant can be declared self-sufficient prior to port-out. In such case, exit papers will be prepared and graduation from the FSS Program will be approved.
- If the participant cannot be declared self-sufficient, and the receiving housing authority has an FSS Program and is willing to accept the participant into the program, the FSS Contract with SDHC will be terminated. A copy of the participant's FSS Contract will be forwarded to the receiving housing



authority. If the receiving housing authority is absorbing the voucher, any escrow balance will be transferred to the receiving housing authority upon port-out. If SDHC continues to administer the voucher, the escrow account will remain with SDHC until notification from the receiving housing authority's FSS Coordinator that the FSS Contract has been fulfilled.

- If the receiving PHA does not have an FSS Program or is not willing to accept the participant into their FSS Program, the following will apply:
  - o For participants moving to a jurisdiction within San Diego County, SDHC will evaluate its ability to continue to provide the needed service coordination on a case by case basis.
  - o If SDHC determines that it would be to the participant's benefit and within the Agency's capability to continue to provide service coordination after porting-out to a jurisdiction within San Diego County, the participant's Career Plan will be updated to include the following additional interim goals for the FSS participant. Failure to meet either of these additional responsibilities will be grounds for termination of the FSS Contract and forfeiture of any escrow balance being held on the participant's behalf:
    - 1) Participant must contact their FSS Coordinator at least once a month from the date of the port-out until the completion of the FSS Contract (no exceptions); the participant is fully responsible for initiating this monthly contact;
    - 2) Participant is responsible for notifying the FSS Coordinator immediately of any change of address or phone number within two (2) weeks of the change.
  - o For participants moving to a jurisdiction outside San Diego County, it becomes unfeasible for the participant to attend required meetings and workshops, and to receive resource referrals and active case management through SDHC's FSS Program. For participants relocating to jurisdictions outside the County of San Diego, the FSS Contract will be terminated and any escrow balance will be forfeited.

### **Porting In**

If an FSS family from another jurisdiction moves into SDHC jurisdiction, SDHC may administer or absorb the incoming voucher. The FSS head-of-household may elect to join SDHC's FSS Program or remain on the program from their initiating housing authority. If a participant wishes to join SDHC FSS Program and has more than one year remaining on their original Contract, a new Contract must be executed for the remaining term of the original Contract. In accordance with HUD regulations, if SDHC absorbs the voucher, it will request that the initiating housing authority forward the escrow account funds to the SDHC to be maintained for the duration of the Contract.

## **B. GRIEVANCE PROCEDURE**

### **Request for Administrative File Review**

Participants are notified in writing via certified mail and regular mail of decisions affecting their participation in FSS. The written notification includes the reasons for the decision and the policies and regulations supporting it. If the participant disagrees with the decision, s/he has a right to request an Administrative File Review. A written request for such a review must be submitted to the Resident Services office within fifteen (15) business days from receipt of the notice. Requests for Administrative File Review must be in writing and must state why the participant disagrees with the decision.

The Assistant Director for Resident Services will conduct a review of the participant's FSS file to determine whether the contested decision is supported. The Assistant Director may request that the participant meet with the FSS Administrative Board to answer questions and present any further needed

information. The Administrative Board is made up of the Assistant Director of Resident Services, the FSS Program Analyst, and a Supervising Resident Initiatives Coordinator.

The final results of the Administrative File Review process must be provided in writing to the participant within twenty (20) business days from the date of the receipt of the request for review. The results shall include a brief statement of the basis for the decision, including the policies and/or regulation(s) governing the decision. If the participant does not agree with the determination of the Administrative Review, the participant may request an Informal Hearing.

### **Request for Informal Hearing**

An Informal Hearing may be scheduled for a participant who disagrees with the decision of the Administrative Review. A hearing notice and an explanation of the hearing process will be mailed to the participant by certified mail and regular mail at least ten (10) business days before the date of the hearing. The participant may withdraw their hearing request at any time by informing SDHC in writing. If the participant needs to delay the hearing they will have the opportunity to receive a reasonable continuance for "good cause". Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. If the participant fails to appear without notice, the hearing will be considered abandoned and SDHC shall follow through with the intended action.

Prior to the Informal Hearing, the FSS participant may review their FSS file and receive copies of any pertinent information or documentation. SDHC must also be given the opportunity to examine any participant documents that are directly relevant to the hearing. Any documents the participant wishes to be considered during the hearing must be submitted to the FSS office within three (3) business days of the date of the scheduled hearing. SDHC must be allowed to copy any such document that the participant submits. Any documents not made available for examination on request by either party prior to the hearing may not be presented at the hearing.

As necessary, and if requested in advance, special accommodations such as interpreters or translators or special venues will be arranged in order to accommodate participants with communication and/or accessibility barriers. A Hearing Officer appointed by the Agency will regulate the conduct of the hearing. The participant has the right to representation at the hearing. Both the Housing Commission and the participant must have an opportunity to present evidence and/or witnesses as provided in the approved Section 8 Administrative Plan for the San Diego Housing Commission and the approved San Diego Housing Commission Admissions Plan.

During the hearing, SDHC shall present the facts supporting the proposed action. SDHC bears the overall burden of proving the allegations by a preponderance of evidence and must establish that the participant violated, or does not meet, one or more FSS Program rules, regulations, or policies. The participant will have the legal duty to tell the truth at all stages of the proceedings just as if it were a court case. The participant has an obligation to prepare their case and be ready on the date of the hearing. The participant has the right to present evidence for their side of the case and testimony may include letters, doctors' reports, receipts, official notices, etc.

The Hearing Officer shall make a determination as to whether the rules or regulations were correctly or incorrectly interpreted or applied based only on the information submitted at the hearing. A Notice of Hearing Findings shall be provided, in writing, to the participant within twenty (20) business days from the conclusion of the hearing.

## **IX. REPORTING AND PROGRAM EVALUATION**

### **A. REPORTING**

Information as identified on the Family Self Sufficiency Voucher Addendum to the 50058 is reported to HUD electronically through the Multifamily Tenant Characteristics System (MTCS) electronic system.

For families leaving the program, SDHC provides information on families who:

1. Have successfully completed the FSS Contract;
2. Have completed the FSS Program and bought a home;
3. Left voluntarily;
4. Were asked to leave the program;
5. Ported-out and did not complete the program;
6. Left because essential services were unavailable;
7. Let their Contract expire without fulfilling their obligations.

### **B. PROGRAM EVALUATION**

In order to evaluate both process and outcomes of the FSS Program, SDHC, on an ongoing basis, collects and maintains data and researches and prepares reports pertinent to the overall effectiveness and value of the program. Up-to-date Information on each participant and the FSS Program itself is maintained via a customized database and as a backup, through individual hard copy files.

The SDHC utilizes the following sources to evaluate the FSS Program:

1. Feedback from participants collected via the PCC, Career Planning and Personal Development Workshops, annual updates, FSS Service Coordinators, partnering support service providers and surveys;
2. The number of participants with escrow accounts, the total combined value of escrow accounts, the average amount in escrow accounts and the amount accessed in interim and final escrow withdrawals;
3. The number of participants who met the terms of their contract prior to its expiration;
4. The number of participants who voluntarily surrender housing assistance;
5. The number of participants who purchase homes;
6. The number of FSS graduates who experienced an increase in earned income while on the program;
7. The number of family members who no longer receive subsidies under one or more public assistance programs.

## Attachment 8 – ca063i09 – Version 2

### Revision Summary - Public Housing – Admissions and Continued Occupancy Plan

	Subject	Current – FY08	Revision – FY09	Justification
Chapter 1 Section J Page 5	STATEMENT OF POLICIES AND OBJECTIVES	None current	<b>J. LIMITED ENGLISH PROFICIENCY</b> <b>Bilingual Staff have been hired to assist in the Limited English Proficiency requirement.</b>	HUD requirement
Chapter 4 Section A Page 18	TENANT SELECTION AND ASSIGNMENT PLAN	<p><b>A. MANAGEMENT OF THE WAITING LIST</b></p> <p>The SDHC will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, Part 945 and 960.201 through 960.215. The waiting list will be maintained in accordance with the following guidelines:</p> <ul style="list-style-type: none"> <li>- The application will be a permanent file.</li> <li>- All applicants in the pool will be maintained in order of preference.</li> <li>- Applications equal in preference will be maintained by date and time sequence.</li> </ul>	<p><b>A. MANAGEMENT OF THE WAITING LIST</b></p> <p>The SDHC will administer its waiting list as required by 24 CFR Part 5, Subparts E and F, Part 945 and 960.201 through 960.215. The waiting list will be maintained in accordance with the following guidelines:</p> <ul style="list-style-type: none"> <li><b>- The waiting list will be a site-based waiting list.</b></li> <li>- The application will be a permanent file.</li> <li>- All applicants in the pool will be maintained in order of preference.</li> <li>- Applications equal in preference will be maintained by date and time sequence.</li> </ul>	Administrative Change



*Good Neighbors*

San Diego  
Housing Commission

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ADMISSIONS AND CONTINUED  
OCCUPANCY PLAN  
FOR  
CONVENTIONAL PUBLIC HOUSING



BOARD APPROVED  
4/4/08

HOUSING AUTHORITY APPROVED  
Wait List Preferences  
12/07/1999

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## **Chapter 1**

### **STATEMENT OF POLICIES AND OBJECTIVES**

#### **INTRODUCTION**

The U.S. Housing Act of 1937 created the Low Rent Public Housing Program.

Administration of the Public Housing Program and the functions and responsibilities of the San Diego Housing Commission (SDHC) staff shall be in compliance with the SDHC's Personnel Policy, SDHC's Equal Opportunity Plan and this Admissions and Continued Occupancy Policy. The administration of this Public Housing Agency's housing program will also meet the requirements of the Department of Housing and Urban Development. Such requirements include any Public Housing Regulations, Handbooks, and applicable Notices. All applicable Federal, State and local laws, including Fair Housing Laws and regulations also apply. Changes in applicable federal laws or regulations shall supersede provisions in conflict with this policy. Federal regulations shall include those found in Volume 24 CFR, Parts V, VII and IX. (Code of Federal Regulations).

#### **A. SAN DIEGO HOUSING COMMISSION INFORMATION**

The San Diego Housing Commission (SDHC) was established in 1979 by the San Diego City Council as the administrative agency of the San Diego Housing Authority. It is committed to providing decent, safe, and sanitary and in good repair housing for low-income families, elderly, and persons with disabilities in the City. In furtherance of that goal, the SDHC is dedicated to the implementation of Council Policy 600-10, "Fostering of Balanced Community Development for the City of San Diego" which was adopted on December 26, 1972, and the Housing Element of the General Plan for the City of San Diego adopted in October 1985.

The SDHC owns and manages approximately 1,401 units of Conventional Housing and specific regulations governing the administration of these units are found in the Code of Federal Regulations Title 24 and the HUD Handbook 7465.1. Nan McKay and Associates publishes a practical explanation of these regulations in the Nan McKay training materials. Regulations for the HOME program are found in Code of Federal Regulations, Title 24. currently 41 designated HOME units. The SDHC owns 120 units of Section 8 New Construction, regulations for their administration may be found in the Handbook 4350.1. For regulations and procedures governing the administration of the State of California units managed by the SDHC, staff should reference the Rental Housing Construction Program Handbook. For Tax Credit regulations, reference Section 42 of Internal Revenue Code and California Tax Credit Allocation Committee Compliance Reference Book. Personnel working directly with City of San Diego rental properties will be in direct contact with the City's Property Management department to ensure compliance with their regulations. Finally, reference and all rights, responsibilities incorporate the SDHC's Residential leases here, and obligations found therein must be followed in administering Conventional Public Housing.

Additionally, the City of San Diego is committed to a regional approach to meeting housing needs and cooperates with San Diego County, San Diego Association of Governments (SANDAG), and with other cities in the region towards a region-wide application of Federal Housing Funds. To this end the City adopted by Resolution dated May 1984, the Housing Needs Statement for the San Diego Region, prepared by SANDAG.

On September 10, 1999, the SDHC passed and adopted Resolution 1016, required by HUD (Federal Register, Vol 64, No. 32), to provide for deconcentration of poverty and income mixing in public housing developments by bringing higher income residents into lower income public housing complexes and lower income residents into higher income public housing complexes.

## **B. LOCAL OBJECTIVES**

This Admissions and Continued Occupancy Plan for the Public Housing Program is designed to demonstrate that the SDHC is managing its program in a manner that reflects its commitment to improving the quality of housing available to its public, and its capacity to manage that housing in a manner that demonstrates its responsibility to the public trust. In addition, this Admissions and Continued Occupancy Plan is designed to achieve the following objectives:

1. To provide improved living conditions for extremely low, very low, and low income families while maintaining their rent payments at an affordable level.
2. To operate a socially and financially sound public housing agency that provides decent, safe, sanitary and in good repair housing within a drug free, suitable living environment for residents and their families.
3. To avoid concentrations of economically and socially deprived families in any one or the entire SDHC's public housing developments.
4. To lawfully deny the admission of applicants, or the continued occupancy of residents, whose habits and practices reasonably may be expected to adversely affect the health, safety, comfort or welfare of other residents or the physical environment of the neighborhood, or create a danger to SDHC employees.
5. To provide opportunities for upward mobility or families who desire to achieve self-sufficiency.
6. To facilitate the judicious management of the SDHC inventory, and the efficient management of the SDHC staff.
7. To ensure compliance with Title VI of the Civil Rights Act of 1964 and all other applicable Federal laws and regulations.

### **C. PURPOSE OF THE POLICY**

The purpose of this Admission and Continued Occupancy Policy (ACOP) is to establish guidelines for the San Diego Housing Commission staff to follow in determining eligibility for admission and continued occupancy. These guidelines are governed by the requirements of the Department of Housing and Urban Development (HUD) with latitude for local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and the SDHC.

Required portions of this Plan will be provided to HUD.

### **D. FAIR HOUSING POLICY**

It is the policy of the Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws and with rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The SDHC shall not discriminate because of race, color, sex, religion, familial status, disability, national origin, marital status, or sexual orientation in the leasing, rental, or other disposition of housing or related facilities, including land, that is part of any project or projects under the SDHC's jurisdiction covered by a contract for annual contributions under the United States Housing Act of 1937, as amended, or in the use or occupancy thereof.

Posters of information are displayed in locations throughout the SDHC's office in such a manner as to be easily readable from a wheelchair.

To further its commitment to full compliance with applicable Civil Rights laws, the SDHC will provide Federal/State/local information to public housing residents regarding "discrimination" and any recourse available to them if they believe they are victims of discrimination. Such information will be made available to them during resident orientation.

The SDHC's offices are accessible to persons with disabilities. The TDD telephone service provider provides accessibility for the hearing impaired.

### **E. ACCOMMODATION AND MODIFICATION POLICY**

The SDHC's policies and practices will be designed to provide assurances that all persons with disabilities will be provided reasonable accommodation and modification so that they may fully access and utilize the housing program and related services. The availability of specific accommodation and modification will be made known by including notices on SDHC forms and letters, and all requests will be verified so that the SDHC can properly accommodate the need presented by the disability.

A "reasonable modification" is a structural change made to the premises whereas a "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service. Housing providers are responsible for the cost of "reasonable accommodation", unless it is an undue financial and administrative burden, while the tenant or someone acting on the tenant's behalf, is responsible for costs associated with "reasonable modification."

**F. PUBLIC HOUSING MANAGEMENT ASSESSMENT SYSTEM (PHAS) OBJECTIVES (24 CFR 901 & 902)**

The SDHC operates its public housing program with efficiency and can demonstrate to HUD or independent auditors that the SDHC is using its resources in a manner that reflects its commitment to quality and service. The SDHC policies and practices are consistent with the new Public Housing Assessment System (PHAS) outlined in the 24 CFR Parts 901 and 902.

The SDHC is continuously assessing its program and consistently strives to make improvements. The SDHC acknowledges that its performance ratings are important to sustaining its capacity to maintain flexibility and authority. The SDHC intends to diligently manage its current program operations and continuously make efforts to be in full compliance with PHAS. The policies and procedures of this program are established so that the standards set forth by PHAS are demonstrated and can be objectively reviewed by an auditor whose purpose is to evaluate performance.

**G. FAMILY OUTREACH**

The SDHC will publicize and disseminate information to make known the availability of housing units and housing-related services for low-income families on a regular basis.

The SDHC will inform the general public, including potential applicants for Conventional Housing, about its programs by distributing a general information brochure at government offices, social services agencies and sites, and by participating in related resource fairs. In addition, a description of all SDHC Rental Assistance programs, including eligibility requirements, is listed with United Way's Info Line.

In the event there are few or no eligible applicants for certain targeted Conventional Housing units, the SDHC will make all reasonable attempts to inform the members of the target population by using Public Service Announcements and flyers to targeted social services.

**H. PRIVACY RIGHTS**

The SDHC's policy regarding release of information is in accordance with State and local laws that may restrict the release of family information.



**I. VIOLENCE AGAINST WOMEN ACT**

The San Diego Housing Commission will comply with the Violence Against Women Act (VAWA) as signed in to law on January 5, 2006.

SDHC will follow HUD's requirements as established in the regulation.

Upon determination of each individual case, and as needed, the SDHC will make certain that a referral is made to the San Diego County Mental Health Services, Child Protective Services, and Adult Protective Services agencies and any other service providers to ensure the family's safety. The SDHC will cooperate with the social services agencies to make sure that the family is able to maintain their housing assistance.

**J. LIMITED ENGLISH PROFICIENCY**

Bilingual Staff have been hired to assist in the Limited English Proficiency requirement

## Chapter 2

### ELIGIBILITY FOR ADMISSION [24 CFR 960.201]

#### **A. QUALIFICATION FOR ADMISSION**

It is the SDHC's policy to admit qualified applicants only. An applicant is qualified if he or she meets the following criteria:

1. Is a family as defined in this Chapter;
2. Heads a household where at least 1 member of the household is either a citizen or eligible non-citizen. (24 CFR Parts 200 and Part 5, Subpart E).
3. Has an Annual Income at the time of admission that does not exceed the income limits for occupancy established by HUD and set forth in this policy.
4. Provides a Social Security number for all family members, age 6 or older, or will provide written certification that they do not have Social Security numbers;
5. Meets or exceeds the tenant Selection and Suitability Criteria as set forth in this policy.
6. In order to provide an increased sense of security for public housing residents the SDHC may allow public housing units to be occupied by police officers.

#### **Persons Subject to Sex Offender Registration Requirement:** 24 CFR (960.204 (a)(4))

The entire household is disqualified from admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. Background checks will be performed in other States where household members are known to have resided.

#### **Person with Disabilities**

Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for the purpose of eligibility for low-income housing, solely on the basis of any drug or alcohol dependence.

## **B. FAMILY COMPOSITION**

### **Definition of Family**

The applicant must qualify as a Family. A Family may be a single person or a group of persons. A group of persons is defined as 2 or more persons who intend to share residency whose income and resources are available to meet the family's needs, and will live together in public housing.

HUD in 24 CFR 5.403 defines elderly, disabled, and displaced families.

The term "Family" also includes, but is not limited to:

- A family with or without children;
- An elderly family;
- A disabled family;
- A displaced family;
- The remaining member of a tenant family;
- A single person who is not elderly, displaced, or a person with disabilities, or the remaining member of a tenant family;
- 2 or more elderly or disabled persons living together, or 1 or more elderly or disabled persons living with 1 or more live-in aides is a family;
- 2 or more near-elderly persons living together, or 1 or more near-elderly persons living with 1 or more live-in aides;
- Independent student (see Glossary for definition)

Children who are "temporarily" absent from the home due to placement in foster care are considered to be part of the household when determining the family composition and family size.

### **Head of Household**

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

Emancipated minors who qualify under State law will be recognized as head of household if there is a court ordered recognizing them as an emancipated minor.

Persons who are married are legally recognized as adults under State law.

A family may designate an elderly or disabled family member as head of household solely to qualify the family as an Elderly Family, provided that the person is at least partially responsible for paying the rent

### **Co-Head of Household**

The co-head of household is the adult member of the household who is designated by the family

as co-head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

Emancipated minors who qualify under State law will be recognized as co-head of household if there is a court ordered recognizing them as an emancipated minor.

Persons who are married are legally recognized as adults under State law.

A family may designate an elderly or disabled family member as co-head of household solely to qualify the family as an Elderly Family, provided that the person is at least partially responsible for paying the rent

A person designated as co-head of household cannot also qualify as a full-time student.

### **Spouse of Head Household**

Spouse means the husband or wife of the head of household.

For proper application of the Non-citizen Rule, the definition of spouse is: the marriage partners whom, in order to dissolve the relationship, and would have to be divorced. The term "spouse" does not apply to boyfriends, girlfriends, or significant others.

### **Live-In Attendants**

A Family may include a live-in aide provided that the live-in aide:

Is determined by the SDHC to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,

Is not obligated for the support of the person(s), and

Would not be living in the unit except to provide supportive services for the person(s).

A live-in aide is not considered to be an assisted family member and has no rights or benefits under the program:

1. Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
2. Live-in aides are not subject to Non-Citizen Rule requirements.
3. Live-in aide must meet the One-Strike Policy criteria for eligibility.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

Family members of a live-in attendant may also reside in the unit, providing doing so does not increase the subsidy by the cost of an additional bedroom and that the presence of the family member does not overcrowd the unit.

### **C. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS**

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither may elect not to contend their status. Eligible immigrants are persons who are in one of the six immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

### **D. OTHER ELIGIBILITY CRITERIA**

All applicants will be processed in accordance with HUD's regulations (24 CFR Part 960) and sound management practices. Applicants will be required to demonstrate ability to comply with essential provisions of the lease as summarized below.

All applicants must demonstrate through an assessment of current and past behavior the ability:

1. to pay rent and other charges as required by the lease in a timely manner;
2. to care for and avoid damaging the unit and common areas;
3. to use facilities, appliances and equipment in a reasonable way;
4. to create no health or safety hazards, and to report maintenance needs in a timely manner;
5. not to interfere with the rights and peaceful enjoyment of others and to avoid damaging the property of others;
6. not to engage in criminal activity nor alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents or staff and not to engage in drug-related criminal activity on or off the public housing premises;
7. not to have ever been convicted of manufacturing or producing methamphetamine, also known as "speed."
8. to comply with necessary and reasonable rules and program requirements of HUD and the SDHC; and,
9. to comply with local health and safety codes.

### **Denial of Admission for Previous Debts to This or Any Other PHA**

Previous outstanding debts to SDHC or any PHA resulting from a previous tenancy in the public housing or section 8 program must be paid in full prior to admission. No Payment Agreement will be accepted.

Either spouse is responsible for the entire debt incurred as a previous SDHC tenant. Children of the head or spouse, who had incurred a debt to the SDHC, while children were minors, will not be held responsible for the parent's previous debt.

### **E. ONE STRIKE POLICY (SEE Chapter 15)**

#### **Denial of Admission for Drug-Related and/or Other Criminal Activity**

##### **HUD Definitions**

***Drug-related criminal activity*** is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Drug-related criminal activity means *on or off the premises, not just on or near the premises*.

***Criminal activity*** includes any criminal activity that threatens the health, safety or right to peaceful enjoyment of the resident's public housing premises by other residents or employees of the SDHC.

#### **Standard for Denial**

Persons evicted, or who had their program participation terminated from any subsidized housing program are ineligible for admission to Public Housing.

No member of the applicant's family may have "engaged in" drug related or violent criminal activity within the past 5 years, or been convicted in the last 5 years.

The SDHC will permanently deny admission to public housing units, persons convicted of manufacturing or producing methamphetamine (speed) in violation of any Federal or State law, and persons convicted of rape, murder, attempted murder or child molestation.

The SDHC will deny participation in the program to applicants where the SDHC determines there is reasonable cause to believe that the person is currently using an illegal controlled substance or engaging in drug-related or other criminal activity. The same will apply if it is determined that the person is abusing alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

***"Engaged in or engaging in or recent history of"*** drug related criminal activity means any act within the past **5** years by applicants or participants, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal

activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

***“Engaged in or engaging in or recent history of”*** criminal activity means any act within the past 5 years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the housing premises by other residents or employees of the SDHC, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

### **EVIDENCE OF REHABILITATION**

- 1.Applicant or resident has no further evictions, arrests or convictions since the last recorded occurrence;
- 2.Applicant or resident has active\* participation in a licensed, accepted\*\* rehabilitation program for a minimum of 12 consecutive months;
- 3.Applicant has certification\*\*\* from that program and the Head of Household that the responsible party is clean and sober or no longer participating in drug related or violent crime.

\* Applicant can document attendance at regular meetings and follow through on activities.

\*\* The program is a member of a national professional association and follows those professional guidelines in the delivery of services.

\*\*\* Provide as third party verification.

In evaluating evidence of negative past behavior, the SDHC will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

The SDHC may permit eligibility for occupancy and impose conditions that the involved family member(s) does not reside in the unit. The SDHC will consider evidence that the person is no longer in the household such as divorce decree/death/copy of a new lease with the owner's telephone number and address/or other substantiating evidence.

### **Confidentiality of Rehabilitation Records**

Information received by the SDHC from a drug treatment facility is destroyed, once the purpose(s) for which the record was requested has been accomplished, including period for filing a challenge to the SDHC; not later than 5 business days after the SDHC makes a final decision to admit the person. The information will remain confidential in accordance with section 543 of the Public Health Service Act (12 U.S.C. 290dd-2).

**Other criminal activity**

Other criminal activity means a history of criminal activity involving crimes of actual or threatened violence to 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.

- No family member may have engaged in or threatened abusive or violent behavior toward SDHC personnel at any time.
- No family member may have committed fraud, bribery, or any other corrupt or criminal act in connection with any federal program, i.e., (housing, welfare, social security, etc.) in the last 10 years.
- The entire household is disqualified from admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

The SDHC may pursue fact-finding efforts as needed to obtain preponderance of evidence and/or credible evidence.

**Confidentiality of Criminal Records**

The SDHC will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated and must be destroyed once the purpose(s) for which the record was requested has been accomplished, including period for filing a challenge to the SDHC. Not more than 30 days after the SDHC's final decision.

**Disclosure of Criminal Records to Family**

Before the SDHC takes any adverse action based on a criminal conviction record, the applicant will be provided with a copy of the criminal record and an opportunity to dispute the record. Applicants will be provided an opportunity to dispute the record at an administrative review. Tenants may contest such records at the court hearing in the case of evictions.

**Hearings** (See Chapter 13. Complaints and Appeals)

If information is revealed that would cause the SDHC to deny admission to the household and the person disputes the information, she/he shall be given an opportunity for an informal hearing according to the SDHC's hearing procedures outlined in Chapter 13. Complaints and Appeals.

**F. SCREENING FOR SUITABILITY**

[24 CFR 960.204, 960.205]

It is the policy of the SDHC to deny admission to applicants whose habits and practices may reasonably be expected to have a detrimental effect on the operations of the development or neighborhood, or on the quality of life for its residents.

The SDHC will conduct a detailed interview of all applicants. The interview form will contain



questions designed to evaluate the qualifications of applicants to meet the essential requirements of tenancy. Answers will be subject to third party verification. The SDHC will complete a credit check for all adult members of the household.

An applicant's intentional misrepresentation of any information related to eligibility, award of preference for admission, housing history, allowances, family composition or rent will result in denial of admission.

Applicants must be able to demonstrate the ability and willingness to comply with the terms of the lease, either all or with assistance which they can demonstrate that they have or will have at the time of admission. (24 CFR 8.2 Definition: Qualified Individual with Handicaps) The availability of assistance is subject to verification by the SDHC.

The SDHC's minimum age for admission as head of household is 18, or an emancipated minor, to avoid entering into leases that would not be valid or enforceable under applicable law.

The SDHC's examination of relevant information pertaining to past and current habits or practices will include, but is not limited to, an assessment of:

1. The applicant's past performance in meeting financial obligations, especially rent.
2. Eviction or a record of disturbance of neighbors sufficient to warrant a police call, destruction of property, or living or housekeeping habits at present or prior residences which may adversely affect the health, safety, or welfare of other tenants or neighbors.
3. Any history of criminal activity on the part of any applicant family member involving criminal acts, including drug-related criminal activity.
4. Any history or evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy by neighbors.
5. Any history of initiating threats or behaving in a manner indicating intent to assault employees or other tenants.
6. Any history of alcohol or substance abuse that would threaten the health, welfare, or right to peaceful enjoyment of the premises by other residents.
7. The ability and willingness of an applicant to comply with the essential lease requirements will be verified and documented by the SDHC. The information to be considered in the screening process shall be reasonably related to assessing the conduct of the applicant and other family members listed on the application in present and prior housing. A visit to the applicant's present residence may be performed as part of the screening process.

The history of applicant conduct and behavior must demonstrate that the applicant family

can reasonably be expected not to:

- a. Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare. [24 CFR 960.205(b)]
- b. Adversely affect the physical environment or financial stability of the project. [24 CFR 960.205(b)]
- c. Violate the terms and conditions of the lease. (24CFR 8.3).
- d. Require services from SDHC staff that would alter the fundamental nature of the SDHC's program [24 CFR 8.3]

### **Rent Paying Habits**

The SDHC will examine any records from a prior or current tenancy, and will request written references from the applicant's current and former landlords for up to the past 5 years, A minimum of one year tenancy is required.

### **Screening Applicants Who Claim Mitigating Circumstances**

Mitigating circumstances are facts relating to the applicant's record of unsuitable rental history or behavior, which, when verified would indicate both: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and the applicant's prospect for lease compliance is an acceptable one, justifying admission.

If the mitigating circumstances claimed by the applicant relate to a change in disability, medical condition or course of treatment, the SDHC shall have the right to refer such information to persons who are qualified and knowledgeable to evaluate the evidence and to verify the mitigating circumstance. The SDHC shall also have the right to request further information reasonably needed to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

## Chapter 3

### APPLYING FOR ADMISSION

#### **INTRODUCTION**

The policy of the SDHC is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the SDHC will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made. Applicants will be placed on the waiting list in accordance with this Policy.

#### **A. HOW TO APPLY**

Families who wish to apply for any of the SDHC's programs must complete an application form when application taking is open. Applications will be made available in an accessible format upon request from a person with a disability.

- The application process is to determine the family's eligibility for, and placement on, the waiting list.
- The eligibility process takes place when the family reaches the top of the waiting list. At this time the SDHC ensures that verification of all HUD and SDHC eligibility factors is current in order to determine the family's eligibility for an offer of a suitable unit.

#### **B. NOTIFICATION OF APPLICANT STATUS**

If after a review of the application the family is determined to be preliminarily eligible, they will be notified in writing (in an accessible format upon request, as a reasonable accommodation).

This written notification of preliminary eligibility will be mailed to the applicant by first class mail.

If the family is determined to be ineligible based on the information provided in the application, the SDHC will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an administrative review. Persons with disabilities may request to have an advocate attend the administrative review as an accommodation. See Chapter on Complaints and Appeals.

### **Requirement to Attend Interview**

The SDHC utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information that has been provided by the family, and to ensure that the information is complete. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other SDHC services or programs that may be available.

All adult family members must attend the interview and sign the housing application. Exceptions may be made for adult students attending school out of state or for members for whom attendance would be a hardship.

It is the applicant's responsibility to reschedule the interview if she/he misses the appointment. If the applicant does not reschedule or misses two scheduled meeting(s), the SDHC may reject the application.

Reasonable accommodation will be made for persons with a disability who requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with permission of the person with a disability.

### **C. PROCESSING APPLICATIONS**

As families approach the top of the waiting list, the following items will be verified to determine qualification for admission to the SDHC's housing:

1. Local preference verification
2. Family composition and type (elderly/non elderly)
3. Annual Income
4. Assets and Asset Income
5. Deductions from Annual Income
6. Social Security Numbers of all family members
7. Information used in applicant screening
8. Citizenship or eligible immigration status
9. Criminal History Report
10. Suitability factors

**D. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY**

After the verification process is completed, the SDHC will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the SDHC, and the tenant suitability determination (see Chapter 4: Tenant Selection and Assignment Plan).

The household is not actually eligible for a unit offer until this final determination has been made, even though they may have been preliminarily determined eligible and may have been listed on the waiting list.

## **Chapter 4**

### **TENANT SELECTION AND ASSIGNMENT PLAN (Includes Preferences and Managing the Waiting List) [24 CFR 960.204]**

#### **INTRODUCTION**

Applicants will be listed in sequence based upon date and time the application is received, the size and type of unit they require, and factors of preference or priority. In filling an actual or expected vacancy, the SDHC will offer the dwelling unit to an applicant in the appropriate sequence. The SDHC will offer the unit until it is accepted. This Chapter describes the SDHC's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list.

#### **Cooperative Waiting List**

The SDHC and the Housing Authority of the County of San Diego have agreed to maintain a cooperative waiting list for those applicants who live in the jurisdiction of the other housing agency.

Each housing agency will exchange waiting list applications, preserving the original date and time of application for applicants residing in the jurisdiction of the other agency.

Upon receipt of this data, each housing agency will integrate such applicants into its current waiting list using the original date and time of application.

By maintaining an accurate waiting list, the SDHC will be able to perform the activities, which ensure that an adequate pool of qualified applicants will be available to fill unit vacancies in a timely manner. Based on the SDHC'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.

#### **A. MANAGEMENT OF THE WAITING LIST**

The SDHC will administer its site-based waiting list as required by 24 CFR Part 5, Subparts E and F, Part 945 and 960.201 through 960.215. The site-based waiting list will be maintained in accordance with the following guidelines:

The application will be a permanent file.

All applicants in the pool will be maintained in order of preference.

Applications equal in preference will be maintained by date and time sequence.

The waiting list will be a site-based waiting list.

### **Opening and Closing the Waiting Lists.**

The SDHC, at its discretion, may restrict application intake, suspend application intake, and close site-based waiting lists in whole or in part with the approval of the SDHC Board of Commissioners.

The decision to close the site-based waiting list will be based on the number of applications available for a particular size and type of unit, and the ability of the SDHC to house an applicant in an appropriate unit within a reasonable period of time.

When the SDHC opens the site-based waiting list, the SDHC will advertise through public notice in local newspapers, minority publications, media entities, and community based or social service organizations.

During the period when the site-based waiting list is closed, the SDHC will not maintain a list of individuals who wish to be notified when the site-based waiting list is open.

Suspension of application taking is announced in the same way as opening the site-based waiting list.

The SDHC will update the site-based waiting list at least every 12-18 months by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail or telephone. At the time of initial intake, the SDHC will advise families of their responsibility to notify the SDHC when mailing address or telephone numbers change.

### **Multiple Families in Same Household.**

When families apply that consist of 2 families living together, (such as a mother and father, and a daughter with her own child or children), if they apply as a family unit, they will be considered as one family unit.

## **B. WAITING LIST PREFERENCES**

A preference does not guarantee admission to the program. Preferences are used to establish the order of placement on the site-based waiting list. Every applicant must meet the SDHC's Selection Criteria as defined in this policy.

The SDHC's preference system will work in combination with requirements to match the characteristics for the family to the type of unit available, including units with targeted populations, and further deconcentration of poverty in public housing. When such matching is required or permitted by current law, the SDHC will give preference to qualified families.

Families who reach the top of the site-based waiting list will be contacted by the SDHC to verify

their preference and, if verified, the SDHC will complete a full application for occupancy. Applicants must complete the application for occupancy and continue through the application processing and may not retain their place on the site-based waiting list if they refuse to complete their processing when contacted by the SDHC.

Among applicants with equal preference status, the site-based waiting list will be organized by date and time.

### **Verification Requirement for Preference: Homeless**

Homeless applicants who meet the Homeless criteria must provide certification of homeless status from a public or private facility that provides shelter for such households, or from the local police department, or any social service agency that provides services for homeless people.

Applicants who are homeless due to residing in a transitional housing program must provide a letter from the transitional program's sponsoring agency documenting the applicant's participation and readiness to maintain an independent tenancy.

### **Local Preferences**

The SDHC will utilize the Agency Plan process or similar process when changing its preference system which includes a Public Hearing and approval by the Housing Authority.

The SDHC uses the following local preference system:

### **WAITING LIST ORDER**

WITHIN EACH OF THE ABOVE NUMBERED CATEGORIES, APPLICANTS WILL BE SERVED ON A *FIRST COME/FIRST SERVED BASIS* WITH ALL VETERANS\* BEING SERVED BEFORE OTHER APPLICANTS IN THE NUMBERED CATEGORY

\* Throughout this document "Veteran" is defined as the head or spouse being a veteran or family of a veteran; also, active U.S. servicepersons qualify as veterans. (*See II. Glossary of Housing Terms: "Family of Veteran"*)

Date and time of receipt of a completed application.

Residency preferences for families who live, work, or have been hired to work in the jurisdiction.

Homeless person with a disability

Elderly (62 years or older)

Disability



Veteran

Active U.S. Military personnel.

Within each of the following numbered categories, applicants will be served by date and time of application.

1. Applicants who live and/or work in the City of San Diego and who are families with dependents or single persons who are disabled or age 62 or older, or veterans, or active U.S. Servicepersons or a homeless person with a disability
2. Other applicants who live and/or work in the City of San Diego
3. Applicants who do not live and/or work in the City of San Diego and who are families with dependents or single persons who are disabled or age 62 or older, or veterans, or active U.S. Servicepersons or a homeless person with a disability
4. Other applicants who do not live and/or work in the City San Diego

When a family has been selected from the site-based waiting list, they must be prepared at that time to begin the eligibility process. If the family is unable, they will be dropped from the site-based waiting list.

**C. FACTORS OTHER THAN PREFERENCES THAT AFFECT SELECTION OF APPLICANTS**

Before applying its preference system, the SDHC will first match the characteristics of the available unit to the applicants available on the site-based waiting list. Factors such as unit size, accessible features, deconcentration or income mixing, income targeting, or units in housing designated for the elderly limit the admission of families to those characteristics that match the characteristics and features of the vacant unit available.

By matching unit, family characteristics and income, it is possible that families who are lower on the site-based waiting list may receive an offer of housing ahead of families with an earlier date and time of application.

**D. UNITS DESIGNATED FOR THE ELDERLY**

The SDHC will take the following action when processing families for developments designated for the elderly:

- (1) When there are insufficient elderly families (62+) who wish to reside in a development, families with head or spouse ages 55-61 receive a preference for this type of unit. (City of San Diego Conditional Use Permit: Restricted to age 55 or older).

- (2) When there are insufficient elderly or families with head or spouse ages 55-61 who wish to reside in a development, and units are ready for leasing more than 30 days, all other family types are eligible for such units.

- Families with members who require a unit with accessible features will receive preference for such units over families who do not require such features.

#### **E. UNITS DESIGNATED FOR ELDERLY/DISABLED.**

The SDHC will take the following action when processing families for developments designated for the elderly/disabled:

- (1) When there are insufficient elderly (62+) or disabled families who wish to reside in a development, families with head or spouse ages 55-61 receive a preference for this type of unit. (City of San Diego Conditional Use Permit: Restricted to age 55 or older).
- (2) When there are insufficient elderly or disabled or families with head or spouse ages 55-61 who wish to reside in a development, and units are ready for leasing more than 30 days, all other family types are eligible for such units.
- Families with members who require a unit with accessible features will receive preference for such units over families who do not require such features.

#### **F. MIXED POPULATION UNITS.**

In accordance with the 1992 Housing Act, elderly families whose 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 with families for admission to such units. No limit will be established on the number of elderly or disabled families that may occupy a mixed population property. All other SDHC preferences will be applied.

#### **G. UNITS DESIGNATED AS ACCESSIBLE**

The SDHC has units designed for persons with mobility, sight and hearing impairments (referred to as accessibility units). These units were designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications.

Preference for occupancy of these units will be given to families with disabled family members who require the modifications or facilities provided in the units.

#### **H. DECONCENTRATION OF POVERTY AND INCOME-MIXING**

(Implementation shall occur beginning 7-01-2002)

The SDHC's admission policy is designed to provide for deconcentration of poverty and mixing higher income tenants with lower income tenants and vice versa.

### **Annual Review of Tenant Characteristics**

The SDHC will determine and compare the relative tenant incomes of each covered development (applies to general occupancy, family public housing developments, excluding developments which house only elderly persons or persons with disabilities or both; developments approved for demolition or for conversion to tenant-based assistance) and the average annual income of all families at these developments.

Upon analyzing its findings the SDHC will apply the policies, measures and incentives to bring higher income families into lower income developments and lower income families into higher income developments.

Agency-wide average annual income is established by averaging the annual income of all residents at all covered developments.

Definition of lower income development: The average annual income of the development is 85% or below that of the Agency-wide average.

Definition of higher income development: The average annual income of the development is 115% or above that of the Agency-wide average.

The SDHC will reserve at least 40% percent of new admissions (lease-ups) to its public housing program in each fiscal year for "extremely-low" income families (30% below MAI) and the remaining 60% percent of new admissions for "low-income" families (31-80% of Median Area Income).

In order to further deconcentration efforts the SDHC may skip over low-income families on the waiting list to select higher income families for lower income developments and may skip over high-income families on the waiting list to select lower income families for higher income developments.

### **SDHC Incentives for Higher and Lower Income Families**

In addition to maintaining its public housing stock in a manner that is safe, clean, well landscaped and attractive, the SDHC may offer the following incentives for higher income families (above 30% of MAI) moving into lower income developments and for lower income families (below 30% MAI) moving into higher income developments.

SDHC will approve a transfer request to another development of the family's preference after one year of occupancy at a development designated for deconcentration. (Such transfers will be based on date order of similar requests received).

After a third referral for housing the SDHC may offer a choice of any lower-income development to a family with an income above 30% of Median Area Income, or a choice of any higher-income development to a family with an income below 30% of Median Area Income.

The SDHC may offer two (2) months free rent.

The SDHC may offer larger bedroom sizes to smaller families.

The SDHC's goal is to further deconcentration by proactively mixing incomes of households residing in particular public housing developments. Family self-sufficiency efforts for current residents may help in attaining this goal.

#### **I. PREFERENCE DENIAL** [24 CFR 5.415]

If the SDHC denies a preference, the SDHC will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an administrative review. The applicant will have 17 working days to request the meeting in writing. 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 they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the waiting list with notification to the family.

#### **J. REMOVAL FROM WAITING LIST AND PURGING** [24 CFR 960.204(a)]

The waiting list will be purged at least every 12-18 months by a mailing to all applicants to ensure that the waiting list is current and accurate. The mailing will ask for current information and confirmation of continued interest.

Applicant removed from the waiting list may be reinstated with verifiable “good cause”; example would be for medical circumstances.

#### **K. INCOME TARGETING**

The SDHC will monitor its admissions (lease-ups) to ensure that at least 40% percent of families admitted to public housing in each fiscal year shall have incomes that do not exceed 30% of median area income of the SDHC’s jurisdiction.

#### **L. PLAN FOR UNIT OFFERS**

Three offers of a vacant unit of appropriate bedroom size, at different complexes, will be made in rank order from the approved waiting pool. Public housing residents needing

transfers will have priority over applicants.

All offers of housing will be for the longest vacant unit of the appropriate bedroom size.

\*NOTE: Exception to the above may occur due to Deconcentration Policy (see this Chapter, Section H).

The SDHC 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.

#### **M. CHANGES PRIOR TO UNIT OFFER**

Once the family has been determined eligible and prior to an offer of a suitable unit, changes in family composition, status or income may affect the family's eligibility or rent determination. Income changes will not result in denial of eligibility. The family will be notified in writing of changes in their eligibility or level of benefits and offered their right to an administrative review when applicable.

#### **N. APPLICANT STATUS AFTER FINAL UNIT OFFER**

When an applicant rejects the final unit offer the SDHC will:

- Remove the applicant's name from the waiting list.

Removal from the waiting list means:

- The applicant must reapply

#### **O. TIME-LIMIT FOR ACCEPTANCE OF UNIT**

Applicants must respond to a unit offer within 4 calendar days of the date of the letter. The SDHC will also attempt to call the applicant.

#### **Applicants Unable to Take Occupancy**

If an applicant is willing to accept the unit offered, but is unable to take occupancy at the time of the offer for "*good cause*," the applicant will not be removed from the waiting list and not counted as an offer of housing.

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)]

Presence of lead paint in the unit offered when the applicant has children under the age specified by current law;

The family demonstrates to the SDHC'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 is inappropriate for the applicant's disabilities.

The applicant is unwilling to accept the unit offered because acceptance would result in undue economic or medical hardship defined as:

1. Family member requires more than two visits a week with a physician for medical treatment and the medical facility is in excess of 25 miles from the unit, or
2. The location of the unit is in excess of 25 miles from place of employment, educational, or training facility, or public transportation is not readily accessible, taking in excess of one hour from point of pick up to place of employment. Normally where public transportation is available, services are considered accessible.

Economic hardship can include condition beyond Family's control that negatively affects progress towards self-sufficiency.

## **Chapter 5**

### **OCCUPANCY GUIDELINES**

#### **INTRODUCTION**

The Occupancy Guidelines are established by the SDHC to ensure that families of the appropriate size occupy units. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization. This Chapter explains the Occupancy Guidelines 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.

#### **A. DETERMINING UNIT SIZE**

The SDHC does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom. The SDHC's Occupancy Guideline standards for determining unit size shall be applied in a manner consistent with Fair Housing guidelines.

For occupancy standards, an adult is a person 18 years or older or an emancipated minor.

All guidelines in this section relate to the number of bedrooms in the unit. Dwelling units will be so assigned that:

- Generally the SDHC will assign one bedroom to two people within the following guidelines:
- Adults of different generations, adults of the opposite sex (other than spouses or partnership relationship), and unrelated adults will not be required to share a bedroom. A minor will not be required to share a bedroom with a parent or guardian. Minors of the opposite sex will not be required to share a bedroom.
- Foster children/adults will be included in determining unit size only if they will be in the unit for more than 6 months.
- Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.
- Space may be provided for a child who is away at school but who lives with the family during school recesses.

**GUIDELINES FOR DETERMINING BEDROOM SIZE**

<b>Bedroom Size</b>	<b>Persons in Household: (Minimum #)</b>	<b>Persons in Household: (Maximum #)</b>
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10

**B. EXCEPTIONS TO OCCUPANCY STANDARDS**

The SDHC will grant exceptions from the guidelines in cases where it is the family's request and/or the SDHC determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances, and there is a vacant unit available. If an applicant requests to be listed on a smaller or larger bedroom size waiting list, the following guidelines will apply:

1. Applicants may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, (as long as the unit is not overcrowded according to local codes). The family must agree not to request a transfer until their family composition changes or they have occupied the unit for 3 years.

A family that voluntarily accepts a unit that is smaller than what the family is eligible for will be required to sign a statement stating that unless there is an increase in family size the family agrees that they are not eligible for transfer to a larger unit for at least 3 years.

The SDHC may offer a family a unit that is larger than required by the SDHC's occupancy standards, if the waiting list is short of families large enough to fill the vacancy or the SDHC determines that the common area for the project is insufficient for accommodating any additional large families.

2. The family may request to be placed on a larger bedroom size waiting list than indicated by the SDHC's occupancy guidelines. The request must explain the need or justification for a larger bedroom size, and must be verified by the SDHC before the family is placed on the larger bedroom size list. The SDHC will consider these requests:

**Person with Disability**

The SDHC will grant an exception upon request as a reasonable accommodation for persons with disabilities if the need is appropriately verified and meets requirements in Chapter 1, E. Service and Accommodations Policy.



### **Other Circumstances**

Circumstances may dictate a larger size than the occupancy standards permit when:

Persons cannot share a bedroom because of a need for medical equipment due to its size and/or function. A doctor must verify requests for a larger bedroom due to medical equipment.

A medical professional must verify requests based on health related reasons.

3. In order to achieve deconcentration the SDHC will apply the policies, measures and incentives to bring higher income families into lower income developments or vice versa. The SDHC may offer incentives for higher income families moving into lower income developments or vice versa.

The SDHC will not assign a larger bedroom size due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

All members of the family residing in the unit must be approved by the SDHC. The family must obtain written approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the SDHC within 10 days.

### **C. FAMILY MOVES**

When a change in the circumstances of a tenant 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.

The unit considerations in this section should be used as a guide to determine whether and when the bedroom size should be changed. If an unusual situation occurs, which is not currently covered in this policy, the case should be taken to the supervisor who will make determination after reviewing the situation, the individual circumstances, and the verification provided.

NOTE: Chapter 8, Transfer Policy

## **Chapter 6**

### **DETERMINATION OF TOTAL TENANT PAYMENT**

[24 CFR 5.609, 5.611, 5.613, 5.615]

#### **INTRODUCTION**

Income and TTP are calculated in accordance with 24 CFR Part 5, Subpart F and further instructions set forth in HUD Notices, Memoranda and Addenda. The formula for the calculation of TTP is specific and not subject to interpretation. The SDHC's policies in this Chapter address those areas, which allow the SDHC discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

#### **A. MINIMUM RENT**

The minimum rent is \$50.

The Total Tenant Payment is the greater of:

30% of the adjusted monthly income; or

10% of the monthly income.

The minimum rent of \$50 as established by the SDHC

The minimum rent refers to a minimum total tenant payment and not a minimum tenant rent.

The SDHC recognizes that in some instances even the minimum rent may create a financial hardship for families. The SDHC will review all relevant circumstances brought to the SDHC's attention regarding financial hardship as it applies to minimum rent. The following section states the SDHC's procedures and policies in regard to minimum rent financial hardship as set forth by the Quality Housing and Work Responsibility Act of 1998 (QHWRA).

#### **Exception for Hardship Circumstance**

1. The family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996;
2. The family would be evicted as a result of the imposition of the minimum rent requirement;
3. The income of the family has decreased because of changed circumstance, including loss of employment;

4. Death in the family has occurred; and
5. Other situations as may be determined by the SDHC.

The SDHC notification will advise the family that hardship exception determinations are subject to SDHC grievance procedures.

The SDHC will review all tenant requests for exception from the minimum rent due to financial hardships.

### **Request for Hardship Exemption**

1. The SDHC must suspend the minimum rent requirement beginning the month following the family's request for a hardship exemption, and continuing until the SDHC determines whether there is a qualifying financial hardship and whether it is temporary or long term.
2. The SDHC must promptly determine whether a qualifying hardship exists and whether it is temporary or long term.
  - a. Temporary is less 3 months.
  - b. Long-term is more than 3 months
3. SDHC may not evict the family for nonpayment of the minimum rent during the 90-day period beginning the month following the family's request for a hardship exemption.
4. If a qualifying financial hardship is determined temporary, the SDHC must reinstate the minimum rent from the beginning of the suspension of the minimum rent. The family must be offered a reasonable repayment agreement, on terms and conditions established by the SDHC, for the amount of back minimum rent owed.
5. If a qualifying financial hardship is determined long term, the SDHC must exempt the family from the minimum rent requirements so long as such hardship continues. The financial hardship exemption applies to payment of the minimum rent and not to the other elements used to calculate the total tenant payment. A review of the financial hardship will be conducted every 90 days to determine continued exemption.

### **B. INCOME AND ALLOWANCES**

***Income:*** HUD defines the types of money, which are to be used as income for purposes of calculating the TTP in federal regulations. In accordance with this definition, income from all sources of each member of the household is documented. (See Income Inclusions and Income Exclusions in the Glossary of Terms.)

**Annual Income** is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or recertification. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income, which has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits. (24 CFR 5.607)

**Adjusted Income** is defined as the Annual income minus any HUD allowable deductions.

**Optional Income Exclusions** The SDHC does not adopt any additional exclusions or adjustments to annual income of tenants.

**Sporadic Income** occurs at irregular intervals; having no pattern or order in time.

How many times received during the year to be annual vs. sporadic?

### **C. EMPLOYMENT INCOME**

Gross amount, prior to payroll deductions.

- Includes overtime, commissions, fees, tips and bonuses

### **D. SEASONAL EMPLOYMENT INCOME**

When Annual Income cannot be anticipated for a full twelve months, the SDHC will:

#### Method 1

Annualize current income, and *conduct an interim reexamination* when the income changes.

#### Method 2

Calculate the actual anticipated income from all known sources for the entire year. This means there will be *no interim reexamination when the income changes* as already anticipated. However, to use method 2, a history of the individual's income from past years is needed. This method cannot be used when the future income source is "unknown" or "none".

EXAMPLE:		
Maggie Price is currently employed as a tile setter with Heinz construction, earning \$1,200 per month. For the last 3 years, she has worked this job for 8 months per year during the construction season. During the other 4 months of each year, she works part-time at Canon Printers, earning \$500 per month.		
<b>Under Method 1</b> , multiply current incomes times 12 months.		
\$1,200 a month x 12 months = \$14,400 per year		
When the construction season ends, <i>conduct an interim reexamination</i> , multiplying the new current income times 12 months.		
\$500 a month x 12 months = \$6,000 per year.		
<b>Under Method 2</b> , anticipating income from all known sources for the entire year.		
Heinz Construction	\$1,200 x 8 months =	\$9,600
Canon Printers	\$500 x 4 months =	\$2,000
Total		\$11,600

Since the change in income was anticipated, there would be <i>no interim reexamination conducted</i> when the participant changes jobs from Heinz Construction to Canon Printers.
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**E. MINIMUM INCOME**

There is no minimum income requirement. Families who report zero income are required to complete a written certification every 3 months.

Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

The SDHC may request credit checks for all adult members of families that report zero income.

Where credit reports show credit accounts open and payments current, the SDHC will take action to investigate the possibility of fraud or program abuse.

**F. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME**

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the SDHC will calculate the Total Tenant Payment by:

Including the income of the person permanently confined to the nursing home and giving the family the medical deductions allowable on behalf of the person in the nursing home. This will be the remaining balance available to the family member left in the household for their expenses.

**G. CHILD CARE EXPENSES**

The SDHC shall determine whether child care costs are “reasonable.”

Actual reasonable un-reimbursable childcare expenses for children under 13 may be deducted from annual income if they enable an adult to actively seek employment, be gainfully employed, or, further his/her education full time, or if head/spouse is attending on-line classes at home or even for homework, This may include family enrolling child in camp instead of childcare (such as during the summer so parent can work)

Child care expenses deducted to permit employment may not exceed the amount of employment income included in annual income.

Child care expenses of Foster Children, may be included, only if they are not reimbursed.

When a family member works and goes to school, the child care expense must be prorated so that the portion of the total child care expense that is specifically related to the hours the family member works cannot exceed the amount earned.

**H. MEDICAL EXPENSES** [24 CFR 5.603]

Nonprescription medicines and treatment must be doctor-recommended in order to be considered a medical expense; and

Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts with identification of the type of purchase.

An assistance animal is one that works, provides assistance or performs tasks for the benefit of a person with a disability. The need for an assistance animal has to be directly related to a disability, and the services performed by the animal must alleviate one or more identified symptom of that person's disability.

Veterinary bills as well as other expenses related to the upkeep of the assistance animal or companion animal are allowed medical expense for a qualified assistance animal.

**I. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES** [24 CFR 5.520]

**Applicability**

Prorating of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

**J. REDUCTION IN BENEFITS**

See Chapter 11: D. Income Changes Resulting from Welfare Program Requirements

**K. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS**

If the cost of utilities (excluding telephone) is not included in the Tenant Rent, a utility allowance will be deducted from the total tenant payment. The Utility allowance is intended to help defray the cost of utilities not included in the rent. The allowances are based on the monthly cost, for reasonable consumption, of utilities in an energy conservative household, *not* on a family's actual consumption.

**L. INDIVIDUAL RELIEF FROM PAYMENT OF UTILITIES IN EXCESS OF ALLOWANCES**

Relief from payment of utility supplier billings in excess of the allowances for resident-purchased utilities, may be granted by the SDHC on reasonable grounds, such as special needs of elderly, ill or disabled residents, or special factors affecting utility usage not within the control of the resident, as the SDHC shall deem appropriate.

The medical baseline allowance provides additional regulated utility charges at the baseline rate, which is the lowest rate for residential customers. It is not a discount or rebate.

### **Criteria for Granting Relief**

To qualify, the resident or a member of the household must meet one of the following requirements:

- Resident must meet requirements as specified by the utility provider.
- Resident is responsible for notifying the SDHC if the medical equipment is no longer needed, or if the household member using it no longer resides in the household.
- The medical baseline allowance is transferable should the qualifying member of the household move to another public housing unit.

### **Procedure for Requesting Relief**

1. Resident must contact his/her Housing Assistant and request relief from excess consumption of utilities. The additional medical baseline allowance for consumption will be incorporated with the unit's standard consumption allowance.
2. Application must be made and approved by the utility supplier to receive the medical baseline allowance.
3. A doctor's verification of the medical condition, or need for the equipment, or both, must be provided to the SDHC.
4. Verification from the utility supplier of approval of the medical baseline allowance, must be provided to the SDHC.

### **M. FAMILY CHOICE OF RENTAL PAYMENT**

Residents may choose annually their rental payment based on either a flat rent or the income based calculated rent method. 60-day notice may be given to residents when the flat rent increases, according to State provisions.

Except for financial hardship cases, the family may not be offered this choice more than once a year.

Regardless of whether the family chooses to pay a flat rent or income-based rent, the family must pay at least the minimum rent.

A family paying flat rent may at any time request a switch to income-based rent (before the next annual option to select the type of rent).

If the family has elected to pay the flat rent, the SDHC must immediately allow the family to pay the income-based calculated rent if the family is unable to pay the flat rent because of hardship.

**Hardship Includes:**

- Income of the family has decreased because of changed circumstances, loss of or reduction of employment, death in the family, and reduction in or loss of income or other assistance.
- An increase, because of changed circumstances, in the family's expenses for medical costs, childcare, transportation, education, or similar items.
- Other situations as determined by the SDHC.

The SDHC will review the income of families that are paying flat rents not less than once every three years.

**Information for Families**

The SDHC must provide sufficient information for an informed choice and must include at least the following written information:

1. SDHC policies on switching type of rent in circumstances of financial hardship, and
2. The dollar amounts of tenant rent under each option.
3. Inform the family they have 14 days to return signed document stating their choice of paying flat rent or the income based calculated rent.

If the family chose a flat rent for the previous year, the SDHC is required to provide the amount of income-based rent for the subsequent year only, the year the SDHC conducts an income reexamination, or if the family specifically requests it and submits updated income information.

**N. METHODOLOGY USED TO DETERMINE FLAT RENTS**

To establish flat rents, SDHC used the San Diego County Apartment Associations' (SDCAA's) most recent market rental survey, and for those areas where the SDCAA does not survey, the Section 8 database of market rate rental comparables was used. Flat rent is based on the market rent charged for comparable units in the private unassisted rental market.

The SDHC does not pay any utility reimbursement when flat rent is selected.

**Flat Rent Table**

A table of flat rents by public housing site and bedroom size has been established.



Annually, SDHC will review the current rent structure of all public housing by bedroom size compared to available market rate rentals and adjust flat rents if there is a variance of 10% or more.

The Flat Rent Table is available for review at the Housing Commission's Area Offices:

- Belden Office  
7777 Belden Street  
San Diego, CA 92111
- Calle Primera Office  
178 Calle Primera #A  
San Ysidro, CA 92173

## **Chapter 7**

### **VERIFICATION PROCEDURES**

[24 CFR 5.617, 24 CFR 960.206]

#### **INTRODUCTION**

The SDHC's verification procedures are designed to meet HUD's requirements and to maintain program integrity. This Chapter explains the SDHC's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and when there are changes in family members. The SDHC will ensure that proper authorization for release of information is always obtained from the family before making verification inquiries.

#### **A. METHODS OF VERIFICATION AND TIME ALLOWED**

The SDHC will verify information through the five methods of verification acceptable to HUD in the following order from the most reliable to the least reliable:

1. Enterprise Income Verification (EIV) System
2. Third-party written verification
3. Third-party oral verification
4. Review of documents
5. Certification/self-declaration

Documents used for verification purposes should be as current as possible (e.g., dated within 60 days of the family interview).

#### **Enterprise Income Verification (EIV) System**

The purpose of HUD's EIV System is to make integrated income data available from one source, via the Internet, for PHAs to use to improve income verification during required income reexaminations. EIV provides the following information:

1. Monthly employer new hires
2. Quarterly wages (including employer information), Federal wages are available
3. Quarterly unemployment compensation
4. Monthly social security (SS) and supplement security income (SSI) benefits

Enterprise Income Verification replaces, to a large extent, the more consuming and less accurate third-party verification process of contacting individual employers identified by the family, or reviewing outdated income verification documents. However, third-party verification may continue to be necessary to complement upfront income verification, for example, when the tenant disputes the data.

### **Use of Third-Party Verification to Supplement Upfront Income Verification**

Although upfront income verification replaces the third-party verification process, third-party may continue to be necessary to complement upfront income verification. Upfront income verification should not be considered an automatic substitute for other third-party verification. Rather, upfront income verification may supplement other verification documentation, such as original, current tenant-provided documents.

#### **Third-Party Written Verification**

Third-party verification is used to verify information directly with the source. Third-party written verification forms will be sent and returned via first-class mail. The family will be required to sign an authorization allowing the information source to release the specified information. Two sources of third-party verifications will be attempted through upfront income verification via California's Employment Development Department (EDD) and third-party directly to the source prior to relying on another source.

Verifications received electronically directly from the source are considered third-party written verifications.

Third-party verifications forms, including computerized printouts, will not be hand-carried by the family under any circumstances. SDHC will send requests for third-party written verification to the source at all times regardless of whether the family provides a computerized printout.

The SDHC will allow two weeks for return of third-party verifications. If third-party is not used, SDHC will document the reasons in the file.

For applicants and families who are moving, verifications may not be more than 90 days old from the lease-up date. For participants, they are valid if dated or effective 90 days in advance of the annual recertification or interim certification. Verifications may be extended for an additional 30 days with a telephone update.

#### **Third-Party Oral Verification**

Oral third-party verification will be used when written third-party verification is delayed or impossible. When third-party oral verification is used, staff will be required to complete a Certification of Document Viewed or Person Contacted form, noting with whom they spoke, the date of the conversation, and the facts provided. If oral third-party verification is provided by telephone, SDHC must originate the call. If third-party verification is not available, SDHC will compare the specified information to any documents provided by the family.

#### **Review of Documents**

In the event that third-party written or oral verification is unavailable or information has not been

verified by a third party within two weeks, SDHC will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents contain complete information. For applicants and families who are moving, documents may not be more than 60 days old from the lease-up date. For participants, they are valid if dated or effective 180 days in advance of the annual recertification or interim certification.

### **Exception for Averaging**

For the purpose of averaging annual income or income from assets, only one of the documents used for averaging is required to be within 60 days at the time of lease-up and not more than 180 days from the effective date of the annual reexamination or interim certification effective date.

All such documents, excluding government checks, will be photocopied and retained in the family file. When documents cannot be photocopied, staff viewing the documents will complete a Certification of Document Viewed or Person Contacted form.

SDHC will accept the following documents from families providing that tampering can be easily noted:

- Printed wage stubs
- Computer printouts from employers
- Signed letters (provided that the information is confirmed by phone)
- IRS Tax Returns
- Other documents identified by SDHC as acceptable verification.

If the third party verification is received after documents have been accepted as provisional verification and there is a gross per month discrepancy of \$200 or higher, SDHC will follow the guidelines below:

- If the third party income data is less than **current** tenant-provided documentation, SDHC will use tenant-provided documents to calculate anticipated annual income.
- If third party income data is more than **current** tenant-provided documentation, SDHC will use third income data to calculate anticipated annual income **unless** the tenant provides SDHC with documentation of a change in circumstances (i.e. change in employment, reduction in hours, etc.). Upon receipt of acceptable tenant-provided documentation of a change in circumstances, SDHC will use tenant-provided documents to calculate anticipated annual income.

SDHC will allow up to ten days for families to provide documents when third-party verification is impossible to obtain.

SDHC will not delay the processing of an application beyond two weeks because third-party verification is impossible to obtain.

### **Self-Certification/Self-Declaration**

When information cannot be verified by a third party or by review of documents, families will be required to submit a self-certification.

Self-certification means a statement signed under penalty of perjury in the presence of a witness.

SDHC will allow up to ten days for a family to provide a self-certification or self-declaration if other forms of verification are impossible to obtain.

### **B. RELEASE OF INFORMATION**

Adult family members will be required to sign the HUD-9886 Release of Information/Privacy Act form.

Adult family members will be required to sign an authorization form which allows verification of any information that is not covered by the HUD Form 9886, Authorization for Release of Information/Privacy Act Notice.

Each family member requested to consent to the release of specific information may be provided with a copy of the appropriate forms for their review and signature, if requested.

It is a family obligation to supply any information and sign consent forms requested by the SDHC or HUD. Family refusal to cooperate will result in denial of admission or termination of assistance.

### **C. ITEMS TO BE VERIFIED**

The following items will be verified annually:

All income not specifically excluded by the regulations.

Full-time student status including High School students who are 18 or over.

Current assets including assets disposed of for less than fair market value in the preceding two years.

Child care expense when it allows an adult family member to be employed, to further his/her education, or seek employment.

A total medical expense of all family members in households whose head, spouse, or co-head is elderly or disabled.

Disability assistance expenses which allow an adult family member to be employed include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family.

Familial or marital status when needed for head or spouse definition.

The following items will be verified annually, every five years or one time only, based on the medical professional's certification of how long the condition will continue:

Disability for determination of preferences, allowances or deductions.

The need for a live-in aide.

In addition to the above, the following items will be verified at Eligibility and when adding household members, including live-in aides:

Preference status (at Eligibility only).

Picture Identification for all adults (age 18 or older) including live-in aides.

U.S. citizenship/eligible immigrant status.

Social Security Numbers for all family members over six years of age or older who have been issued a social security number.

History of criminal activity, illegal drug activity and alcohol abuse.

#### **D. VERIFYING NON-FINANCIAL FACTORS**

##### **Verification of Citizenship/Eligible Immigrant Status**

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare his or her status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the SDHC hearing is pending.

- (a) **Citizens or Nationals of the United States** are required to sign a declaration under penalty of perjury. The SDHC may require citizens to provide documentation of U.S. citizenship. Acceptable documentation may include:

U.S. birth certificate

U.S. passport

Social Security card

Other documentation as determined by the SDHC

- (b) **Eligible Immigrants who were tenants and 62 or over on June 19, 1995**, are required to sign a declaration of eligible immigration status form

and provide proof of age.

- (c) **Non-citizen with eligible immigration status** must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The SDHC verifies the status through the INS SAVE system. If this primary verification fails to verify status, the SDHC must request within ten days that the INS conduct a manual search.
- (d) Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of non-contending family members signed by the head of household, spouse, or co-head.
- (e) **Non-citizen students on student visas** are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of non-contending members.

**Failure to Provide.** If an applicant or resident family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

**Time of Verification.** For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For family members added after other members have been verified, the verification occurs at the first recertification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated.

**Extensions of Time to Provide Documents.** The SDHC will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

**Acceptable Documents of Eligible Immigration.** The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept 5 years.

### **Verification of Social Security Numbers**

Social security numbers must be provided as a condition of eligibility for all family members' ages six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration.

If a family member cannot produce a Social Security Card, only the documents listed below showing his/her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

- A valid driver's license
- Identification card issued by a Federal, State or local agency
- Identification card issued by Medicare and Medicaid
- An identification card issued by an employer or trade union
- Earnings statements or payroll stubs
- Bank Statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter
- Life insurance policies
- Court records (real estate, tax notices, marriage, divorce, judgment or bankruptcy records)
- Verification of benefits or SSN from Social Security Administration

New family members ages six and older will be required to produce their Social Security Card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the SDHC.

If an applicant or resident is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or resident must sign a certification to that effect provided by the SDHC. The applicant/resident or family member will have an additional 60 days to provide proof of the Social Security Number. If they fail to provide this documentation, the family's tenancy will be terminated.

In the case of an individual at least 62 years of age, the SDHC may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's tenancy will be terminated.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

### **E. VERIFICATION OF SUITABILITY FOR ADMISSION**

Sources to be used to determine suitability include but are not limited to:



Criminal History Reports  
Prior landlord references  
Physicians, social workers, and other health professionals  
SDHC and Other PHAs (to whom the family may owe debt)

(See Chapter 2. Eligibility)

**Ability to meet financial obligations under the lease**

All applicants will be subject to the following procedures to ensure their ability to meet financial obligations under the lease:

All applicants will be interviewed and asked questions about the basic elements of tenancy.

The SDHC will access a Credit Report on all applicants prior to selection.

The SDHC will determine if applicants owe any monies from previous tenancy or participation in any HUD housing program.

The SDHC will independently verify the rent-paying history of all applicants for the previous and current landlord(s).

**Housekeeping**

The SDHC will obtain references from current and prior landlords to determine acceptable housekeeping standards.

The SDHC will conduct a home visit prior to admission if any negative information is obtained.

**Local Preferences**

All preferences must be verified.

**Live in or Work in the City of San Diego**

Copy of Lease Agreement and three most recent rent receipts, canceled checks or money order receipts.

A California driver's license or California ID in conjunction with copies of recent bills sent to the address.

Copy of paycheck stubs that indicate the location of the place of employment or third party verification that indicates the place of employment.

### **Homeless**

An applicant is considered homeless if the applicant lacks a fixed, regular and adequate night-time residence and can provide verification that their nighttime residence is:

- a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- b) An institution that provides temporary residence for individuals intended to be institutionalized (not incarcerated); or
- c) A public or private place not designed for, or ordinarily used as, a regular place for human beings.

Homeless applicants who meet the criteria described above must provide certification of homeless status from a public or private facility that provides shelter for such households, or from the local police department, or any social service agency that provides services for homeless people.

Applicants who are homeless due to residing in a transitional housing program must provide a letter from the transitional program's sponsoring agency documenting the applicant's participation and readiness to maintain an independent tenancy.

### **Veteran**

DD214 discharge document.

Letter from Veteran's Administration verifying the branch of service, date and place of discharge and type of discharge.

### **Family of a Veteran**

One of the above forms of verification must be provided for the veteran and familial status verified as follows:

Marriage certificate or license.

If veteran is deceased and the spouse has not remarried, a copy of the marriage certificate/license and a copy of the veteran's death certificate.

### **Active Military**

Current military paycheck stub or current military ID.

### **F. Drug or Violent Criminal History, Registered Sex Offender and Alcohol Abuse**

The SDHC will perform a criminal history check on every adult (18 years or older) household member and live in aide, utilizing the California Law Enforcement

Telecommunications System (CLETS), through the San Diego Police Department and any other applicable comprehensive method of verification.

**G. CONFIDENTIALITY OF CRIMINAL/MEDICAL RECORDS**

The SDHC will ensure that any criminal/medical record received is maintained confidentially, not misused or improperly disseminated, and destroyed not more than 30 days after the SDHC's final decision, including background checks that show no criminal history. A decision on the individual's eligibility is not final until the period of time for all possible appeals have elapsed. SDHC will document that it has received verification (including when and by whom) of a disability and/or a criminal history check.

**H. DEFINITION OF INCOME**

[24 CFR 5.609]

Income is defined as all monetary amounts received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the federal regulations. In accordance with this definition, all income that is not specifically excluded in the regulations is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after certification or annual reexamination. Gross income is the amount of income before any HUD allowable expenses or deductions, and does not include income that has been excluded by HUD. Annual income is used to determine whether applicants are within the applicable income limits.

**Income of Person Confined to a Nursing Home**

If a family member is permanently confined to a hospital or nursing home and there is a remaining household member(s), the SDHC will remove the member and exclude the income of the person permanently confined to the nursing home and not allow deductions for medical expenses of the confined family member.

**Regular Contributions and Gifts**

A regular gift or contribution is counted when there is an agreement between the parties, oral or written, that the gift or contribution will be received on a regular basis.

**Alimony and Child Support**

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the SDHC will use the amount awarded by the court unless the family can verify they are not receiving the full amount and verification of item(s) below are provided.

The SDHC will accept as verification that the family is receiving an amount less than the award if:

The SDHC receives verification from the agency responsible for enforcement or collection; or

The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

### **Employer Mileage Reimbursement**

Employment reimbursement for mileage expenses for use of personal vehicle will not be counted as income.

### **Employer Paid Medical Benefits**

Medical benefits paid by the employer will not be counted as income.

## **I. VERIFICATION OF INCOME**

[24 CFR 982.516]

This following defines the methods SDHC will use to verify various types of income.

### **HUD Guidelines for Projecting Annual Income When UIV Data is Available**

The following “safe harbor” guidelines disseminated by HUD at the January 2004 RHIIP Summit are provided to assist PHAs in consistently and uniformly resolving income discrepancies.

### **UIV Income Data is not Substantially Different than Tenant-Provided Income Information**

UIV may alleviate the need for third party verifications when there is not a substantial difference (less than \$200 gross per month) between UIV and tenant-reported income.

In cases where UIV income data is **not** substantially different than tenant-reported income, SDHC will follow the guidelines below:

- If UIV income data is less than **current** tenant-provided documentation, SDHC will use tenant-provided documents to calculate anticipated annual income.
- If UIV income data is more than **current** tenant-provided documentation, SDHC will use UIV income data to calculate anticipated annual income **unless** the tenant provides the SDHC with documentation of a change in circumstances (i.e. change in employment,

reduction in hours, etc.). Upon receipt of acceptable tenant-provided documentation of a change in circumstances, SDHC will use tenant-provided documents to calculate anticipated annual income.

### **UIV Income Data is Substantially Different than Tenant-Provided Income Verification**

In cases where UIV income data is substantially different (\$200 or more per month gross income) than tenant-reported income, SDHC shall follow the guidelines below:

- SDHC will request written third party verification from the discrepant income source, in accordance with 24 CFR 5.236(3)(i).
- SDHC will review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when SDHC can not readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.
- SDHC must analyze all data (UIV data, third party verification and other documents/information provided by the family) and attempt to resolve the income discrepancy
- SDHC will use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

### **Employment Income**

Verification forms may request the employer specify the:

Dates of employment  
Amount and frequency of earnings  
Date of last pay increase  
Earning history  
Year to date earnings  
Expected Change in employment status  
Effective date of any anticipated wage increase during the next twelve months  
Anticipated unpaid time off.

Acceptable methods of verification include, in this order:

1. Upfront income verification when there is not a substantial difference (less than \$200 gross per month) between UIV and tenant-reported income.
2. Employment verification form completed by the employer.
3. Oral third-party verification.
4. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.

5. W-2 forms plus income tax return forms.

Self-certifications or income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities. For some self-employment types, where there is the potential for substantial income, self-certification is unacceptable.

In cases where there are questions about the information provided by the family, the SDHC may require federal income tax statements and returns.

### **Social Security, Pensions, Supplemental Security Income, Disability Income**

Acceptable methods of verification include:

1. Upfront verification and TASS for Social Security and Supplemental Security Income in conjunction with oral third-party or award letter or print-out.
2. Benefit verification form completed by the agency providing the benefits.
3. Third-party oral verification.
4. Computer report electronically obtained or in hard copy or annual award, benefit notification or cost of living adjustment letters.
5. Bank statement with maximum SSI benefit amount or the combination of SSI and SSA. (Note: SSA only must be verified through another method to determine Medicare amount.).

### **Unemployment Compensation**

Acceptable methods of verification include, in this order:

1. Upfront verification through EDD.
2. Verification form completed by the unemployment compensation agency or unemployment report that is e-mailed, faxed, or mailed directly from EDD.
3. Third-party oral verification.
4. Agency award letter.
5. Payment stubs.

### **Welfare Payments or General Assistance**

Acceptable methods of verification include, in this order:

1. Upfront income verification.
2. SDHC verification form completed by payment provider or computer printout accessed on-line by the SDHC.
3. Third-party oral verification.
4. Written statement from payment provider or computer-generated Notice of Action.

### **Alimony or Child Support Payments**

Acceptable methods of verification include, in this order:

1. Upfront income verification.
2. Verification from completed by the Department of Revenue and Recovery.
3. Third-party oral verification.
4. Copy of a separation or settlement agreement or a divorce decree stating amounts and types of support and payment schedules.
5. A notarized letter from the person paying the support.
6. Copy of latest check and/or payment stubs from Court Trustee.
7. 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 payments are irregular, the family must provide:

A statement from the agency responsible for enforcing payments stating the family has filed for enforcement; and

An affidavit from the family indicating the amount(s) received; or

A welfare notice of action showing amounts received by the welfare agency for child support.

### **Net Income from a Business**

In order to verify the net income from a business, the SDHC will view IRS and financial

documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:

Schedule C (Small Business)  
Schedule E (Rental Property Income)  
Schedule F (Farm Income)

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.

2. Audited or un-audited financial statement(s) of the business.
3. Credit report or loan application.
4. Documents such as manifests, daily logs, appointment books, cashbooks, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
5. Family's self-certification as to net income realized from the business during previous years.
6. In cases of large gross income yet minimal net income to applicant or participant, additional documentation may be required, for example documentation of wages and payroll taxes, receipts for expenses, etc.

Income from self-employment can be positive or zero. Self-employment losses cannot reduce other income to the household.

### **Child Care Business**

If an applicant/participant is operating a licensed day care business, income will be verified just as any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the SDHC will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.



Operation of a small family day care home requires verification of the following:

- Maintaining in force either liability insurance covering injury to clients and guests in the amount of at least (\$100,000) per occurrence and (\$300,000) in the total annual aggregate; or
- A bond in the aggregate amount of (\$300,000); or
- In lieu of the liability insurance or the bond, the small family day care home may maintain a file of affidavits signed by each parent with a child enrolled in the home; and
- The small family day care home shall contain a fire extinguisher and smoke detector device.

### **Recurring Gifts**

The applicant/participant family must furnish a self-certification, which contains the following information:

The person who provides the gifts; and  
The value of the gifts; and  
The regularity (dates) of the gifts; and  
The purpose of the gifts.

### **Zero Income Status**

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, Cal works, SSI, etc. are not being received by the household.

The SDHC will request information from the State Employment Development Department.

The SDHC will run a credit report if information is received that indicates the family has an unreported income source.

The family may be required to complete Monthly Budget forms and a certification statement.

### **Full-time Student Status**

Only the first \$480 of the earned income of full-time students, other than head, spouse, or co-head, will be counted towards family income.

Financial aid, scholarships and grants received by full time students are not counted towards family

Verification of full time student status includes:

1. Written verification from the registrar's office or other school official.

2. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

## **J. VERIFICATION OF ASSETS**

### **Family Assets**

SDHC will require the information necessary to determine the current cash value of the family's assets, if the total value of those assets exceeds \$1,000. "Cash value" is the net amount the family would receive if the assets were converted to cash. Assets totaling \$1,000 or less will not be verified because of the negligible impact.

SDHC will utilize the current balance for savings accounts and will determine the average six-month balance for checking accounts. SDHC will require the information necessary to determine the current cash value of a family's assets (the net amount the family would receive if the asset were converted to cash).

Acceptable verification may include any of the following:

- Verification forms, letters, or documents provided directly by a financial institution or broker
- Passbooks, checking account statements (3 – 6 bank statements), certificates of deposit, bonds, or financial statements supplied by a family if completed by a financial institution or broker
- Estimates by a stockbroker or real estate agent of the net amount a family would receive if it liquidated securities or real estate.
- Real estate tax statements if the approximate current market value can be deduced from them
- Financial statements for business assets
- Copies of closing documents showing selling price and distribution of sales proceeds
- Appraisals of personal property held as an investment
- A family's self-certification describing assets or cash held at the family's home or in safe-deposit boxes.

### **Assets Disposed of for Less Than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification**

At admissions and reexaminations, SDHC will obtain each family's certification that it has or has not disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification.

If the family certifies that it has disposed of assets for less than fair market value, the certification must show: (a) all assets disposed of for less than fair market value, (b) the date they were disposed of, (c) the amount the family received for each asset, and (d) the market value of each asset at the time of disposition. Third-party verification will be obtained whenever possible in

conjunction with review of documents. Specific assets totaling \$1,000 or less will not be verified because of the negligible impact.

### **Income from Assets**

#### **Savings or Checking Account Interest and Dividend Income**

Acceptable methods of verification include, in this order:

1. SDHC verification forms filled out or other statements supplied by the financial institution or, if these are not available, account statements (3 -6 statements for checking accounts), passbooks, or certificate of deposit statements supplied by the family
2. Broker statements showing the value of stocks or bonds and the earnings credited to the family (Earnings can also be obtained from current newspaper quotations or orally from brokers.)
3. IRS Form 1099 from a financial institution provided that the SDHC adjusts the information to project earnings expected for the next 12 months.

#### **Interest Income from Mortgages and Similar Arrangements**

Acceptable methods of verification include, in this order:

1. A letter received directly from an accountant, attorney, real estate broker, the buyer, or a financial institution stating the interest due for the next 12 months (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. An amortization schedule showing interest for the 12 months following the effective date of certification or recertification.

#### **Net Rental Income from Property Owned by Family**

Acceptable methods of verification include, in this order:

1. IRS Form 1040 with Schedule E (Rental Income)
2. Copies of latest rent receipts, leases, or other documentation of rent amounts
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense
4. Lessee's written statement verifying rent payments to the family and the family's self-certification of net income realized.

### **K. ALLOWANCES AND DEDUCTIONS**

Adjusted Income is defined as the Annual income minus any HUD allowable expenses and deductions.

HUD has five allowable deductions from Annual Income:

1. Dependent Allowance: \$480 each for family members (other than the head, spouse, co-head, foster child, foster adult or live-in aide) who are minors, and for family members who are 18 or older and who are full-time students or who are disabled.
2. Elderly/Disabled Allowance: \$400 per family for families whose head, spouse or co-head is 62 years of age or older or disabled.
3. Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.
4. Child Care Expenses: Deducted for the care of children under 13 when childcare is necessary to allow an adult member to work, attend school or actively seek employment.
5. Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for a persons with a disability if needed to enable the individual or an adult family member to work.

**L. CHILD CARE EXPENSES**

[24 CFR 5.603]

Child care expenses for children under 13 may be deducted from annual income if they enable an adult to work, attend school full time, or actively seek employment.

In the case of a child attending private school, only after-hours care can be counted as child care expenses.

Deductions for child care expenses are based on the following guidelines:

Child care to work: The maximum child care expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

Child care for seeking employment: The number of hours claimed for child care may not exceed 20 hours per week.

### **Verification of Child Care Expenses**

Written verification from the person who receives the payments is required.

Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

### **M. MEDICAL EXPENSES**

[24 CFR 5.609(a)(2), 5.603]

Anticipated medical expenses will be calculated by using one of the two following methods, (whichever is more beneficial to the family);

Current Circumstances: Use the family's current medical bills, accumulated over the last twelve months, as anticipated medical expenses.

Estimated Circumstances: Estimate the cost of medical bills based on current or anticipated medical bills that will be on-going expenses.

Allowable medical expenses include:

- Services of doctors and health care professionals
- Services of health care facilities
- Medical insurance premiums
- Prescription medicines
- Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts when prescribed by a physician.
- Transportation to treatment (cab fare, bus fare, mileage)
- Dental expenses, eyeglasses, hearing aids, batteries
- Live-in or periodic medical assistance
- Acupressure, acupuncture, and chiropractic services will be considered allowable medical expenses.
- Non-traditional treatments, vitamins and herbal supplements will be considered medical expenses if prescribed by a doctor.

When it is unclear in the HUD rules as to whether or not to allow an item as a medical expense, IRS Publication 502 will be used as a guide.

Receipts or other record of medical expenses paid by the family during the previous year (appointment date to appointment date, or in the case of mail-in annual reexaminations, due date to due date) can be used to anticipate future medical expenses. If an applicant/participant will become entitled to a deduction, medical expenses will be anticipated based on verifications provided.

The SDHC will not duplicate a medical expense that was already allowed during the prior year.

### **Verification of Medical Expenses**

Families may only claim medical expenses that have not been and will not be reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.

Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.

Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.

Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.

Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.

Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. The SDHC may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not as reimbursement for one-time expenses from the previous year.

The SDHC will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

For attendant care:

A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes; and

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.

**Assistance to a Person with a Disability**

1. In All Cases:
  - (a) Written certification from a licensed third-party professional or certified social service agency that the person with a disability requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function independently to enable another family member to be employed.
  - (b) Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
2. Attendant Care:
  - (a) Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
  - (b) Certification of family and attendant and/or copies of canceled checks family used to make payments.
3. Auxiliary Apparatus:
  - (a) Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
  - (b) In the case where the person with a disability is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

**Verification of Reasonable Accommodation to Accommodate a Person with a Disability**

Acceptable verification of reasonable accommodation to accommodate a person with a disability include, in this order:

1. SDHC verification form completed by a State of California licensed doctor, or other licensed medical professional, such as a nurse, psychiatrist, psychologist, or a social service professional.
2. A letter from a State of California licensed doctor, or other licensed medical professional, such as a nurse, psychiatrist, psychologist, or a social service professional that provides the following information:

- Whether or not the nature of the patient's disability requires an accommodation in order to make the program equally accessible
- If yes, how long the need will last
- What accommodation is being requested by the family and recommended by the Health Provider
- An explanation of how this accommodation to the patient's disability is reasonably necessary to make the program accessible
- If the accommodation cannot be provided, a list of all alternatives that would serve to make the Public Housing program accessible to the family.

The SDHC's decision with supporting documentation will be maintained in the applicant / participant's file.



## **CHAPTER 8 TRANSFER POLICY**

### **INTRODUCTION**

The transferring of families is a very costly procedure, both to the SDHC and to the families. However, it is the policy of the SDHC to permit a resident to transfer within or between housing developments when it is necessary to comply with occupancy standards; or when it will help accomplish the Affirmative Housing goals of the SDHC; or when there is an administrative need.

### **A. GENERAL STATEMENT**

A family may be eligible to transfer for valid and certifiable reasons such as enabling the family to be no more than 25 miles from the following:

A place of employment; or

Child care provider who will care for children of a working single, head of household; or

A required medical treatment center; or.

Closer to a continuing or advanced education facility attended by Head of Household; or

To move from an upstairs to a downstairs units for medical or accessibility reasons.

The SDHC will always consider a request to transfer as a reasonable accommodation for a person with a disability.

The SDHC will require a non-disabled applicant to agree to move to an available non-accessible unit within 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. This requirement will be a provision of the lease agreement.

Except in emergency situations, transfers will be avoided when the family is:

Delinquent in its rent; or

About to be asked to move for reasons other than non-payment of rent: or

Not in good standing with the SDHC due to rental history or a history of disturbances.

## **B. RANK ORDER OF TRANSFER LIST**

The Transfer Waiting list will be maintained by approved date in rank order by:

1. Emergency
2. Medical hardship
3. Unit too large or small (mandatory)
4. All other reasons (voluntary)

### **GUIDELINES FOR DETERMINING BEDROOM SIZE**

<b>Bedroom Size</b>	<b>Persons in Household: (Minimum #)</b>	<b>Persons in Household: (Maximum #)</b>
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10

## **C. MANDATORY TRANSFERS**

If there is a required change in the size of unit needed, it will be necessary for the resident to move to a unit of an appropriate size and a new lease will be executed.

If an appropriate unit is not available, the resident will be placed on a transfer list and moved to such unit when it does become available.

If a family that is required to move refuses the offered unit, the SDHC will evaluate the reason for the refusal and determine if it is one of good cause. If the SDHC determines that there is no good cause, the SDHC will begin lease termination proceedings.

The SDHC will offer the family an opportunity for an informal conference before terminating the family's lease. The family will have 7 days from the issue date of the Notice to Terminate to request an informal conference.

The SDHC may consider the living area for occupancy standards so that the family may avoid losing their assistance; maximum household size not to exceed more than 1 person beyond occupancy standard.

The SDHC will require a non-disabled applicant to agree to move to an available non-accessible unit within 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. This requirement will be a provision of the lease agreement.

#### **D. NON-MANDATORY TRANSFERS**

**A transfer will be given priority over a waiting list referral.**

If the family has good cause for refusing the unit, the SDHC will not count that unit as an offer and will allow the family to remain on the transfer list until another unit is offered.

Good cause is defined as same reason for approving transfer listed in Chapter 4, Paragraph O..

The inconvenience or undesirability of changing schools for any minor child will not be considered good cause.

Refusal of a unit without good cause will require the family to be removed from the transfer list and the family must wait 6 months to re-apply.

#### **E. EMERGENCY TRANSFERS**

The SDHC will authorize an emergency transfer for a participant family if one of the following conditions occurs:

The resident's unit has been damaged by fire, flood or other causes(s) to such a degree that the unit is not habitable, provided that, although the damage was a result of carelessness or negligence of the resident or a member of the resident's household, the resident has, in writing, accepted the responsibility for such damage and has agreed to make restitution to the SDHC for the expense of repairing such damage up to a ceiling cost of \$5000; or insurance deductible, whichever is less.

#### **F. SPECIAL CIRCUMSTANCE TRANSFERS**

The SDHC will authorize transfers under special circumstances for a participant family if one of the following conditions occurs:

The resident's unit is being modernized or significantly remodeled. In such cases the family may be offered temporary relocation and may be allowed to return to their unit once rehabilitation is complete or may be required to move permanently to another unit.

The SDHC has a need, at the discretion of the Program Manager or designee to transfer the resident family to another unit.

#### **G. TRANSFER REQUIREMENTS**

The Resident will be required to vacate the previous unit within three (3) days. The Resident will be responsible for calculated rent for both units during the transfer. The Resident will be allowed a maximum of three (3) days to complete the transfer and vacate and turn in keys for the move-out unit. Any days beyond this maximum will be charged to the Resident at the flat rent rate for the move-out unit. This amount will be calculated and included in the Final Statement.

## **H. MOVING COSTS**

The resident will pay all moving costs related to the transfer, except when the transfer is due to inhabitability, through no fault of the resident, or the need of the SDHC.

## **I. SECURITY DEPOSITS**

If a new deposit will create a financial hardship for the family the SDHC will enter into a payment agreement with the family. Any unused portion of the deposit from the family's current unit will be applied to the balance on the new security deposit and the family will be required to fulfill the remaining portion of the payment agreement until the security deposit on the new unit has been paid in full.

The SDHC will require a new security deposit of all families regardless of whether it is a required move or it is the family's choice.

The resident will be billed for any charges that occur as a result of the resident moving out of the apartment.

## **Chapter 9**

### **LEASING** [24 CFR 966.4]

#### **INTRODUCTION**

It is the SDHC's policy that all units must be occupied pursuant to a dwelling lease agreement that complies with HUD's regulations [24 CFR Part 966]. This Chapter describes pre-leasing activities and the SDHC's policies pertaining to lease execution, security deposits, other charges, and additions to the lease.

#### **A. LEASE ORIENTATION**

The family must attend an orientation within 60 calendar days after execution of the lease.

#### **B. EXECUTION OF LEASE**

The lease shall be executed by the head of household, spouse, all adult members of the household, and by an authorized representative of the SDHC, prior to admission.

The SDHC may modify its form of lease from time to time, giving tenants an opportunity to comment on proposed changes and advance notice of the implementation of any changes. A resident's refusal to accept permissible and reasonable lease modifications, or those modifications required by HUD, is grounds for termination of tenancy.

#### **C. ADDITIONS TO THE LEASE**

Requests for the addition of a new member of the household must be approved by the SDHC, prior to the actual move-in by the proposed new member.

Following receipt of a family's request for approval, the SDHC will conduct a Tenant Selection and Suitability screening of any adult, including a criminal history check. Only persons approved by the SDHC will be added to the lease.

A family on the mandatory transfer list who request an addition to the household must be considered on the basis of the unit size for which they were eligible, prior to the addition of another household member.

#### **CHANGES TO FAMILY COMPOSITION**

1. Residents may request the following additions to the family:

- A spouse.
- Any adult, when the addition does not cause a change in unit size.
- Any adult member of the family who becomes medically or financially dependent upon the head of household or spouse, regardless of change in bedroom size.
- A live-in attendant required by physician or paid for full-time services by In Home Support Services Agencies, regardless of change in bedroom size. (*Live-in aide is not a tenant; not on the lease*)
- A minor child of the head of household or spouse, either biological or by operation of law, or who is included in the family's Aid to Families with Dependent Children grant, or for whom the head of household or spouse has a notarized statement and third party verification of income from the biological parent, caretaker or custodian indicating that the child will be staying with the family, regardless of the change in bedroom size.
- Temporary Foster children/adults may be added with verifiable/confirmed custody.
- No increase in bedroom size allowed due to addition of Foster children.

2. Other Additions:

- A unit is occupied by a remaining family member(s) under age 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.

3. Unauthorized changes to Family Composition:

- Visitors who remain beyond 14 days without consent of the SDHC shall be considered unauthorized member of household, and their presence constitutes a breach of the lease.
- If an individual other than a leaseholder is representing to an outside agency that they are residing in the lessee's unit, the person will be considered an unauthorized member of the household.
- Roomers and lodgers are not permitted to occupy a dwelling unit, nor are they permitted to move in with any family occupying a dwelling unit.
- Residents are not permitted to allow a former tenant of the SDHC who has been evicted to occupy the unit for any period of time.

**D. LEASING UNITS WITH ACCESSIBLE OR ADAPTABLE FEATURES**

[24 CFR 8.27(a)(1)(2) and (b)]

Before offering a vacant accessible unit to a non-disabled applicant, the SDHC will offer such units:

- First, to a current occupant of another unit who has a disability that requires the special features of the vacant unit.
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

The SDHC will require a non-disabled applicant to agree to move to an available non-accessible unit within 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. This requirement will be a provision of the lease agreement.

**E. UTILITY SERVICES**

Tenants responsible for direct payment of utilities must abide by any and all regulations of the specific utility company, including regulations pertaining to advance payments of deposits.

Failure to maintain utility services during tenancy is a lease violation and grounds for eviction.

**F. SECURITY DEPOSITS**

**Security Deposit**

New tenants must pay a security deposit to the SDHC at the time of admission.

The amount of the security deposit required is specified in the lease. It will be the same amount as rent, but no less than \$100 one hundred dollars.

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

The remainder of the deposit must be paid within 60 days.

The SDHC will hold the security deposit for the period the tenant occupies the unit.

The SDHC will refund to the Tenant 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;

- Other charges under the Lease.

The SDHC will not use the security deposit for payment of rent or other charges while the tenant is living in the unit.

If the tenant transfers to another unit, the SDHC will refund the security deposit, less damages, and collect a new deposit, using the current information regarding Total Tenant Payment.

### **Pet Deposit**

(See Chapter 10: Pet Deposit policy.)

## **G. RENT PAYMENTS**

The tenant rent is due and payable at the SDHC-designated location on the 1st day of every month. If the First falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

## **H. FEES AND NONPAYMENT PENALTIES**

If the tenant fails to make payment by the close of business on the 5th day of the month, and the SDHC has not agreed to accept payment at a later date, a Notice to Pay Rent or Quit will be issued to the tenant with a 14 day notice period for failure to pay rent, demanding payment in full or the surrender of the premises. A 3-Day Notice to Pay or Quit (required by State Law) will be served subsequent to this notice if not paid. Failure to pay within 3 days will result in filing of Unlawful Detainer.

If the tenant fails to make payment by the 5th day of the month, a late fee of \$25 will be charged.

A charge of \$25 will be assessed against the tenant for checks that are returned for non-sufficient funds (NSF), or checks written on a closed account.

The SDHC will always consider the rent unpaid when a check is returned as NSF or a check is written on a closed account.

SDHC will apply all payments received first to the latest outstanding balance and then to the current rental or other obligations.

## **I. SCHEDULES OF MAINTENANCE CHARGES**

Schedules of special charges for services, repairs, utilities and rules and regulations, which are required to be incorporated into the lease by reference, shall be publicly posted in a conspicuous manner in the area office, and they will be provided to applicants and tenants at lease-up, orientation and upon request.



Miscellaneous Charges

- File copy (Standard Agency charge for photocopies)
- Gate remote control

**J. MODIFICATIONS TO THE LEASE**

Schedules of maintenance charges and rules and regulations are subject to modification or revision. Tenants will be provided at least thirty days written notice of the reason(s) for any proposed modifications or revisions, and they will be given an opportunity to present written comments. Comments will be taken into consideration before any proposed modifications or revisions become effective.

A copy of such notice shall be posted in the area offices, and mailed by first class mail to the tenant.

Any modifications of the lease must be accomplished by a written addendum to the lease and signed by both parties.

**K. CANCELLATION OF THE LEASE**

Cancellation of the tenant's lease is to be in accordance with the provisions contained in the lease agreement and as stated in this policy.

**L. INSPECTIONS OF PUBLIC HOUSING UNITS**

**Initial Inspections**

The SDHC and the family will inspect the premises prior to occupancy of the unit in order to document the condition of the unit and equipment in the unit. A copy of the initial inspection, will be given to the resident and a copy will be kept in the tenant file.

Any subsequent repair charges for items that are not due to normal wear and tear or malfunction will be billed to the resident.

**Pre Move-Out Inspection**

The SDHC will notify the resident, as required by State law, of their right to a pre move-out inspection of the unit. The resident has the option of waiving this requirement or having the pre move-out inspection performed.

**Move-Out Inspections**

The SDHC will conduct a move-out inspection when the family vacates the unit, and will encourage the family to be present.

The purpose of this inspection is to determine necessary maintenance and whether there

are damages that exceed normal wear and tear. The SDHC will determine if there are tenant caused damages to the unit. Tenant caused damages will result in charges against the security deposit and may result in collection attempts if charges exceed this security deposit.

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

### **Annual Inspections**

The SDHC will inspect all units annually using HUD's Uniform Physical Condition Standard as a guideline.

- a. Residents who "fail" the inspection due to housekeeping or tenant-caused damages will be given a minimum of 2 weeks to correct noted items. Another inspection will be conducted.
- b. Residents will be provided a copy of the inspection report with deficiencies documented or corrections noted.
- c. Inspection report will indicate whether required corrections are to be charged to the resident or covered by the SDHC.
- d. Required corrections will be repaired by the SDHC.
- e. Resident will be notified at least 2 days before the date of the required repairs, or permission to enter authorized by the resident.
- f. Damages beyond "normal wear and tear" will be billed to the tenant.
- g. Residents who are in violation of their lease due to a repeated failed inspection will be scheduled for a lease violation conference, and may receive a Notice of Intent to Terminate Lease.
- h. Lease Violation Conference will be held with residents who purposely and for convenience disengage the unit's smoke detector.

### **Quality Control Inspections**

Supervisors or designated staff will conduct periodic quality control inspections to determine the condition of the unit and to identify problems or issues in which the SDHC can be of service to the family.

### **Special Inspections**

A special inspection for housekeeping, unit condition, or suspected lease violation may be

conducted.

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

The SDHC supervisor or designee will periodically conduct drive by and/or walk-through inspections to determine whether there may be lease violations, adverse conditions or local code violations.

Building exterior and grounds inspections are conducted at all Public Housing properties to determine hazardous conditions as well as to assist in budget preparation.

### **Emergency Inspections**

An emergency inspection will be conducted (without notice) whenever it is believed that an emergency exists in the unit or on a Public Housing site. Emergency repairs are to be completed within 24 hours from the time the work is determined necessary.

### **Emergency Repairs to be Completed in Less than 24 Hours**

- Lock-out (with proper identification of resident)
- Broken lock that affects unit security
- Broken window glass that affects unit security, is a cutting hazard, or occurs within inclement weather (to be secured or abated)
- Escaping gas
- Plumbing leaks which have the capacity to create flooding or cause damage to the unit
- Natural gas leaks or smell of fumes
- Backed-up sewage
- Electrical hazard that could result in shock or fire
- Inoperable refrigerator, smoke detector, lights, toilet if no other available in the unit

### **Entry of Premises Notices**

The SDHC will provide the family with 48 hour written notice prior to entering the unit for non-emergency reasons other than the annual inspection.

If no one is in the unit, the person(s) who enters the unit will leave a written notice to the resident explaining the reason the unit was entered and the date and time.

Where the SDHC is conducting regular annual examinations of its housing units, the family will receive reasonable advance notice of the inspection to allow the family to prepare and be able to pass the inspection.

Reasons the SDHC will enter the unit are:

- Inspections and maintenance
- To make improvements and repairs
- To show the premises for leasing
- In cases of emergency

### **Non-Inspection Emergency Entry**

The SDHC staff will allow access to the unit to proper authorities when issues of health or safety of the tenant are concerned.

### **Family Responsibility to Allow Inspection**

The SDHC must be allowed to inspect the unit at reasonable times with reasonable notice. 48 hour written notice will be considered reasonable in all cases.

The resident is notified of the inspection appointment by mail. The family must call the SDHC at least 24 hours before the inspection date to reschedule the inspection, if necessary.

The SDHC will reschedule the inspection only once unless the resident has a verifiable medical reason that has hindered the inspection. The SDHC may request verification.

If the resident refuses to allow the inspection, the resident will be in violation of the lease and the SDHC will notify the family of its intended action.

### **Housekeeping**

Residents who "fail" an (annual recertification) inspection for housekeeping will be issued a notice of failed housekeeping and a housekeeping inspection will be scheduled.

If a family fails a housekeeping inspection the family may be summoned for a lease violation conference and will be scheduled for a second inspection.

Lease termination will be served if resident fails the second housekeeping inspection.

### **Tenant Damages**

Repeated failed inspections or damages to the unit beyond normal wear and tear may constitute serious or repeated lease violations.

"Beyond normal wear and tear" is defined as items that could be charged against the tenant's security deposit under state law or court practice.

## **Chapter 10**

### **PET POLICY [24 CFR 5.309]**

#### **INTRODUCTION**

The purpose of this policy is to establish the SDHC's policy and procedures for ownership of pets to ensure 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.

#### **A. ANIMALS THAT ASSIST PERSONS WITH DISABILITIES**

Pet rules will not be applied to animals that assist persons with disabilities.

To be excluded from the pet policy, the resident/assistance animal owner must certify:

That there is a person with disabilities in the household;

#### **B. MANAGEMENT APPROVAL OF PETS**

The SDHC management must approve all pets in advance.

##### **Registration of Pets**

Pets must be registered with the SDHC before they are brought onto the premises. Registration includes certificate signed by a licensed veterinarian or State/local authority that the pet has received all inoculations required by State or local law, and that the pet has no communicable disease(s) and is pest-free. Annual renewal of licensing and inoculation must be conducted in accordance with applicable State and local laws; and annual certification that the pet has no communicable disease and is pest-free.

Execution of a Pet Agreement with the SDHC stating that the resident acknowledges complete responsibility for the care and cleaning of the pet will be required. The SDHC shall have no liability for the pet or actions of the pet.

Registration must be renewed and will be coordinated with the annual recertification date and proof of license and inoculation will be submitted at least 30-days prior to annual recertification.

Dogs and cats must be spayed or neutered. Each pet owner must provide a color photograph of their pet(s) and provide a "Pet Here" sticker which will be displayed on the front door of the unit at all times.

Approval for the keeping of a pet shall not be extended pending the completion of these

requirements.

### **Refusal To Approve Pets**

The SDHC may not refuse to approve a pet based on the determination that the pet owner is financially unable to care for the pet. If the SDHC refuses to approve a pet, a written notification will be sent to the pet owner stating the reason for denial and shall be served in accordance with HUD Notice requirements.

The SDHC will refuse to approve a pet if:

- The pet is not a common household pet as defined in the Pet Policy;
- Keeping the pet would violate any House Rules;
- The pet owner fails to provide complete registration information, or fails to update the registration annually;
- The SDHC reasonably determines that the pet owner is unable to keep the pet in accordance with the pet rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.
- Has a communicable disease or is not pest-free.

The notice of denial may be combined with a Lease Violation Notice

A resident who cares for another resident's pet must notify the SDHC and agree to abide by all the pet rules in writing.

### **Pet Rules**

Resident must maintain pet responsibility in accordance with applicable State and local laws and the Pet Agreement/Pet Policy signed by Resident (as an addendum to the Lease Agreement.)

Pet Agreement/Pet Policy states detailed rules for each type of pet. These rules prohibit dangerous animals and other animals based on certain factors including size and weight. In addition, some pets will be restricted according to size, type, and other relevant conditions of housing complex.

### **Pet Deposit**

Resident will be required to pay a refundable pet deposit of \$300 per pet.

Payment plans shall not be used for pet deposits. Full deposit must be paid prior to bringing pet onto the premises.

The SDHC will refund the Security Deposit less any amounts owed, according to State Law requirements.

**Criteria**

Only common household pets will be allowed.

Pets that are considered dangerous or a threat to health and safety will not be permitted at any site.

## **Chapter 11**

### **RECERTIFICATIONS [24 CFR 5.617, 24 CFR 960.209]**

#### **INTRODUCTION**

HUD requires that the SDHC recertify all families at least annually. Residents are required to notify the SDHC of any and all changes in family composition and/or income within 10 days of the change. At the annual recertification all adult members must report their current household composition, income, deductions and allowances. Between regular annual recertification, HUD requires that families report all changes in household composition, but the SDHC decides what other changes must be reported and the procedures for reporting them. This Chapter defines the SDHC's policy for conducting annual recertification. It also explains the interim reporting requirements for families, and the standards for timely reporting.

#### **A. ELIGIBILITY FOR CONTINUED OCCUPANCY**

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a family as defined in this policy;
2. Are in full compliance with the obligations and responsibilities described in the dwelling lease;
3. Whose family members, age 6 and older, each have submitted their Social Security numbers or have certifications on file that they do not have a Social Security number;
4. Whose family members have submitted required citizenship/eligible immigration status/non-contending documents.

#### **B. ANNUAL RECERTIFICATIONS**

The annual recertification will be effective no later than the first of the month in which the family moved in, the following year.

When families move to another dwelling unit:

A new recertification will be conducted (verification obtained at the last recertification can be used if less than 180 days old)

A recertification will be conducted (unless a recertification has occurred in the last 120 days) and the anniversary date will be changed effective date of move in.



### **Verification of Information**

All information that affects the family's continued eligibility for the program, and the family's Total Tenant Payment (TTP) will be verified in accordance with the verification procedures and guidelines described in this Policy. Verifications used for recertification must be less than 180 days old. All verifications will be placed in the file, which has been established for the family.

When the information has been verified, it will be analyzed to determine:

- the continued eligibility of the resident as a *family* or as the *remaining member* of a family;
- the unit size required by the family;
- the amount of rent the family should pay;
- participation in community service

(Each adult resident shall participate in 8 hours per month of either community service (not including political activities), or economic self-sufficiency classes or program. Exemption is provided, subject to specific requirements.)

### **Changes In The Tenant Rent**

If there is any change in rent, the lease will be amended, or a new lease will be executed, or a Notice of Rent Adjustment will be issued [24 CFR 966.4(c) & (o)].

#### **a. Tenant Rent Increases**

If tenant rent increases, a thirty-day notice will be provided to the family prior to the effective date.

If less than thirty days are remaining before the anniversary date, the tenant rent increase will be effective on the first of the month following the thirty-day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the anniversary date.

#### **b. Tenant Rent Decreases**

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the SDHC.

If the tenant income decreases and the tenant reported the change within a month prior to the annual recertification anniversary date or between the annual recertification anniversary date and the effective date of the annual recertification, the change will be treated as an interim. The change will be effective the first of the following month that the family reported the change.

### **C. REPORTING INTERIM CHANGES**

Families must report all changes in household composition to the SDHC between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain SDHC approval prior to all additions to the household. (Refer to the Admissions Policy)

#### **1. Increases in Income to be Reported**

Residents are required to notify the SDHC of any and all changes in family composition and/or income within 10 days of the change.

#### **2. Increases In Income and Rent Adjustments**

The SDHC will not process rent adjustments resulting from any increase in income until the next regularly scheduled recertification, unless there is a change in family composition and corresponding change of income. Exception for FSS participants.

If tenant rent increases, a thirty-day notice will be provided to the family prior to the effective date.

#### **3. Decreases in Income and Rent Adjustments**

Residents may report a decrease in income and other changes, such as an increase in allowances or deductions that would reduce the amount of the total tenant payment.

The SDHC will process the rent adjustment unless the SDHC confirms that the decrease in income will last less than 30 calendar days.

*NOTE: (See Chapter 6 C. Averaging Income)*

#### **D. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS**

The SDHC will not reduce the public housing rent for families whose welfare assistance is reduced specifically because of:

- fraud; or
- failure to participate in an economic self-sufficiency program; or
- noncompliance with a work activities requirement

However, the SDHC will reduce the rent if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where the family has complied with welfare program requirements but cannot or has not obtained employment. Such as the family has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

#### **Verification Before Denying a Request to Reduce Rent**

The SDHC will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

#### **Cooperation Agreements**

The SDHC takes a proactive approach to create a cooperative relationship between the SDHC and the local welfare agency for the purpose of targeting economic self-sufficiency programs throughout the community that are available to public housing residents.

#### **E. OTHER INTERIM REPORTING ISSUES**

##### **SDHC Errors**

If the SDHC makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted to correct the error, but the family will not be charged retroactively.

#### **F. REPORTING OF CHANGES IN FAMILY COMPOSITION**

The SDHC will not approve the addition of family members other than by birth, adoption, marriage or court-awarded custody where the occupancy standards would require a larger size unit.

All changes in family composition must be reported within 10 working days of the occurrence in

writing.

If an adult family member is declared permanently absent by the head of household, the notice must contain a certification by the head of household the family will be given 3-6 months to determine if removal is permanent that the member (who may be the head of household) removed is permanently absent.

A permanently removed member cannot return as member of the household for 12-month period and must be subjected to the Tenant Selection Process.

### **Increase in Family Size**

The SDHC will consider a unit transfer (if needed under the Occupancy Guidelines) for additions to the family in the following cases:

- Addition by marriage/or marital-type relation.
- If a change due to birth, adoption, court-awarded custody, or need for a live-in attendant requires a larger size unit due to overcrowding, the change in unit size shall be made effective upon availability of an appropriately sized unit.

### **Definition Of Temporarily/Permanently Absent**

The SDHC must compute all applicable income of every family member who is on the lease, including those who are temporarily absent.

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.

It is the responsibility of the head of household to report changes in family composition. The SDHC will evaluate absences from the unit in accordance with this policy.

### **Absence of Entire Family**

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. (In cases where the family has moved out of the unit, the SDHC will terminate tenancy in accordance with the appropriate lease termination procedures contained in this Policy.)

Families should notify the SDHC if they are going to be absent from the unit for more than (21) consecutive days.

"Absence" means that no family member is residing in the unit.

If the entire family is absent from the unit, for more than 60 consecutive days, the unit will be considered to be vacant and the SDHC may terminate tenancy.

If the absence which resulted in termination of tenancy was due to a person's disability, and the SDHC can verify that the person was unable to notify the SDHC in accordance with the lease provisions regarding absences, and if a suitable unit is available, the SDHC may reinstate the family as an accommodation if requested by the family.

### **Absence of Any Member**

A member of the household will be considered permanently absent if she/he is away from the unit for more than (6) six consecutive months.

#### **Absence due to Medical Reasons**

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the SDHC will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 6 months, the family member will not be considered permanently absent, as long as rent and other charges remain current.

If the person who is determined to be permanently absent is the sole member of the household, assistance will be terminated in accordance with the SDHC's "Absence of Entire Family" policy.

#### **Absence due to Incarceration**

If the sole member is incarcerated for more than 60 consecutive days, she/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 60 consecutive days. The rent and other charges must remain current during this period.

The SDHC will determine if the reason for incarceration is for drug-related or criminal activity that would threaten the health, safety and right to peaceful enjoyment of the dwelling unit by other residents.

#### **Foster Care and Absences of Children**

If the family includes a child or children temporarily absent from the home due to placement in foster care, the SDHC will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 6 months from the date of removal of the child(ren), the family will be required to move to a smaller size unit. If all children are removed from the home permanently, the unit size will be reduced in accordance with the SDHC's occupancy guidelines.

### **Absence of Adult**

If neither parent remains in the household nor the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the SDHC will treat that adult as a visitor for the first 14 calendar days.

If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, and the caretaker qualifies under Tenant Suitability criteria, the lease will be transferred to the caretaker.

If the court has not awarded custody or legal guardianship, but the action is in process, the SDHC will secure verification from social services staff or the attorney as to the status.

The Live in aide will be allowed to remain in the unit, as a visitor, until a determination of custody is made. The Live in aide must qualify under the One Strike policy criteria in Chapter 2.

If a member of the household is subject to a court order that restricts him/her from the home for more than 6 months, the person will be considered permanently absent.

If an adult member, other than head or spouse, goes into the military and the family decides that the member is permanently absent: the income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of unit size.

Full time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent: the income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of unit size.

Visitors (See Chapter 9. Leasing)

Any adult not included on the HUD Lease and 50058 who have been in the unit more than 14 consecutive days, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is an unauthorized household member.

Statements from neighbors and/or SDHC staff will be considered in making the determination. The SDHC will consider:

Statements from neighbors and/or SDHC staff  
Vehicle license plate verification  
Post Office records  
Driver's license verification  
Law enforcement reports  
Credit reports

The burden of proof that 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 the SDHC will terminate the family's lease since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to 14 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 180 days per year, the minor will be considered to be an eligible visitor and not a family member. If both parents reside in Public Housing, only one parent would be able to claim the child for deductions and for determination for the occupancy standards.

#### **G. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF UNIT**

To be considered the remaining member of the tenant family, the person must have been previously approved by the SDHC to be living in the unit and must have signed the lease.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

In order for a minor child to continue to receive assistance as a remaining family member:

1. The court has to have awarded emancipated minor status to the minor or is legally married; or
2. The SDHC has to have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the unit to care for the child(ren) for an indefinite period.

A reduction in family size may require a transfer to an appropriate unit size per the Occupancy Standards.

#### **H. CHANGES IN UNIT SIZE**

The SDHC will not assign a larger bedroom size due to additions of family members other than by birth, adoption, marriage or court-awarded custody.

When an approvable change in the circumstances in a tenant family requires another unit size, the family will be placed on the Transfer List.

#### **I. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES**

Under the Non-citizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

Mixed families who qualify for continued assistance may receive prorated assistance only.

## **Chapter 12**

### **LEASE TERMINATIONS [24 CFR 966.4]**

#### **INTRODUCTION**

The SDHC may terminate tenancy for a family because of the family's action or failure to act in accordance with HUD regulations [24 CFR 966.4 (l)(2)], and the terms of the lease. This Chapter describes the SDHC's policies for notification of lease termination and provisions of the lease.

#### **A. TERMINATION BY TENANT**

The tenant may terminate the lease by providing the SDHC with a written 30-day advance notice as defined in the lease agreement.

#### **B. TERMINATION BY SDHC**

Termination of tenancy will be in accordance with the SDHC's lease.

The lease may be terminated by the SDHC at any time by giving written notice for violation of material terms of the lease.

#### **C. TERMINATION BY SDHC**

In the event the resident fails to respond or comply with the notice of delinquency or with any of the resident's obligations under the lease, the SDHC shall serve the resident with a 30-Day Notice to Terminate.

1. The decision to terminate the resident's lease shall be made by the Housing Supervisor, or designee.
2. The SDHC shall serve the resident with a written Notice of Termination in accordance with this policy.
3. The SDHC shall schedule an Informal Conference at the request of the resident. At this conference the resident may respond to the SDHC reasons for termination. The resident may be represented or accompanied by a person of the resident's choice.
4. The SDHC shall make its decision on termination of the lease based on the evidence presented at the Informal Conference whether to:
  - a. rescind or extend the Notice of Termination, or



b. reaffirms its decision to terminate the lease

5. The SDHC shall notify the resident in writing of its final decision and advise resident of appropriate rights under the Grievance Procedure within a reasonable time after the Informal Conference (See Chapter 13 Complaints, Grievances and Appeals).

#### **D. NOTIFICATION REQUIREMENTS**

The SDHC's written Notice of Lease Termination will state the reason for the proposed termination, the date that the termination will take place, and it will offer the resident all of the rights and protections afforded by the regulations and this policy. (See Chapter 13. Complaints, Grievances and Hearings.)

The notice will be delivered personally to the resident, or any adult 18 years of age or older at the residence and mailed via first-class mail, or posted and mailed via first-class mail.

#### **Criminal Activity**

The SDHC will immediately and permanently terminate tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

The SDHC will terminate tenancy in cases where the SDHC determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

"Engaged in or engaging in" drug related criminal activity means any act by residents, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

"Engaged in or engaging in" criminal activity means any act by residents, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the SDHC, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

In evaluating evidence of negative behavior, the SDHC will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future that could be supported by evidence of rehabilitation.

The SDHC may waive the requirement regarding drug-related criminal activity if:

The person demonstrates successful completion of a credible rehabilitation program approved by the SDHC, or

The individual involved in drug-related criminal activity is no longer in the household and is removed from the Lease.

**E. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS**  
[24 CFR 5.514]

Families who are ineligible for continued assistance due to the ineligible immigration status are entitled for temporary deferral of termination of assistance to permit the family additional time for transition to affordable housing.

Deferrals may be granted for intervals not to exceed six months, if one of the following conditions is met:

1. The family demonstrates that reasonable efforts to find other affordable housing of appropriate size have been unsuccessful.
2. The vacancy rate for affordable housing of appropriate size is below 5% in the housing market area.
3. The Consolidated Plan indicates the local jurisdiction's housing market lacks sufficient affordable housing opportunities for households having a size and income similar to the family seeking the deferral.

Upon receipt of a written request for temporary deferral of termination from the family, if the family qualifies for one of the conditions above, they will be granted a three-month deferral period in writing.

During the three-month deferral period the family should look for affordable housing, providing the SDHC a monthly report on its activities. At the end of the three-month period, the family may request, in writing, additional three-month extensions of occupancy. If the family qualifies for one of the conditions above, the SDHC will continue to grant extensions in writing. However, in no case will the deferral period exceed a period of one year.

**F. TERMINATIONS DUE TO DOMESTIC VIOLENCE**

To address the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking, the following applies to all Residents:

An incident or incidents of actual or threatened domestic violence( Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction), dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence.

Criminal activity directly relating to domestic violence, dating violence, or stalking engaged in by a member of a Resident's household or any guest or other person under the Resident's control shall not be cause for termination of the tenancy or occupancy rights, if the Resident or an immediate member of the Resident's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.

Any Resident who engages in criminal acts of violence to family members or others will be evicted from the unit. Victimized lawful occupants will be allowed to continue residency in the unit.

#### **G. TERMINATIONS DUE TO UNREPORTED INCOME**

SDHC shall serve a termination notice when a participant fails to comply with income reporting requirements and may be referred for prosecution by the relevant authorities

## **Chapter 13**

### **COMPLAINTS, GRIEVANCES AND APPEALS [24 CFR 966.50-966.57]**

#### **INTRODUCTION**

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the SDHC. This Chapter describes the policies to be used when families disagree with a SDHC decision. It is the policy of the SDHC to ensure that all families have the benefit of all protections due to them under the law.

#### **A. COMPLAINTS**

The SDHC will respond promptly to all complaints as outlined in procedures.

#### **B. APPEALS BY TENANTS**

Grievances or appeals concerning the obligations of the tenant or the SDHC under the provisions of the lease shall be processed and resolved in accordance with the current Grievance Procedure of the SDHC.

#### **Applicability**

This Grievance Procedure applies to all individual grievances, except any grievance concerning a termination of tenancy or eviction that involves:

- a. Any activity, not just criminal activity, that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or SDHC employees, or
- b. Any drug-related criminal activity *on* or *off* such premises.

## **Chapter 14**

### **FAMILY DEBTS TO THE SDHC**

#### **INTRODUCTION**

This Chapter describes the SDHC's policies for the recovery of monies owed to the SDHC by families. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the SDHC's policy to meet the informational needs of families, and to communicate the program rules in order to avoid family debts. Before a debt is assessed against a family, the file must contain documentation to support the SDHC's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the family or other interested parties.

#### **A. RENT PAYMENT PROCEDURE**

The following is the established rental payments procedure for Public Housing residents:

1. Rent payments are due and payable on the first day of each month.
2. Rent payment will be considered late if not received prior to the sixth day of each month.
3. Payment is to be made as follows:
  - Monthly rent payments are to be made in the form of a check or money order payable to the San Diego Housing Commission and mailed as directed by the SDHC.
4. SDHC reserves the right to determine how payments are to be applied toward the different monetary obligations (rent, security deposit charges, utility charges, damage charges, late fees, NSF fees, bank fees, and the like). SDHC may apply all payments received first to the latest outstanding balance and then to the current rental or other obligations.

#### **B. DELINQUENT ACCOUNTS**

Prompt payment of rent payments and other charges is a requirement for continued occupancy. Scheduled payments not received at the SDHC by the fifth day of the month are considered delinquent and shall result in the following:

1. Rent
  - a. In the case of failure to pay rent by the fifth day of the month, on or after

the sixth day of the month the SDHC will serve the resident with a 14-day Notice of Intent to Terminate Lease due to Non-payment of Rent followed by a 3-Day Notice to Pay or Quit.

- b. The notice(s) will be delivered personally to the resident, or any adult 18 years of age or older at the residence and mailed via first-class mail, or posted and mailed via first-class mail

2. Late Charges

- a. If rent payment is not received by the close of business on the fifth day of the month a late charge will be assessed to the resident account on the sixth day of the month.
- b. Late charges will become due on the first day of the month following the assessment of charges.
- c. If a late charge is not paid by the fifth day of the month in which the charge is due, the SDHC will issue a Breach Notice giving the resident three days to pay.
- d. The Breach Notice will be delivered personally to the resident, or any adult family member 18 years of age or older at the residence and mailed via first-class mail, or posted and mailed via first-class mail.
- e. If payment is not received within the three days allowed by the Breach Notice, the SDHC will issue a 30-Day Notice to Terminate.
- f. The 30-Day Notice to Terminate will be delivered personally to the resident, or any adult family member 18 years of age or older at the residence and mailed via first-class mail, or posted and mailed via first-class mail.
- g. If resident requests and an Informal Conference are held, Housing Supervisor or designee must complete a written summary of such discussion within a reasonable time.

3. Maintenance and Other Charges

The following is the calendar for maintenance charges:

- a. Resident incurs charge.
- b. Billing letter will be mailed on 15th or 30th of the month after completion of the work.

- c. Resident will be given two weeks to pay maintenance charge or to request an Informal Conference.
- d. If bill is not paid or resident does not request an Informal Conference, the SDHC will issue a Breach Notice giving three days to pay.
- e. If payment is not received within the three days allowed by the Breach Notice, the SDHC will issue a 30-Day Notice to Terminate.
- f. If resident requests and an Informal Conference are held, Housing Supervisor or designee must complete a written summary of such discussion within a reasonable time.

#### **D. COURT PROCEEDINGS**

After exhausting all efforts to collect required resident payment or resolve other contract violations according to the Collection Policy, the SDHC will initiate appropriate legal action through the judicial system to evict residents following court proceedings.

#### **E. REQUESTING A PAY PLAN**

Residents may request a Pay Plan in order to reimburse the SDHC for:

- 1. Retroactive rent due to non-report of income
- 2. Maintenance charges for damages beyond normal wear and tear
- 3. Accumulated late charges
- 4. Legal fees from previous civil action
- 5. Other monies owed to the SDHC

#### **F. CONDITIONS TO GRANT PAY PLAN**

Conditions for allowing a family to enter into a Pay Plan Agreement with the SDHC depend on whether the SDHC considers the family in violation of the Residential Lease, whether the SDHC considers the violation to be fraud, or whether the family owes the SDHC money for some other reason(s).

- 1. Pay Plans will be granted when:
  - a. There is no previous delinquent Pay Plan
  - b. There is no previous failure to report income and the current request is for retroactive rent

- a. The total dollars owed is less than \$2,500
- b. The SDHC has determined that fraud does not exist
- 2. Pay Plans will not be granted if any of the above circumstances do not apply.
  - a. If there is a previous delinquent Pay Plan, the family will be asked to pay the balance and may be asked to pay all dollars owed on amounts not covered by Pay Plan.
  - b. If there is a previous failure to report income and the current amount owed is for retro-rent, the family will be asked to pay all dollars owed.
  - c. If total dollars owed are more than \$2,500 the family will be asked to pay immediately a sum which would bring the balance to or under \$2,500.
  - d. If the SDHC determines that fraud has occurred, it will consider local prosecution and/or forwarding the case to the Regional Inspector General for Investigation.
  - e. In all cases above, the SDHC may find the family in violation of its lease and may begin the eviction process for that violation.
  - f. In all cases above, the family has the right to dispute the SDHC's action.

**G. PAY PLAN AGREEMENT GENERAL CONDITIONS**

- 1. Pay Plan Agreement and Promissory Note are synonymous terms.
- 2. Pay Plan Agreements are executed with families who owe money to the SDHC.
- 3. If the SDHC enters into a Pay Plan Agreement, the Agreement will be set up as follows:

**AMOUNT TO PAY    INITIAL PAYMENT    MAX TERM**

\$500 or less	20-50% due*	3-6 months
\$501-\$1000	20-40% due*	6-10 months
\$1001-\$2500	20-33% due*	12 months

*\*Due at the execution of the Pay Plan Agreement.*

- 4. No Pay Plan Agreement will be entered into if the total exceeds \$2,500, except under extreme circumstances and by administrative direction.



#### H. EIV PAY PLAN AGREEMENT CONDITIONS

1. SDHC will follow the HUD prescribed methods for verifying and validating income discrepancies prior to executing a payback or terminating eligibility. Paybacks will be executed for the following cases:

A. **Income Not Reported at Recertification:** >\$2,400 and <\$15,000 (HUD expects PHAs to resolve unreported income discrepancies of \$2,400 or greater)

B. **Income Reported at Recertification:** Exceeding \$5,000.

2. The payback will be calculated at 30% of the gross amount of unreported income.

This is a streamlining measure that will save time preparing retroactive rent calculations that include deductions and allowances.

3. Participants who fail to report income at recert and the amount of unreported income exceeds \$15,000 (\$15,001 +), will be terminated from the program and may be referred for prosecution by the relevant authorities.

#### I. INTERAGENCY INTERCEPT COLLECTIONS

The State Franchise Tax Board (FTB) Interagency Intercept Collections Program may be used to collect delinquent monies owed by previous participants in public housing programs. Once intercepted, the tax refunds and any lottery prizes are redirected to the SDHC to whom the debts are owed. All collection efforts will follow FTB procedures. Collection efforts by the SDHC will follow FTB procedures.

All information obtained from the FTB must be properly safeguarded (in accordance with IRS Pub 1075) since federal tax information may be involved.

## **CHAPTER 15**

### **ONE STRIKE POLICY**

#### **A. PURPOSE**

All federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of the SDHC to fully endorse and implement a policy that is designed to:

1. Help create and maintain a safe and drug-free community;
2. Keep our program participants free from threats to their personal and family safety;
3. Support parental efforts to instill values of personal responsibility and hard work;
4. Help maintain an environment where children can live safely, learn and grow up to be productive citizens; and
5. Assist families in their vocational/educational goals in the pursuit of self-sufficiency.

#### **B. ADMINISTRATION**

All screening and eviction procedures shall be administered fairly and in such a way as not to discriminate on the basis of race, color, nationality, religion, sex, familial status, disability or against other legally protected groups, and not to violate right to privacy.

To the maximum extent possible, the SDHC will involve other community and governmental entities in the promotion and enforcement of this policy.

The SDHC requires all employees to report crime and crime-related problems, or suspected crime and crime-related problems to the local police authorities.

This policy will be posted on the SDHC's bulletin board and copies made readily available to applicants and tenants upon request.

#### **C. SCREENING**

In an effort to prevent drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or the right to peaceful enjoyment of the premises by other residents, the SDHC will endeavor to screen applicants as thoroughly and fairly as possible. (Refer to Chapter 3. Admissions)

If in the past the SDHC initiated a lease termination, which may or may not have resulted in eviction for any reason cited under the One Strike Notice, for a family, as a prior resident of public housing, the SDHC shall have the discretion to consider all circumstances of the case

regarding the extent of participation by non-involved family members.

If as a result of the standardized inquiry, or the receipt of a verifiable referral, there is indication that the family or any family member is engaged in drug-related criminal or violent criminal activity, the SDHC will conduct closer inquiry to determine whether the family should be denied admission.

The SDHC will check criminal history for all adults in the household to determine whether any member of the family has engaged in violent or drug-related criminal activity.

SDHC will perform a criminal history check on every adult household member (18 years of age or older) utilizing the California Law Enforcement Telecommunications System (CLETS) through the San Diego Police Department.

The SDHC may require, as a condition of providing admission to the public housing program, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain records from the National Crime Information Center, police departments, and other law enforcement agencies.

## **Chapter 16**

### **COMMUNITY SERVICE**

#### **A. Background**

The Quality Housing and Work Responsibility Act of 1998 requires that all non-exempt (see definitions) public housing adult residents (18 or older) contribute eight (8) hours per month of community service (volunteer work) or participate in eight (8) hours of training, counseling, classes or other activities that help an individual toward self sufficiency and economic independence. This is a requirement of the Public Housing Lease.

#### **B. Definitions**

**Community Service** - volunteer work that includes, but is not limited to:

- Work at a local institution including but not limited to: school, child care center, hospital, hospice, recreation center, senior center, adult day care center, homeless shelter, indigent feeding program, cooperative food bank, etc.;
- Work with a non-profit organization that serves SDHC residents or their children such as: Boy Scouts, Girl Scouts, Boys or Girls clubs, 4-H program, PAL, Garden Center, Community clean-up programs, beautification programs, other youth or senior organizations;
- Helping neighborhood groups with special projects;
- Working through resident organization to help other residents with problems, serving as an officer in a Resident organization, serving on the Resident Advisory Board; and
- Caring for the children of other residents so they may volunteer.

**NOTE:** Political activity is excluded.

**Self Sufficiency Activities** - activities that include, but are not limited to:

- Job readiness programs;
- Job training programs;
- GED classes;
- Substance abuse or mental health counseling;
- English proficiency or literacy (reading) classes;
- Apprenticeships;
- Budgeting and credit counseling;
- Any kind of class that helps a person toward economic independence; and
- Full time student status at any school, college or vocational school.

**Exempt Adult** - an adult member of the family who:

- Is 62 years of age or older;
- Has a disability that prevents him/her from being gainfully employed;

- Is the caretaker of a disabled person;
- Is participating in welfare to work program; or
- Is working at least 20 hours per week.

**Work Activity – As accepted in the policy the term means:**

- Unsubsidized employment;
- Subsidized private sector employment;
- Subsidized public sector employment;
- Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
- On-the-job training;
- Job search and job readiness assistance;
- Community service programs;
- Vocational educational training (not to exceed 12 months with respect to any individual);
- Job skills training directly related to employment;
- Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
- Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and
- The provision of childcare services to an individual who is participating in a community service program.

**C. Requirements of the Program**

1. The eight (8) hours per month may be either volunteer work or self-sufficiency program activity, or a combination of the two.
2. At least eight (8) hours of activity must be performed each month. An individual may not skip a month and then double up the following month, unless special circumstances warrant special consideration. The SDHC will make the determination of whether to allow or disallow a deviation from the schedule.
3. Activities must be performed within the community and not outside the jurisdictional area of the SDHC.
4. **Family obligations:**
  - At lease execution or at re-examination, all adult members (18 or older) of a public housing resident family must:
    - a. provide documentation that they are exempt from Community Service requirement if they qualify for an exemption, and

- b. sign a certification that they have received and read this policy and understand that if they are not exempt, failure to comply with the Community Service requirement will result in non-renewal of their lease.
- At each annual re-examination, non-exempt family members must present a completed documentation form (to be provided by the SDHC) of activities performed over the previous twelve (12) months. This form will include places for signatures of supervisors, instructors, or counselors certifying to the number of hours contributed.
- If a family member is found to be noncompliant at re-examination, he/she and the Head of Household will sign an agreement with the SDHC to make up the deficient hours over the next twelve (12) month period.

5. **Change in exempt status:**

- If, during the twelve (12) month period, a non-exempt person becomes exempt, it is his/her responsibility to report this to the SDHC and provide documentation of such.
- If, during the twelve (12) month period, an exempt person becomes non-exempt, it is his/her responsibility to report this to the SDHC. The SDHC will provide the person with the Recording/Certification documentation form and a list of agencies in the community that provide volunteer and/or training opportunities.

**D. SDHC Obligations:**

1. To the greatest extent possible and practicable, the SDHC will:
  - provide names and contacts at agencies that can provide opportunities for residents, including disabled, to fulfill their Community Service obligations. (According to the Quality Housing and Work Responsibility Act, a disabled person who is otherwise able to be gainfully employed is not necessarily exempt from the Community Service requirement); and
2. The SDHC will provide the family with exemption verification forms and Recording/Certification documentation forms and a copy of this policy at initial application and at lease execution.
3. The SDHC will make the final determination as to whether or not a family member is exempt from the Community Service requirement. Residents may use the SDHC Grievance Procedure if they disagree with the SDHC determination.
4. **Noncompliance of family member:**
  - At least thirty (30) days prior to annual re-examination and/or lease expiration, the

SDHC will begin reviewing the exempt or non-exempt status and compliance of family members;

- If the SDHC finds a family member to be noncompliant, the SDHC will enter into an agreement with the noncompliant member and the Head of Household to make up the deficient hours over the next twelve (12) month period; If, at the next annual re-examination, the family member still is not compliant, the lease will not be renewed and the entire family will have to vacate, unless the noncompliant member agrees to move out of the unit;
- The family may use the SDHC Grievance Procedure to protest the lease termination.

## **Chapter 17**

### **FAMILY SELF SUFFICIENCY PROGRAM**

#### **A. SELECTION OF PARTICIPANTS AND SUPPORT SERVICES**

Participants in the Public Housing Program may participate in Family Self-Sufficiency on a voluntary basis. Outreach to Public Housing Program participants is conducted on a regular basis, as detailed in the FSS Action Plan.

All eligibility criteria will be in accordance with the current Public Housing Program regulations.

#### **B. ESCROW ACCOUNTS**

Increases in FSS participants rent shares due to increased earnings will be paid into an escrow account on behalf of participants. Upon the applicant's successful completion of the FSS Program, the participant will be eligible to receive the money in the escrow account.

#### **C. TERMINATION OF ASSISTANCE**

When a Family is terminated from the Public Housing Program, the Family Self-Sufficiency Contract of Participation is terminated immediately. FSS services may be withheld for other circumstances, as detailed in the FSS Action Plan.

For specific procedures regarding FSS participants, refer to the FSS Action Plan.



## Chapter 18

### GLOSSARY

#### **I. TERMS USED IN DETERMINING RENT**

##### **ANNUAL INCOME (24 CFR 5.609)**

Annual income is the anticipated total income from all sources. This includes net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member for the 12 month period following the effective date of initial determination or reexamination of income. It does not include income that is temporary, non-recurring, or sporadic as defined in this section, or income that is specifically excluded by other federal statute. Annual income includes:

1. The full amount before any payroll deductions, of wages and salaries, overtime pay, commission's fees, tips and bonuses, and other compensation for personal services.
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business.
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight-line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.

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

4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts.

*NOTE: Treatment of lump sum payments for delayed or deferred periodic payment of social security or SSI benefits is dealt with later in this section.*

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay.

6. All welfare assistance payments received by or on behalf of any family member. (24CFR 913.106(b)(6) contains rules applicable to “as-paid” States).
7. Periodic and determinable allowances, such as alimony and child care support payments, and regular cash contributions or gifts received from persons not residing in the dwelling.
8. All regular pay, special pay and allowances of a member of the Armed Forces (except special pay to a family member serving the Armed Forces who is exposed to hostile fire).

**EXCLUSIONS FROM ANNUAL INCOME (24 CFR 5.609)**

1. Income of an eligible family as a result of increased income due to employment during the 12-month period beginning on the date on which the employment is commenced. Eligible families are those:
  - Whose income increases as a result of employment of a family member who was previously unemployed for one or more years. ("previously unemployed" includes a person who has earned, in the previous twelve months, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.)
  - Whose employment income increases during the participation of a family member in any family self-sufficiency or other job training; or
  - Who have either been on TANF income maintenance or received at least \$500 in other TANF benefits during or within the last 6 months under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, and whose earned income increases.
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health, and accident insurance and worker's compensation) capital gains, and settlement for personal property losses;
4. Amounts received by the family that are specifically for, or in reimbursement of the cost of medical expenses for any family member.
5. Income of a live-in aide, provided the person meets the definition of a live-in aide.
6. The full amount of student financial assistance paid directly to the student or the educational institution.

7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
8.
  - (a) Amounts received under HUD funded training programs (e.g. Step-up program); excludes stipends, wages, transportation payments and childcare vouchers for the duration of the training;
  - (b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self Sufficiency (PASS).
  - (c) Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out of pocket expenses incurred for items such as special equipment, clothing, transportation and childcare, to allow participation in a specific program.
  - (d) Amount received as a Resident services stipend. A modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the SDHC, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, emergency contact, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time.
  - (e) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program.
9. Temporary, non-recurring, or sporadic income (including gifts).
10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (For all initial determinations and reexaminations of income on or after April 23, 1993.)
11. Earnings in excess of \$480 for each full-time student 18 years old or older, (excluding the head of household and spouse).
12. Adoption assistance payments in excess of \$480 per adopted child.
13. Deferred periodic payments from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

14. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
15. Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
16. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. (HUD in the Federal Register identifying the benefits that qualify for this exclusion will publish a notice.

Other Federal Statute as of August 3, 1933 excludes the following benefits:

- a. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;
- b. Payments to volunteers under the Domestic Volunteer Service Act of 1973;

Examples of programs under this Act include but are not limited to:

The Retired Senior Volunteer Program (RSVP)  
Foster Grandparent Program (FGP)  
Senior Companion Program (SCP)  
Older American Committee Service Program

National Volunteer Antipoverty Programs such as:

VISTA  
Peace Corps  
Service Learning Program  
Special Volunteer Programs

Small Business Administration Programs such as:

National Volunteer Program to Assist Small Businesses  
Service Corps of Retired Executives

- c. Payments received under the Alaska Native Claims Settlement Act. [43 USC 1626 (a)]
- d. Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes. [25 USC 459e]
- e. Payments or allowances made under the Department of HHS Low Income Home

Energy Assistance Program. [42 USC 8624 (f)]

- f. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552 (b))
  - g. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540).
  - h. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC. 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior.
  - i. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. [20 USC 1087 uu] Examples: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College-Work Study, and Byrd Scholarships.
  - j. Payments received under programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)] Examples include Senior Community Services Employment Program, National Caucus Center on the Black Aged, National Urban League; Association National Pro Personas Mayors, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
  - k. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the *In-Re Orange* Product Liability litigation.
  - l. The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs of incurred in such care) under the Child Care and Development Block Grant Act of 1990. (42 USC 9858q)
  - m. Earned income tax credit refund payments received on or after January 1, 1991. (26 USC 32 )(j).
  - n. Living allowances under Americorps Program (Nelson Diaz Memo to George Latimer 11/15/94)
17. Earned Income of Minors: Income from the employment of children (including foster children) under the age of 18 years.

## ADJUSTED INCOME

Annual income, less allowable HUD deductions.

All Families are eligible for the following:

1. Child Care Expenses: A deduction of reasonable amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which the Annual Income is computed. Reasonable childcare expenses are only allowable when such care is necessary to enable a family member to be gainfully employed or to further his/her education. Reasonable amounts deducted must be unreimbursed expenses and shall not exceed: (1) The amount of income earned by the family member released to work, or (2) an amount determined to be reasonable by the SDHC when the expense is incurred to permit education.
  
2. Dependent Deduction. An exemption of \$480 for each member of the family residing in the household (other than the head or spouse, live-in aide, foster child) who is under eighteen years of age or who is eighteen years of age or older and disabled, handicapped, or a full-time student.
  
3. Handicapped Expenses. A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for handicapped family members where such expenses are necessary to permit a family member(s), including the handicapped/disabled member to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for visually handicapped, and equipment added to cars and vans to permit use by the handicapped or disabled family member.

- a. For non-elderly families and elderly families without medical expense: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income, provided the amount so calculated does not exceed the employment income earned.
  
- b. For elderly families with medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for handicapped care and equipment less three percent of Annual Income, (provided the amount does not exceed earnings) plus medical expenses as defined below.

For Elderly and Disabled Families Only:

Medical Expenses: A deduction of unreimbursed medical expenses, including insurance premiums anticipated for the period for which Annual Income is computed. Medical expenses include, but are not limited to: services of physicians and other health care professionals, services of health care facilities; insurance premiums, including the cost of Medicare), prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of family members), and payments on accumulated medical bills. To be considered by the SDHC for the purpose of determining a deduction from the income, the expenses

claimed must be verifiable.

- (1) For elderly families without disability expenses: The amount of the deduction shall equal total medical expenses less 3% of annual income.
- (2) For elderly families with both disability and medical expenses: The amount of handicapped assistance is calculated first, then medical expenses are added.

4. Elderly/Disabled Household Exemption: An exemption of \$400 per household.

#### ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM

The purpose of HUD's EIV System is to make integrated income data available from one source, via the Internet, for PHAs to use to improve income verification during required income reexaminations. EIV provides the following information:

Monthly employer new hires

Quarterly wages (including employer information), Federal wages are available

Quarterly unemployment compensation

Monthly social security (SS) and supplement security income (SSI) benefits

## **II. GLOSSARY OF HOUSING TERMS**

**ACCESSIBLE DWELLING UNITS.** When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route, and when designed, constructed, or altered, can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40, (the Uniform Federal Accessibility Standards) is “accessible” within the meaning of this paragraph.

**ACCESSIBLE FACILITY.** All or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps.

**ACCESSIBLE ROUTE.** For persons with a mobility impairment, a continuous, unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards (UFAC). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

**ACTIVE U.S. SERVICEPERSON.** A person in the active military of the United States.

**ADAPTABILITY.** Ability to change certain elements in a dwelling unit to accommodate the needs of handicapped and non-handicapped persons; or ability to meet the needs of persons with different types and degrees of disability.

**ADMISSION.** Admission to the program is the effective date of the lease. The point at which a family becomes a resident.

**ALLOCATION PLAN.** The plan submitted by the SDHC and approved by HUD under which the SDHC is permitted to designate a building, or portion of a building, for occupancy by Elderly Families or Disabled Families.

**ANNUAL INCOME AFTER ALLOWANCES.** The Annual Income (described above) less the HUD-approved allowances.

**APPLICANT** (or applicant family). A family that has applied for admission to a program but is not yet a participant in the program.

**AREA MEDIAN INCOME (AMI).** Median income means, with respect to an area, the unadjusted median family income for the area as most recently determined and published by HUD.

**“AS-PAID” STATES.** States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

**ASSETS.** (See Net Family Assets.)

**AUXILIARY AIDS.** Services or devices that enable persons with impaired sensory, manual, or



speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs and activities.

**CEILING RENT.** An amount that reflects the reasonable market value of the housing unit, but not less than the sum of the monthly per-unit operating costs and a deposit to a replacement reserve. The family pays the lower of the ceiling rent or the formula tenant rent. (*SDHC does not use*)

**CO-HEAD.** An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a Co-head or Spouse, but not both. A co-head never qualifies as a dependent.

**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 and evidence gathered by SDHC employees.

**DEPENDENT.** A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or older enrolled at a traditional educational institution or pursuing full-time vocational training.

**DESIGNATED FAMILY.** The category of family for whom the SDHC elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992-housing Act. (24 CFR 945.105)

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

**DISABLED PERSON.** A person who is any of the following:

- (1) A person who has a disability as defined in section 223 of the Social Security Act. (42 U.S.C.423).
- (2) A person who has a physical, mental, or emotional impairment that:
  - (i) Is expected to be of long-continued and indefinite duration;
  - (ii) Substantially impedes his or her ability to live independently; and
  - (iii) Is of such a nature that ability to live independently could be improved by more suitable housing conditions.
- (3) A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

**DISABLED FAMILY.** A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together or one or more persons with disabilities living with one or more live-in aides.

**DISPLACED FAMILY.** A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster relief laws.

**DOMESTIC VIOLENCE.** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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

**DRUG-RELATED CRIMINAL ACTIVITY.** Term means:

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

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

**ECONOMIC SELF-SUFFICIENCY PROGRAM.** The term means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, or apprenticeship.

**ELIGIBLE IMMIGRATION STATUS (EIS) MAXIMUM RENT.** Public housing maximum rent is determined by using the 95<sup>th</sup> percentile rent for the housing authority. The result is the maximum subsidy for which the family could qualify if all members were eligible ("family maximum rent").

**ELDERLY FAMILY.** A family whose head or spouse or whose sole member is at least 62 years, or two or more persons who are at least 62 years of age or a disabled person. It may include two or more elderly, disabled persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well being.

**ELDERLY PERSON.** A person who is at least 62 years old.

**ELIGIBLE FAMILY (Family).** A family is defined by the SDHC in the Admission and Continued Occupancy Plan.

**EXCEPTIONAL MEDICAL OR OTHER EXPENSES.** Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889, which exceeded 25% of the Annual Income. It is no longer used.

**EXCESS MEDICAL EXPENSES.** Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from any other source.

**EXTREMELY LOW-INCOME FAMILY.** A family whose annual income is at or below 30% of the Area Median Income.

**FAMILY.** The applicant must qualify as a family as defined by the SDHC.

**FAMILY OF VETERAN OR SERVICEPERSON.** A spouse or ex-spouse that has not remarried.

**FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM).** The program established by an SDHC to promote self-sufficiency of assisted families, including the provision of supportive services.

**FLAT RENT.** A rent based on a Fair Market rental value of the unit.

**FOSTER CHILD CARE PAYMENT.** Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

**FULL-TIME STUDENT.** A person who is carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

**GOOD CAUSE.** Verifiable reasons which substantiate failure to meet an obligation.

**HEAD OF HOUSEHOLD.** The person who assumes legal and financial responsibility for the household and is listed on the application as head.

**HOMELESS.** An applicant is considered homeless if the applicant lacks a fixed, regular and adequate night-time residence and can provide verification that their night-time residence is:

- a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or
- b) An institution that provides temporary residence for individuals intended to be

- institutionalized (not incarcerated); or
- c) A public or private place not designed for, or ordinarily used as, a regular place for human beings.

**HOUSING AGENCY.** A state, country, municipality or other governmental entity or public body authorized to administer the program. The term “HA” includes an Indian housing authority (IHA). (“SDHC” and “HA” mean the same thing.)

**HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.** The Act in which the U.S. Housing Act of 1937 was recodified, and which added the Section 8 Programs.

**HOUSING ASSISTANCE PLAN.**

- (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.
- (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

**HOUSING QUALITY STANDARDS (HQS).** The HUD minimum quality standards for housing assisted under the Section 8 program.

**HUD.** The Department of Housing and Urban Development or its designee.

**HUD REQUIREMENTS.** HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

**HURRA.** The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

**IMPUTED ASSET.** Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

**IMPUTED INCOME.** HUD passbook rate times the total cash value of assets, when assets exceed \$5,000.

**INCOME.** Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

**INCOME FOR ELIGIBILITY.** Annual Income.

**INDEPENDENT STUDENT.**

1. The student must be **married**; or
2. The student must **have a child or other dependents** who receive more than half their support from the student and who also live with the student; or
3. The student must be enrolled as a **graduate or professional student** (medicine, dentistry, or law); or
4. The student must be a qualified **veteran** of the U.S. military; or
5. The student must be an **orphan (parents deceased) or ward of the court** or was a ward of the court until age 18; or
6. The student must have **special and unusual circumstances** which can be documented to his or her college financial aid administrators (i.e., abuse in the family, alcoholism, etc.). This is extremely rare and only an experienced financial aid administrator at your college can make this "dependency override."

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

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

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

**INTEREST REDUCTION SUBSIDIES.** The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

**INVOLUNTARILY DISPLACED PERSON.** Involuntarily Displaced Applicants are applicants who meet the HUD definition for the federal preference.

**LANDLORD.** Either the legal owner of the property, or the owner's representative or managing agent as designated by the owner.

**LEASE.** A written agreement between an owner and an eligible family for the leasing of a housing unit.

**LIVE-IN AIDE.** A person who resides with an elderly person or disabled person and who:

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

**LOCAL PREFERENCE.** A preference used by the SDHC to select among applicant families without regard to their federal preference status.

**LOW-INCOME FAMILY.** A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. For admission to the certificate program, HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

**MEDICAL EXPENSES.** Those total medical expenses anticipated during the period for which Annual Income is computed, and which is not covered by insurance. (Only Elderly Families qualify) The allowances are applied when medical expenses exceed 3% of Annual Income.

**MINIMUM RENT.** An amount established by the SDHC to be \$50.00

**MINOR.** A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

**MONTHLY-ADJUSTED INCOME.** 1/12 of the Annual Income after Allowances.

**MONTHLY INCOME.** 1/12 of the Annual Income before allowances.

**NEAR-ELDERLY FAMILY.** A family whose head, spouse, or sole member is at least 50, but less than 62 years of age. The term includes two or more near-elderly persons living together and one or more such persons living with one or more live-in aides.

**NET FAMILY ASSETS.** The net cash value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

**OCCUPANCY STANDARDS.** Standards established by a SDHC to determine the appropriate number of bedrooms for families of different sizes and compositions.

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

**PREPONDERANCE OF EVIDENCE.** Is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

Preponderance of evidence is not determined by the number of witnesses, but by the greater weight of all evidence.

**PUBLIC ASSISTANCE.** Welfare or other payments to families or individuals based on need, which are made under programs, funded, separately or jointly, by Federal, state, or local

governments.

**PUBLIC HOUSING AGENCY (SDHC).** A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term “PHA” includes an Indian housing authority (IHA). (“SDHC” and “HA” mean the same thing.)

**QUALITY HOUSING AND WORK RESPONSIBILITY ACT OF 1998.** The Act, which amended the U.S. Housing Act of 1937 and is known as the Public Housing Reform Bill. The Act is directed at revitalizing and improving HUD’s Public Housing and Section 8 assistance programs.

**RECERTIFICATION.** Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if the family reports no interim changes.

**REMAINING MEMBER OF TENANT FAMILY.** Person left in assisted housing after other family members have left and become unassisted.

**SECRETARY.** The Secretary of Housing and Urban Development.

**SECURITY DEPOSIT.** A dollar amount referenced in resident lease and paid by resident at time of lease-up that is used upon termination of the lease for unpaid rent, damages or other amounts owed under the lease according to State or local law. The balance “if any” is paid to the ex-resident per requirements of State law.

**SERVICEPERSON.** A person in the active military or naval service (including the active reserve) of the United States.

**SINGLE PERSON.** A person living alone or intending to live alone who is not disabled, elderly, or displaced or the remaining member of a tenant family.

**SPOUSE.** The marriage partner of the head of the household.

**SUBSIDIZED PROJECT.** A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association), which receives the benefit of subsidy in the form of:

1. Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
2. Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
3. Direct loans pursuant to Section 202 of the Housing Act of 1959; or
4. Payments under the Section 8 Housing Assistance Payments Program pursuant to Section

8 of the United States Housing Act after amendment by the Housing and Community Development Act unless a Public Housing Agency owns the project;

5. A Public Housing Development.

**TENANT.** (Synonymous with resident) The person or persons who execute the lease as lessee of the dwelling unit.

**TENANT RENT.** The amount payable monthly by the family as rent to the SDHC.

**TOTAL TENANT PAYMENT (TTP).** The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

**UNIFORM PHYSICAL CONDITION STANDARDS (UPCS).** Physical condition standards for HUD housing that is decent, safe, and sanitary and in good repair (DSS/GR).

**UNIT/HOUSING UNIT.** Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero bedrooms to six bedrooms.

**UTILITIES.** Utilities mean water, electricity, gas, other heating, and refrigeration, cooking fuels, trash collection and sewage services. Telephone and cable service are not included as a utility.

**UTILITY ALLOWANCE.** The SDHC's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. The utility allowance will vary by unit size and type of utilities.

**UTILITY REIMBURSEMENT PAYMENT.** The amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

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

**VETERAN.** A person who has served in the active military service of the United States at least six (6) months or longer and who shall have been released under conditions other than dishonorable.

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



**WAITING LIST.** A list of families organized according to HUD regulations and SDHC policy that are waiting for assistance to become available.

**WELFARE ASSISTANCE.** Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, state, or local governments. (*Now known as Temporary Assistance to Needy Families (TANF)*)

### **III. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE**

**CHILD.** A member of the family other than the family head or spouse who is under 18 years of age.

**CITIZEN.** A citizen or national of the United States.

**EVIDENCE.** Evidence of citizenship or eligible immigration status means the documents, which must be submitted to evidence citizenship or eligible immigration status.

**HEAD OF HOUSEHOLD.** The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

**INS.** The U.S. Immigration and Naturalization Service.

**MIXED FAMILY.** A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

**NATIONAL.** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**NONCITIZEN.** A person who is neither a citizen nor national of the United States.

**RESPONSIBLE ENTITY.** The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the SDHC).

**SECTION 214.** Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214.

**Housing Needs of Families in the Jurisdiction Served by the PHA.**

**Housing Needs.** Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income and very low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

**Persons with Physical Disabilities**

Based on the U.S. Census Bureau's 2006 American Community Survey, in the City of San Diego there are over 124,000 individuals over the age of five with a physically disabled member, representing 11% of the households in the City. Of the 124,000 persons, approximately 18.6% are below the poverty level. This segment of the population is slowly increasing due to lower fatality rates and higher longevity rates resulting from advances in medicine. The special needs required for housing physically disabled individuals include not only affordability, but also special construction features to provide for access and use according to the particular disability of the occupant.

The location of housing for disabled people is also important because many such households need access to a variety of social services and to other specialized handicapped-accessible services throughout the City and surrounding area. In addition to the housing needs of physically disabled persons described above, there should be support services designed to meet the needs of the particular individual. A social worker should assist persons returning to the community from a health care institution. Although an exact number of housing units which are not accessible to people with mobility impediments is not available, it can be assumed that there is an extreme shortage. For people with mobility impediments and other disabilities, there is an extreme shortage of usable facilities. The vast majority of the housing stock available for rent is unusable and not accessible by people with mobility impediments.

**Elderly and Frail Elderly**

According to the 2000 Census, 127,281 persons over the age of 65 lived in the City, representing about 10 percent of all residents. Between 1990 and 2000, the elderly population increased by approximately 13 percent. Approximately 51,310 elderly persons with a disability are considered frail elderly. Citywide, approximately 17 percent of all households were headed by seniors. As illustrated in the table below, a disproportionate percentage (46 percent) of seniors had low and moderate incomes compared to all residents (40 percent). Approximately 34 percent of elderly residents experienced housing problems such as cost burden or substandard housing. While this is less than the citywide average, elderly residents are often less able to make improvements to their homes or to find affordable housing due to limited income and disabilities.

<b>Table: Elderly Profile</b>				
<b>Special Need Group</b>	<b>Percent of Population<sup>1</sup></b>	<b>With a Disability<sup>1</sup></b>	<b>Low and Moderate Income<sup>2</sup></b>	<b>Housing Problems<sup>2</sup></b>
Elderly	10%	40%	46%	34%
All residents	100%	16%	40%	43%
Sources: 1) 2000 Census; and 2) HUD CHAS, 2003.				

The growth of the elderly population in San Diego has been impressive, doubling between 1940 and 1960 and again from 1960 to 1980 when the total number of persons aged 65 years or older reached 85,313 and comprised 9.7 percent of the total population. In-migration after World War II and through 1960 accounted for much of the increase. Since 1970, however, most of the elderly growth in the City of San Diego can be attributed to natural aging. Given the relatively high cost of living in San Diego, it could be that many retirees nationally have essentially been priced out of the local housing market. This process would therefore be responsible for considerably reducing in-migration by the elderly.

The trend of reduced in-migration of elderly to San Diego is expected to continue. Natural aging is expected to account for the majority of the population increase in the elderly population in San Diego for the foreseeable future. Given this, most of the projected elderly already live in San Diego and those who are above low income probably have adequate housing. Therefore, there appears to be relatively little need for significant new elderly housing development without rental subsidies.

According to the San Diego County Area Agency on Aging, the population over 65 years of age has four main concerns:

- Income - At least half of those who are over 65 and retired live on a fixed income.
- Health Care - Because the elderly have a higher rate of illness, easy access to good health care facilities is crucial.
- Transportation - Many seniors utilize public transportation; however, 13.8% of individuals age 65+ have a disability which prevents them from using public transportation.
- Housing - Of those over 65 years of age, 40% rent and 25% live alone (Countywide figures).

Elderly residents have special housing needs by virtue of their usually retired status, frequently reduced income level, and often deteriorating health or physical well being. Many elderly residents need smaller studio apartment units or even Single Room Occupancy units (SROs) to live independently. Typically, elderly citizens desire to live independently as long as their health permits. However, if their health does deteriorate, it may be necessary to move to some type of

assisted living care arrangement. This can range from a nursing home with full 24 hour care to limited in-house assistance or a shared housing arrangement.

These characteristics indicate the need for smaller, low-cost housing units which have easy access to public transportation and health care facilities. These factors should guide the development of new housing for low-income elderly households. The housing needs of the elderly include supportive housing such as intermediate care facilities, group homes, Single Room Occupancy (SRO) housing, and other housing that includes planned service components such as personal care, housekeeping, meals, personal emergency response, and transportation. A social worker should assist the elderly returning to the community from a health care institution.

### **Racial/Ethnic Concentrations**

One of San Diego's greatest assets is its diversity in terms of its people and its neighborhoods. Many of the neighborhoods are reflections of its residents with various cultural and economic groups living together harmoniously and sharing a sense of community.

**According to 2006 American Community Survey Data**, San Diego's population approximates 1,261,251 persons of which 65 percent are White (non-Hispanic), 27 percent are Hispanic (all races), 15 percent are Asian, 7 percent are African-American (non-Hispanic), .4 percent are Native Hawaiian and Other Pacific Islander, and 0.6 percent are American Indian and Native Alaskan. Approximately 12 percent are some other race or two or more races. It is estimated that 9 percent of families are below the poverty level.

The Comprehensive Housing Affordability Strategy (CHAS) indicates that there are 450,000 total households in San Diego. Of those households, 227,000 are renters and 128,000 renters have household incomes below 80% AMI. The following racial and ethnic breakdown represents the number of very low and low income households as a percentage of the total for each category:

<b>Race/Ethnic Category</b>	<b># of low income households</b>	<b>Total # of household Per category</b>	<b>% of total</b>
Hispanic	38,615	50,875	76%
African American	14,140	21,730	65%
Asian/Pacific Islander	13,375	23,345	57%
Native American	615	1,205	51%

Although these figures demonstrate that the need for affordable housing in San Diego transcends ethnic classifications, the greatest housing need falls among the 38,000 low-income Hispanic households which constitute 76% of all Hispanic households in the City.

**Strategy for Addressing Housing Needs of Families in the Jurisdiction  
and on the Waiting lists**

**Strategy for Addressing Housing Needs of Families in the Jurisdiction**

The San Diego Housing Commission’s mission is to provide quality housing opportunities to improve the lives of those in need. The Housing Commission employs three major strategies to fulfill this mission.

The first strategy is to create affordable housing opportunities for lower income families, seniors and persons with disabilities. This strategy includes mixed income development sites, acquiring new and existing properties, and creating programs that will ensure continual development of affordable housing. The second strategy is to increase state and local revenue sources to relieve financial dependency on the federal government for affordable housing and resident self-sufficiency. This strategy moves the Housing Commission toward further collaboration within the community, seeking alternative funding, revamping the entire Rental Assistance Program, and stabilizing the Housing Commission’s financial position. The third strategy is to provide affordable housing leadership in community policy and education. Outreach to the private sector and community education at large will change public perception about affordable housing and its effect on all citizens within the City.

The Housing Commission also administers federal, state, and local programs to house San Diegans. The Commission’s “core” assisted housing programs include:

- Rental assistance
- Management of publicly owned apartment units
- Financing development of affordable housing units by other entities
- First-time homebuyer assistance
- Housing rehabilitation
- Special needs programs
- Self – Sufficiency programs

These programs assist approximately 80,000 households on an annual basis.

## **Strategy for Addressing Housing Needs of Families on the Waiting List**

The San Diego Housing Commission (SDHC) has purged its waiting list to remove applicants that no longer qualify or have moved to other jurisdictions outside the City. The SDHC has established preferences to better serve our population of elderly, disabled, homeless with disabilities, and families with children.

The Housing Commission will also establish a Section 8 Project-Based waiting list to allow families other possibilities to live in an affordable unit. According to the 2000 Census, over one hundred twenty- seven thousand persons over the age of 65 lived in the City's jurisdiction, representing about 10 percent of all residents, and almost twelve percent of our waiting list.

Persons with physical disabilities make up another 10 percent of our population and one third of our waiting list applicants; thus making the waiting list over forty percent of elderly and disabled families. The SDHC continues to ensure that participants not in compliance with its policies and HUD regulations are terminated from the program to permit more families from the waiting list the opportunity to live in a decent and safe environment.

## **Attachment 12 – ca063m09 – Version 2**

### **Asset Management Statement**

Statement:

- The San Diego Housing Commission (SDHC) will maintain a separate AMP for its 36 public housing units;
- SDHC will maintain a site-based waiting list with site-based management of its units;
- SDHC will comply with its maintenance operations manual and Admissions and Continued Occupancy Plan for Conventional Public Housing;

SDHC has created an annual statement to take full advantage of capital funds and has made this a part of its five year plan.



**Attachment 13 - ca063n09 - Version 2**  
**Public Housing Flat Rent Utility Allowance Tables**  
**Effective:7/1/08**

Public Housing Flat Rent Table						
Effective: 7/01/08 Address		Flat Rents by Bedroom Size				
		1	2	3	4	5
2055	Via Las Cumbres	1104	1243			
2059	Via Las Cumbres	1104	1243			
2065	Via Las Cumbres		1243			
2089	Via Las Cumbres	1104	1243			
2095	Via Las Cumbres		1243			

Public Housing Utility Allowance						
HUD Dev	Unit Address		Bdrms	Energy Source	Proposed Allowance 7/1/08	Current Allowance 7/1/07
7	2055-59-89	Via Las Cumbres	1	Gas & Electric	35	34
7	2055-59-65-89-95	Via Las Cumbres	2	Gas & Electric	45	44

## **Attachment 14 – ca063o09 – Version 2**

### **Significant Amendment Definition**

**“Significant Amendment or Modification”** to the Agency’s Five Year or Annual Plan is defined as follows:

- \*Change to rent or admission policies;
- \*Changes to the organization of the waiting list;
- \*Changes to tenant selection criteria.

\* Additions of new activities under a component (e.g., plan to dispose of public housing units not previously included in the Annual Plan, any change in homeownership programs or conversion activities);

- \*Changes to the current Grievance or Informal Hearing Procedures;
- \*Changes to the current community service program

\* Any regulatory changes will be made to any PHA policies or procedures as a matter of ongoing administration and will not be considered to constitute a significant amendment or modifications for purposes of the PHA Agency Plan.

## Attachment 15 – ca063p09 – Version 2

### Statement of 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.

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
<b>1. Federal Grants</b>		
a) Public Housing Operating Fund	<b>1,658,645</b>	
b) Public Housing Capital Fund	<b>1,753,490</b>	
c) HOPE VI Revitalization	<b>N/A</b>	
d) HOPE VI Demolition	<b>N/A</b>	
e) Annual Contributions for Section 8 Tenant-Based Assistance	<b>121,993,730</b>	
f) Public Housing Drug Elimination Program (including any Technical Assistance funds)	<b>N/A</b>	
g) Resident Opportunity and Self-Sufficiency Grants	<b>680,000</b>	
h) HCV Family Self-Sufficiency Coordinator Grant	<b>262,000</b>	
i) HCV FSS Homeownership Coordinator Grant	<b>131,000</b>	
<b>Other Federal Grants (list below)</b>	<b>Planned \$</b>	<b>Planned Uses</b>
a) Annual Contributions for Section 8 Project-Based Assistance. (FY2001)	<b>1,288,436</b>	Non-Elderly Persons with Disabilities.
b) Shelter Plus Care	<b>892,348</b>	Rental Assistance – Disabled.
<b>2. Prior Year Federal Grants (unobligated funds only) (list below)</b>	<b>Planned \$</b>	<b>Planned Uses</b>

<b>Financial Resources: Planned Sources and Uses</b>		
<b>Sources</b>	<b>Planned \$</b>	<b>Planned Uses</b>
a) Shelter Plus Care	<b>333,556</b>	Rental Assistance – Disabled.
b) Supportive Housing	<b>N/A</b>	
c) FY2006 Resident Opportunities and Self-Sufficiency Grant	<b>550,000</b>	Affordable housing tenant supportive services
d) FFY06 HCV Family Self-Sufficiency Coordinator Grant	<b>260,000</b>	Section 8 tenant self-sufficiency services.
e) FFY06 HCV FSS Homeownership Coordinator Grant	<b>130,000</b>	Section 8 tenant homeownership services.
<b>3. Public Housing Dwelling Rental Income</b>	<b>5,972,089</b>	Affordable housing operations, safety/security and supportive services.
<b>4. Other income (list below)</b>	<b>Planned \$</b>	<b>Planned Uses</b>
a) Interest	<b>120,000</b>	Affordable housing operations, safety/security and supportive services.
b) Other	<b>180,574</b>	Affordable housing operations, safety/security and supportive services.
c) Reserves	<b>1,202,249</b>	
<b>5. Non-Federal sources (list below)</b>	<b>Planned \$</b>	<b>Planned Uses</b>
b) Family Health Centers of San Diego	<b>23,872</b>	Tenant health services.
<b>Total resources:</b>	<b>137,431,989</b>	



**Attachment 16 - ca063r09 – Version 2**  
**Financial Audit – Year ended June 30, 2006**

**SINGLE AUDIT REPORTS**  
**SAN DIEGO HOUSING COMMISSION**  
**JUNE 30, 2006**

San Diego Housing Commission

SINGLE AUDIT REPORTS

Year ended June 30, 2006

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INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL  
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GOVERNMENT AUDITING STANDARDS

To the Board of Commissioners  
San Diego Housing Commission

We have audited the financial statements of San Diego Housing Commission as of and for the year ended June 30, 2006, and have issued our report thereon dated March 28, 2007. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered San Diego Housing Commission's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the Commission's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the Commission's financial statements that is more than inconsequential will not be prevented or detected by the Commission's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the Commission's internal control.

Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We noted certain matters involving internal control and its operation that we consider to be significant control deficiencies that, in our judgment could adversely affect the Commission's ability to record, process, summarize and report financial data consistent with the assertions of



management in the financial statements or its ability to administer HUD-assisted programs in accordance with applicable laws and regulations. These significant deficiencies are described in the accompanying schedule of findings and questioned costs as statement of condition No 1.

#### Compliance and Other Matters

As part of obtaining reasonable assurance about whether San Diego Housing Commission's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

We noted certain matters involving the internal control over financial reporting which we have reported to the management of the Commission in a separate letter dated March 28, 2007.

This report is intended solely for the information and use of the Audit Committee, the Board of Commissioners, management and federal awarding agencies and pass-through entities, and is not intended to be and should not be used by anyone other than these specified parties.

*Reznick Group, P.C.*

Sacramento, California  
March 28, 2007





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INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH REQUIREMENTS  
APPLICABLE TO EACH MAJOR PROGRAM AND ON INTERNAL CONTROL OVER  
COMPLIANCE IN ACCORDANCE WITH OMB CIRCULAR A-133

To the Board of Commissioner  
San Diego Housing Commission

Compliance

We have audited the compliance of San Diego Housing Commission with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement that are applicable to each of its major federal programs for the year ended June 30, 2006. San Diego Housing Commission's major federal programs are identified in the summary of auditors' results section of the accompanying Schedule of Findings and Questioned Costs. Compliance with the requirements of laws, regulations, contracts, and grants applicable to each of its major federal programs is the responsibility of San Diego Housing Commission's management. Our responsibility is to express an opinion on San Diego Housing Commission's compliance based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." Those standards and OMB Circular A-133 require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about San Diego Housing Commission's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination on San Diego Housing Commission's compliance with those requirements.

In our opinion, San Diego Housing Commission complied, in all material respects, with the requirements referred to above that are applicable to each of its major federal programs for the year ended June 30, 2006.

### Internal Control Over Compliance

The management of San Diego Housing Commission is responsible for establishing and maintaining effective internal control over compliance with the requirements of laws, regulations, contracts, and grants applicable to federal programs. In planning and performing our audit, we considered San Diego Housing Commission's internal control over compliance with the types of compliance requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133. Accordingly, we do not express an opinion on the effectiveness of the entity's internal control over compliance.

A control deficiency in an entity's internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect noncompliance with a type of compliance requirement on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to administer a federal program such that there is more than a remote likelihood that noncompliance with a type of compliance requirement of a major program that is more than inconsequential will not be prevented or detected.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that material noncompliance with a type of compliance requirement of a major program will not be prevented or detected.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

### Schedule of Expenditures of Federal Awards

We have audited the basic financial statements of San Diego Housing Commission as of and for the year ended June 30, 2006, and have issued our report thereon dated March 28, 2007. Our audit was performed for the purpose of forming an opinion on the basic financial statements taken as a whole. The accompanying Schedule of Expenditures of Federal Awards is presented for purposes of additional analysis as required by OMB Circular A-133 and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements, and in our opinion, is fairly stated, in all material respects, in relation to the basic financial statements taken as a whole.



This report is intended solely for the information and use of the Audit Committee, the Board of Commissioners, management, others within the Commission and federal awarding agencies and pass-through entities, and is not intended to be and should not be used by anyone other than these specified parties.

*Reznick Group, P.C.*

Sacramento, California  
March 28, 2007

**Attachment 17 - ca063t09 – Version 2**  
**San Diego Housing Commission Board of Commissioners**

**SAN DIEGO HOUSING COMMISSION - BOARD OF COMMISSIONERS**

<u>Member</u>	<u>Appointment Date</u>	<u>Expiration Date</u>
Jennifer Adams-Brooks	7/8/02	1/2/10
Tony Yip	7/8/02	1/2/10
Salvador Salas	7/16/01	1/2/09
Todd Gloria	12/2/05	1/2/09
Khadija Basir	11/14/06	1/2/08

Address for Commissioners is c/o San Diego Housing Commission, 1122 Broadway, Suite 300,  
San Diego, CA 92101

**Attachment 18 - ca063u09 – Version 2**

**Resident Advisory Board Members, Comments & Public Notice**

<b>San Diego Housing Commission – Resident Advisory Board Members</b>		
<b>RAB Member</b>	<b>Appointed / Elected</b>	<b>Term of Office</b>
Ivory Wiggins	Appointed	(See Note)
Inge Bonn	Appointed	(See Note)
Iris Ingram	Appointed	(See Note)
Robert Shedaker	Appointed	(See Note)
Nellie Ruiz	Appointed	(See Note)
Cynthia Brown	Appointed	(See Note)
Marcia Paster	Appointed	(See Note)
Yvonne Limtiaco	Appointed	(See Note)
Rikio Shiosaki	Appointed	(See Note)
Anne Shiosaki	Appointed	(See Note)
Jean Hollingworth	Appointed	(See Note)

**Note:** Resident Advisory Board members are appointed from volunteers recruited during annual membership drives of Section 8 and Public Housing residents. Continued membership is based upon the participant’s continued interest and active involvement, rather than for a specific term of office.

Address for Resident Advisory Board Members is c/o San Diego Housing Commission, 1122 Broadway, Suite 300, San Diego, CA 92101.

**RESIDENT ADVISORY BOARD**  
**Meeting Minutes**  
**Wednesday, November 14, 2007**  
**1122 Broadway, 5<sup>th</sup> Floor Conference Room**

**In Attendance:**

RAB Members: Inge Bonn, Cynthia Brown, Jean "Sahoni" Hollingsworth, Marcia Paster, Robert Shedaker, Anne Shiosaki, Rikio Shiosaki.

SDHC staff: Linda Brown, Rudy Cervantes, Ralene Friend, Victoria Joes, Jackie Harris, Anita Solis, Irma Stabler

**Regrets:** Iris Ingram, Yvonne Limtiaco, Nellie Ruiz, Ivory Wiggins.

The meeting began at 6:00 p.m. Ralene Friend welcomed attendees, provided a summary of the agenda items and introductions were completed. Ms. Friend announced that members would receive a twenty-five dollar stipend for attending tonight's meeting.

Rudy Cervantes provided an overview of the Agency Plan process including the public review, the public meeting and the approval process for both the Housing Commission and HUD. The public meeting will be held February 19, 2008. The proposed changes will be effective July 1, 2008

The floor was open to RAB members to ask questions or provide feedback regarding the changes during each of the staff presentations.

Irma Stabler provided a summary of SDHC's current transition from the public housing program. One thousand three hundred and sixty-six (1,366) Section 8 vouchers have been received for public housing families. Families have the option to remain in their current unit with their Section 8 voucher, with SDHC as their landlord, or use their Section 8 voucher to move to another part of the City. SDHC is in the process of leasing up families. If a family moves from a SDHC owned property, the unit will remain affordable at 80% AMI (or 50% AMI for the senior complex). Only thirty-six (36) units of public housing will remain at the University Canyon site, located in Linda Vista. Ms. Stabler thanked residents for their patience and understanding during the transition.

*Question:* Congratulations on the transition – what an accomplishment!

*Response:* SDHC is excited about this Win-Win opportunity. Families will have more flexibility and San Diego will have additional affordable units available to low income families.

*Question:* Is the Section 8 funding stable?

*Response:* The expectation is the funding will continue.

*Question:* Seniors may not be ready to move, what are you doing for them?

*Response:* We are encouraging everyone, including seniors, to stay where they are for now, sign the one year lease with SDHC and use the time to plan/budget if they want to move in a year. The voucher is tenant based so you can move as long as you remain eligible for Section 8.

*Question:* What about those with ceiling rent?

*Response:* There may be an impact on those higher income families, who are paying market rent now. They will pay 80% of AMI (a HUD formula) or the market rent, which ever is lower. Seniors at Belden would pay 50% AMI.

*Question:* How much time do we have to decide about moving? How long is the lease with SDHC? And will we have to move once that lease is up?

*Response:* You have 60 days to decide about moving. The new lease with SDHC will be for one year. If you move, the landlord determines the terms of the lease, usually 6 months to a year. You can stay at SDHC site as long as you are eligible or you can use the option to move – it is your choice to stay or move.

*Question:* What happens if the landlord does condo conversions?

*Response:* Private landlords can give notice if they are making changes to their property, including condo conversions.

*Question:* Can I move to University Canyon?

*Response:* Yes, we will accept Section 8 at University Canyon. Next year when there are vacant units, there will be a list of available units.

*Question:* How much is the security deposit?

*Response:* There will be no security deposit if you stay in our current unit. The industry standard is one to two months rent. If you move to another unit, you will have a new security deposit.

*Question:* Can I move to another unit in my same complex?

*Response:* We cannot accommodate transfers at this time. After the current one year lease, everyone will have the opportunity to move. All Section 8 regulations for moves will apply at that time. Housing Management is considering a transfer list.

*Question:* So my rent is no longer income based?

*Response:* With Section 8 you will continue to pay 30% of your adjusted income. The affordable units that will come available at the SDCH properties will be at 80% or 50% AMI.

*Question:* Is SDHC paying moving expenses?

*Response:* There will be a one time reimbursement for moving expenses (including insurance) for those who move within our jurisdiction (the City of San Diego).

*Question:* Who will be responsible for maintenance?

*Response:* SDHC will be the landlord and will maintain its units.

Anita Solis welcomed the newest Section 8 tenants to the program. Section 8 Housing Assistants will be available to new tenants to assist with the transition. Ms. Solis provided a written summary of the proposed revisions to the Section 8 Administrative Plan and reviewed each item.

*Question:* I have trouble with mold in my unit. Are there similar requirements for mold as the requirements for lead based paint?

*Response:* You should request a special inspection, which will be done within 24 hours. The inspectors will send a notification of his findings to the landlord, who may be required to abate.

*Question:* What if the unit is unlivable due to the mold?

*Response:* We would issue a move voucher. You would have sixty days to move and, with special circumstances, be eligible for an additional sixty days extension.

*Question:* Why do you have the classifications on page 11 of the summary of the proposed Section 8 changes?

*Response:* To assist the Section 8 inspectors.

*Question:* Will I still receive a 48 hour notice from Section 8 to enter my unit when you make repairs?

*Response:* No. Section 8 only determines eligibility and pays the landlord a portion of the rent. The owner, the landlord, is responsible for maintaining the unit. Since SDHC is the owner and landlord of the public housing units, you will receive notice from them for repairs.

*Question:* We work with disabled and autistic adults; their behavior may be misinterpreted. How would they be protected from being falsely accused?

*Response:* The Program Integrity Unit would do a full investigation. A preponderance of evidence would be required for corrective action to be taken. In addition, the person has the right to request a hearing and have a representative, which could be their doctor or counselor, attend the hearing with them.

*Question:* Please clarify the 10 day requirement to report changes in income. My income changes every month; will my rent change monthly?

*Response:* You are required to report income changes but your rent will not change monthly. Your rent amount will be determined by your average income at your annual recertification.

*Question:* Do I have to report the COLA increase on my SSI/SSA?

*Response:* Yes, even though Section 8 is aware of the COLA increase, you should keep a copy of your award letter. Send a copy of that letter with our personal declaration.

*Comment:* As a former landlord I know that completing repairs within 14 days may be difficult and may dissuade landlords from accepting Section 8.

*Response:* I will take your comment to work group and managers for additional review.

*Question:* In response to the letter that was sent regarding updating your information on the waiting list, does that have to be done on-line? That is difficult for seniors, persons with disabilities.

*Response:* No, you can call the waiting list at 619-578-7640 and staff will assist you.

Victoria Jobs provided a summary of Project Based Vouchers and the difference between those and Tenant Based Vouchers. She provided a written list of the proposed revisions to assist streamlining the lease up process. SDHC has one waiting list for both Project Based and Tenant Based Vouchers. The current updating of the waiting list will assist leasing up the Project Based Voucher units.

*Question:* Are vouchers available for victims of domestic violence? Is their confidentiality maintained?

*Response:* Yes to both questions.

Ralene Friend provided a written summary of proposed revisions to the Family Self-Sufficiency (FSS) Action Plan. The proposed changes are to adjust the program size due to the conversion from public housing.

*Question:* Does FSS still have partnerships with apprenticeship programs?

*Response:* Yes, we continue to partner with agencies in the community to provide many different training opportunities

At the conclusion, Ralene Friend thanked members for their continued involvement and welcomed additional feedback/questions to be sent to her. The next RAB meeting is scheduled for January 16, 2008.

The meeting was adjourned at 7:55 p.m.



**Available for Public Review:  
The San Diego Housing Commission's Draft FY09 Agency Plan.**

A draft of the San Diego Housing Commission's FY09 Agency Plan will be available for public review from Wednesday, January 2, 2008 through Friday, February 15, 2008. The purpose of this public review is to provide the public with an opportunity to review and comment on the Housing Commission's proposed changes to its Public Housing and Rental Assistance Programs.

Comments received from the public will be included in the final document submitted to the U.S. Department of Housing and Urban Development (HUD). The draft FY09 Agency Plan and supporting attachments will be available for review, during the public review period, at the following locations:

San Diego Housing Commission  
Resident Services Department  
1122 Broadway, 5<sup>th</sup> Floor  
San Diego, CA 92101  
619-578-7457

San Diego Housing Commission  
Internet Site:  
[www.sdhc.net](http://www.sdhc.net)

A public meeting will be held on Tuesday, February 19, 2008 at 1:00 p.m. at 1122 Broadway, 5<sup>th</sup> Floor, Resident Services Department, San Diego, 92101. During this meeting, the public is invited to provide comments on the Housing Commission's proposed changes to its housing programs. If you are not available to attend this meeting, please provide written comments, received by February 19, to: Rudy Cervantes, San Diego Housing Commission, 1122 Broadway, Suite 300, Resident Services Dept, San Diego, CA 92101; or e-mail to [rudy@sdhc.org](mailto:rudy@sdhc.org).

Agency Plan - Progress Statement

**Progress Statement in Meeting the Five-Year Agency Plan Mission and Goals**

**\*Progress made during Fiscal Year 2007:** the San Diego Housing Commission worked to achieve the goals and objectives listed in its 5-Year Agency Plan (FY05 - FY09), through the following:

- **149 households moved into newly acquired and rehabilitated affordable housing units** or bond financed affordable units. The Housing Commission, Housing Development Partners, and nonprofit and for profit housing developers continue to construct and acquire additional units using local, State, and Federal funds to secure below market-rate interest loans, as well as multifamily bond financing. Multifamily Bond financing was also used to preserve federally mortgaged products from converting to market rate housing.
- **858 new households received Section 8 vouchers in FY07.** The Housing Commission's total budget authority for Section 8 vouchers provides assistance to over 12,000 participating low-income households.
- **880 owner occupied and rental housing units were rehabilitated** to meet health and safety standards. The Housing Commission has taken an active role in housing rehabilitation by providing clients with technical assistance and favorable financing for rehabilitation activities that are totally funded with public funds.
- **18 low-income households received homebuyer financial assistance.** Home funds were used to provide low-income homebuyers with flexible affordable mortgage loan products, homeownership counseling and education, and down payment closing cost assistance. Additional households were assisted with other sources such as redevelopment set-asides, inclusionary housing, and Housing Trust Funds.
- **51 low-income households received shared housing.** Through a contract with a non-profit senior service provider, low-income home seekers, many at risk of homelessness, were matched with home providers to receive shared housing.

\*City of San Diego Consolidated Annual Performance and Evaluation Report (CAPER)-FY07

**During FY07, San Diego Housing Commission was awarded grants, from HUD's FY06 SuperNOFA applications, for additional resident initiatives programs, including:**

- ROSS Resident Services Delivery Model Program Grant: \$350,000 (awarded).
- ROSS Neighborhood Networks Program Grant: \$200,000 (awarded).
- Public Housing Family Self-Sufficiency Coordinator Grant: \$131,000 (awarded).
- Housing Choice Voucher Family Self Sufficiency Coordinator Grant: \$392,000 (awarded).

**Attachment 20 – ca063x09 – Version 2**  
**Civil Right Certifications**  
**(Fair Housing & Signed Certificates)**

**SAN DIEGO HOUSING COMMISSION**  
**AFFIRMATIVELY FURTHERING FAIR HOUSING STATEMENT**

Impediments were identified in the “San Diego Regional Analysis of Impediments to Fair Housing Choice - February 2005. Various land use policies, zoning provisions and development regulations all may affect the range of housing choices available. The City of San Diego will be required to evaluate these impediments, and mitigate if necessary and feasible, in order to comply with the State Housing Element law. The City will consider mitigating constraints to housing development, addressing housing needs of special needs populations, and providing for a variety of housing for all income groups.

The Housing Commission, acting on behalf of the City of San Diego, contracts with the Center for Social Advocacy to provide comprehensive fair housing services including housing discrimination complaint processing. These services and programs assist the City in meeting its obligation to affirmatively further fair housing. All activities support the City's ongoing fair housing planning process. Fair housing services provided include advocacy; outreach and education; technical training; housing discrimination investigation and mediation; maintenance of an investigative intake and enforcement process; and collaborations and/or linkages with other entities which further strengthen fair housing activities.

The Housing Commission also contracts with the Fair Housing Council of San Diego to operate a housing mobility counseling program designed to assist families reach personal goals and career objectives, emphasizing housing moves to neighborhoods of choice and greater opportunity.

Accessibility to economic opportunities is one of the primary impediments to fair housing choice. All Family Self-sufficiency programs prepare participants for employment opportunities and employment advancement to ensure that residents have access to jobs through a well-planned system of support services. Fair housing choice efforts support asset acquisition opportunities for low-and very low-income residents.

**Standard PHA Plan  
PHA Certifications of Compliance**

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing

**PHA Certifications of Compliance with the PHA Plans and Related Regulations:  
Board Resolution to Accompany the *Standard Annual*, *Standard 5-Year/Annual*, and  
*Streamlined 5-Year/Annual* PHA Plans**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ~~X~~ standard Annual, standard 5-Year/Annual or streamlined 5-Year/Annual PHA Plan for the PHA fiscal year beginning 7-1-08 hereinafter referred to as "the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*


1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
5. The PHA will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
7. For PHA Plan that includes a policy for site based waiting lists:
  - The PHA regularly submits required data to HUD's MTCS in an accurate, complete and timely manner (as specified in PIH Notice 99-2);
  - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
  - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
  - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
  - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
10. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
11. The PHA has submitted with the Plan a certification with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
12. The PHA has submitted with the Plan a certification with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal Transactions, in accordance with the Byrd Amendment and implementing regulations at 49 CFR Part 24.

13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105( a).
15. The PHA will provide HUD or the responsible entity any documentation that the Department needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58.
16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
17. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
19. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments.).
20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.

SAN DIEGO HOUSING COMMISSION CA063  
 PHA Name PHA Number/HA Code

- ☒ Standard PHA Plan for Fiscal Year: 2008
- ☐ Standard Five-Year PHA Plan for Fiscal Years 20\_\_ - 20\_\_, including Annual Plan for FY 20\_\_
- ☐ Streamlined Five-Year PHA Plan for Fiscal Years 20\_\_ - 20\_\_, including Annual Plan for FY 20\_\_

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
CARROL M. VAUGHAN	EXECUTIVE VICE PRESIDENT & CHIEF OPERATING OFFICER
Signature	Date
X 	12/4/07



# Certification for a Drug-Free Workplace

U.S. Department of Housing  
and Urban Development

Applicant Name

San Diego Housing Commission

Program/Activity Receiving Federal Grant Funding

FY09 Annual Agency Plan - Section 8, Public Housing and Capital Fund

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. **Sites for Work Performance.** The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

Check here ☐ if there are workplaces on file that are not identified on the attached sheets.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)


Name of Authorized Official

Carrol M. Vaughan

Title

Executive Vice President & Chief Operating Officer

Signature

X 

Date

12/4/07

# Certification of Payments to Influence Federal Transactions

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

Applicant Name

San Diego Housing Commission

Program/Activity Receiving Federal Grant Funding

FY09 Annual Agency Plan - Section 8, Public Housing and Capital Fund

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.  
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

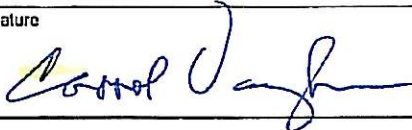
Name of Authorized Official

Carrol M. Vaughan

Title

Executive Vice President &amp; Chief Operating Officer

Signature



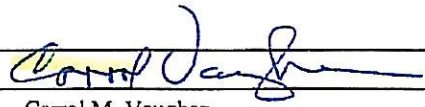
Date (mm/dd/yyyy)

12/4/07

# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

Approved by OMB  
0348-0046

<b>1. Type of Federal Action:</b> <input checked="checked" type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance		<b>2. Status of Federal Action:</b> <input checked="checked" type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		<b>3. Report Type:</b> <input checked="checked" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <b>For Material Change Only:</b> year _____ quarter _____ date of last report _____	
<b>4. Name and Address of Reporting Entity:</b> <input checked="checked" type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: 50, 51, 53			<b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known:		
<b>6. Federal Department/Agency:</b> U.S. Department of Housing and Urban Development			<b>7. Federal Program Name/Description:</b> FY09 Annual Agency Plan CFDA Number, if applicable: _____		
<b>8. Federal Action Number, if known:</b> N/A			<b>9. Award Amount, if known:</b> \$ N/A		
<b>10. a. Name and Address of Lobbying Registrant</b> (if individual, last name, first name, MI):  N/A			<b>b. Individuals Performing Services (including address if different from No. 10a)</b> (last name, first name, MI): N/A		
<b>11.</b> Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.			Signature:  Print Name: Carol M. Vaughan Title: Executive Vice President & Chief Operating Officer Telephone No.: 619-578-7533      Date: 12/4/07		
<b>Federal Use Only:</b>					Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)



## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

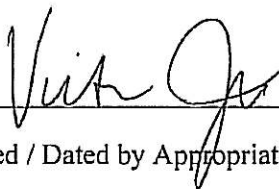
This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including 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 the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

**Certification by State or Local Official of PHA Plans Consistency with  
the Consolidated Plan**

I, Victoria Joes the Program Analyst certify  
that the Five Year and Annual PHA Plan of the San Diego Housing Commission is  
consistent with the Consolidated Plan of San Diego prepared  
pursuant to 24 CFR Part 91.

 11/20/07  
Signed / Dated by Appropriate State or Local Official

**Violence Against Women ACT (VAWA) Statement**

The following paragraph was included in the revision of the Section 8 Rental Assistance Program (Chapter 11), Administrative Plan, approved on April 4, 2008.

**“Upon determination of each individual case, and as needed, the San Diego Housing Commission (SDHC) will make certain that a referral is made to the San Diego County Mental Health Services, Child Protective Services, Adult Protective Services agencies, and any other service providers to ensure the family’s safety. The SDHC will cooperate with the social services agencies to make sure that the family is able to maintain their housing assistance.”**

Also, the County of San Diego has provided SDHC with a resource list for the victims of domestic violence, compiled by the Community Health Improvement Partners. This resource list includes contact information for:

- Hotlines,
- Emergency shelters,
- Military resources,
- Services centers/counseling,
- Spanish speaking agencies,
- Legal resources, and
- Teen resources.

The following paragraph was included in the revision of the Conventional Public Housing – Admissions and Continued Occupancy Plan (Chapter 1), approved on April 4, 2008.

**“The San Diego Housing Commission will comply with the Violence Against Women Act (VAWA) as signed into law on January 5, 2006.**

**San Diego Housing Commission will follow HUD’s requirements as established in the regulation.”**

SDHC FY09 Agency Plan Resolution

SAN DIEGO HOUSING COMMISSION

RESOLUTION NO. 1376

ADOPTED ON APRIL 4, 2008

WHEREAS, the San Diego Housing Commission is required by Section 511 of the Quality Housing and Work Responsibility Act (QHWRA) of 1998 to annually submit to the U.S. Department of Housing and Urban Development (HUD) an Annual Agency Plan; and

WHEREAS, An Agency Plan is a guide to a Public Housing Agency's (PHA) policies, programs, operations, and strategies for meeting local housing needs and goals for the public housing and Section 8 programs only; and

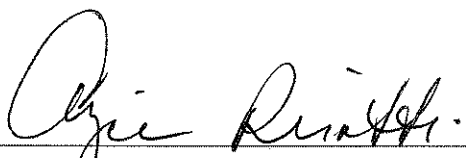
WHEREAS, As part of the Agency Plan development process, the Housing Commission's Resident Advisory Board, consisting of individuals who reflect and represent the residents assisted by the agency, reviewed the FY09 Annual Plan and provided input on any new activity or modification to the Section 8, public housing, Project-Based Vouch and Family Self-Sufficiency programs; and

WHEREAS, the draft FY09 Annual Agency Plan was noticed in the local newspaper for a public review and comment period from January 2, 2008 through February 19, 2008, and the draft Plan, and supporting documents, were available for review at the Housing Commission's main office and on the Housing Commission's Internet site. In addition, the Housing Commission hosted a noticed public meeting on February 19, 2008 at the Housing Commission's Broadway office to formally receive comments from the public.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the San Diego Housing Commission that the FY09 Annual Agency Plan be approved, including the changes detailed in the Summary of Revisions to the Section 8 Administrative Plan; the Public Housing Admissions and Continued Occupancy Plan; the Project Based Voucher program; and the Family Self-Sufficiency Action Plan, and authorization is given to transmit the FY09 Annual Agency Plan, and supporting documents, to HUD.

I HEREBY CERTIFY that the abovementioned is true and correct as passed and adopted by the San Diego Housing Commission, of the City of San Diego, California on April 4, 2008.

Vote:        Yeas –        5  
              Nays –        0  
              Absent –     0

By:   
Deputy Secretary

