HOUSING CHOICE VOUCHER PROGRAM

ADMINISTRATIVE PLAN

CONCORD HOUSING AUTHORITY

May 2026



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I. Introduction and General Policies

A. Introduction

This Administrative Plan is prepared in accordance with the Department of Housing and Urban Development's Code of Federal Regulations (CFR) as set forth at 24 CFR 982.54. Throughout this document the term "Department;' or "HUD" shall mean the United States Department of Housing and Urban Development. The term "Authority" or "HA" shall mean the Concord Housing Authority, unless reference is made stating "another" HA. The term “HCV” or “Voucher” shall mean Housing Choice Voucher under the federal Housing Choice Voucher Program. The term "FMR" shall mean, "Fair Market Rent" for the federal Section 8 program as determined by the Department of HUD. Other abbreviations will be so noted within the body of this document.

B. Reasonable Accommodation

The Housing Authority (HA) is aware of the requirement to provide a Reasonable Accommodation in its rules or policies when so required under the law. Thus, certain policies described herein may be amended in specific situations if to do so is required as a reasonable accommodation to an individual with a disability. The provision of such accommodation shall not mean that such policy has been altered or amended, and the Authority shall retain full authority to continue to enforce policies as so described within this plan for all other clients.

The HA will make Reasonable Accommodations in accordance with the HA’s Reasonable Accommodation in Rental Assistance Policy.

C. Limited English Language Ability and Effective Communications with Individuals with Disabilities

If an Applicant/Participant cannot understand or read English, HA staff will read and explain documents that they would normally hand to the Applicant/Participant to be read or filled out. An Applicant/Participant who cannot read or understand English may need to be provided with an interpreter who can explain any policies or procedures.

The HA will take reasonable steps to assure meaningful access by persons with limited English ability. Such steps will include translation of common written materials into those languages frequently spoken by Applicants/Participants.

The HA will also ensure that communications and materials are provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and their implementing regulations. Where required, the HA will provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, *e.g.*, Braille, audio, large type, assistive listening devices, and sign language interpreters.

D. Violence Against Women Act Policy

The fact that an Applicant or Participant or affiliated individual is or has been a victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking, is not an appropriate basis for denial of program assistance or for denial of admission if the Applicant or Participant otherwise qualifies for assistance in accordance with this plan. The HA's VAWA Policy is on file at the HA for review. The HA will comply with the law and act in accordance with the HA's VAWA Policy.

E. Equal Opportunity Housing, Fair Housing and Deconcentration of Poverty

1. Affirmatively Further Fair Housing

The HA administers the HCV program in compliance with all applicable fair housing and other civil rights requirements, including the authorities cited at 24 CFR § 5.105(a). This includes, but is not limited to, the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, titles II or III of the Americans with Disabilities Act, and HUD's Equal Access Rule. The HA must also affirmatively further fair housing in accordance with its certification pursuant to 24 CFR § 903.7(o).

It is the objective of the Housing Authority to ensure that our policies and practices affirmatively further fair housing, promote equity, enhance choice and overcome the effects of impediments to fair housing choice. It is the policy of the HA to comply fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing Fair Housing, Civil Rights and Equal Opportunity in housing and employment. The HA certifies that it will provide equal opportunities for inclusion in our housing programs regardless of a person's race, religion, color, national origin, sex, gender, sexual orientation, age, ancestry, familial status, veteran status, or physical or mental impairment.

The HA will be affirmative in our goal of complying with all fair housing requirements under the law by educating our housing partners in their responsibilities under the law. The HA will affirmatively further fair housing by continuing to educate our staff on fair housing laws and send staff to fair housing and reasonable accommodation trainings. The HA will affirmatively further fair housing by placing Fair Housing Posters in the waiting area and including fair housing information in all briefing packets for our tenants and voucher recipients. The HA will inform voucher holders of their rights under Fair Housing Laws, how to report unlawful discrimination and procedures for filing complaints.

The HA will make reasonable accommodations in adjusting the search time and payment standard as referenced within this administrative plan. Further the Housing Authority takes into consideration the Value of an Accessible Unit when determining the Reasonable Rent for the unit.

The HA will promote housing choice and mobility to all our voucher recipients. The HA keeps a bulletin board in the waiting room with lists of apartments, including handicapped accessible units, for all our applicants and voucher recipients to see. The majority of our housing resources and support services are targeted towards low and very low-income persons. The majority of our voucher holders live in high income, low-poverty communities.

The HA explains the advantages of living in areas with low concentrations of low-income families to all families at the briefing session. Further this information is provided as part of the information packet provided to the family at the briefing session.

The HA will work to address the following impediments to fair housing choice:

- The inadequate enforcement of fair housing laws and insufficient education about fair housing throughout the housing delivery system.
- A persistent lack of knowledge regarding the housing rights of people with disabilities and ongoing segregation and stigmatization of people with disabilities.
- The Massachusetts housing market HA s been characterized by escalating prices, limiting homeownership and rental opportunities for low/moderate income households.
- Inadequate mobility inhibits achievement of fair housing objectives; language barriers faced by recent immigrants create an increased challenge to mobility.

2. Encouraging Participation of by Owners of Suitable Units Located Outside of Areas of Low Income or Minority Concentration

Concord is a wealthy community with one of the best school systems in the State. According to the US Census, the median household income in Concord, MA 2023 was $212,315. With 2.5% persons in poverty, it is a low poverty community.

The lack of affordable rental housing and affordable homeownership in our community, in a de facto manner, limited fair housing choice. The affordable rental housing that the HA provides through our federal and state aided housing and federal voucher programs is one step to overcome the impediments to fair housing choice.

The HA will take the following steps to address the impediments to fair housing choice:

- Increase staff knowledge of fair housing laws and obligations. The HA will collaborate with organizations to provide education and outreach to our Board, staff, consumers (tenants, voucher recipients, and applicants) and landlords.
- Facilitate education for community stakeholders on fair housing laws, including predatory lending practices and housing discrimination against mobile voucher

[1] U.S. Census Bureau, QuickFacts: Concord town, Middlesex County, Massachusetts. Median household income (2019–2023): $212,315. Data derived from American Community Survey 5-Year Estimates, Population Estimates Program, and other Census sources. Accessed July 2025

holders. This will be done by incorporating fair housing information into existing materials and outreach, and by participating in fair housing trainings. Awareness of legal resources for fair housing violations will also be promoted.

- The HA will participate in Housing Navigator, an online housing registry of affordable housing opportunities that are accessible to persons with disabilities.
- The HA promotes integrated housing to meet a diversity of housing needs.
- The HA will instruct families of the ability to make complaints of non-compliance to the Massachusetts Commission Against Discrimination.
- The HA will seek to increase the supply of affordable housing and rental assistance for very low-income households.

The HA's office and community space is accessible to people with disabilities. Accessibility for the hearing impaired is provided by the TTD/TDY telephone service provider.

a. Landlord Outreach

The HA will continue to encourage participation of by owners of suitable units located outside of areas of low income or minority concentration by working with the local landlord community in this area of low poverty and minority concentration as noted above to educate them as to the benefits of renting to families under the HCV program.

The HA will conduct owner outreach to ensure that owners are familiar with the program and its advantages. The HA will actively recruit property owners with property located outside of poverty and minority concentration. These outreach strategies may include attendance at workshops and meetings to describe the HCV program, maintaining contacting with property owners and managers, sponsoring or attending owner recruitment/information meetings and continuing to participate in community-based organizations. Outreach strategies will be monitored for effectiveness and adapted accordingly.

Landlords may also review the information provided through the HA's vendor affordablehousing.com, as to benefits in renting to families assisted by HCVs as well as to participate in a rental listing service.

b. Landlord Retention

The HA will encourage participating owners to remain active in the program by rapidly processing request for tenancy approvals and inspections so as to minimize vacancy losses whenever possible. The HA has a designated contact person to coordinate inspection and leasing activities.

II. The Section 8 Waiting List

A. Maintenance of the Waiting List

The HA participates in a Centralized Waiting List Administered by MassNAHRO and the policies related thereto are set forth within the applicable amendment to this Administrative Plan which is attached as Exhibit A.

B. Marketing and Outreach

The Centralized Waiting List remains open. If and when it is closed, when it opens the public notice will be given so that families are informed that they may apply for tenant-based assistance. This public notice will state where and when the applicant may apply.

In this instance, the HA will place advertisements in prominent publications such as the Boston Globe and Herald and will also utilize minority media. These advertisements will prominently feature an Equal Opportunity logo.

In the event that the above referenced newspaper(s) and/or minority media are not available or practical for use, comparable minority media/newspapers will be utilized by the HA.

Other advertisements may be included at the discretion of the HA, i.e., sending out to shelters, churches, schools, etc.

The HA coordinates with a variety of homeless shelter administrators, non-profit and for-profit housing providers, and community-based organizations to identify households who may qualify for Housing Choice Voucher assistance and to help with the application process and submission.

Outreach activities will be performed in other languages if needed and as appropriate. This is done in a manner to ensure that the HA is attempting to reach those families "least likely to apply" as defined by HUD.

The Massachusetts NAHRO has a website which has information including a, "Frequently Asked Questions" page. The HA will direct applicants to this website at www.section8listmass.org. Clients are also referred to Housing Navigator Massachusetts.

C. Order of Selection from the Waiting List

1. Introduction

The HA has adopted the following Local Preferences as further defined within this Section 8 Administrative Plan: Victims of Domestic Violence residing in HA State Public Housing Unit or in a PBV Unit for less than one-year (Super Priority) Families terminated from the CHA's HCV Program due to insufficient funding (Super Priority) and Residency Preference (Priority One).

These preferences are grouped within individual priority group and do not aggregate. Super Priority applicants will be served first, next served are Priority One followed by Standard applicants.

Within each of these three groups (Super Priority, Priority One and Standard) applicants are served by date and time of application.

2. Super Priority Categories

Applicants are selected by date and time of application within the combined two Super Priority Categories.

a. Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

A Super Priority (First) is provided for victims of domestic violence residing in CHA State Public Housing or a CHA funded PBV unit as follows:

The Applicant or a member of the Applicant Household has been or is currently a victim of Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, and has a reasonable belief of risk of imminent harm if they remains in the current unit and no other HA State public housing or CHA PBV unit is an appropriate alternative for safe relocation.

The HA will verify this information as follows:

- The tenant requesting the voucher is a tenant of the lease with the Concord Housing Authority for rental of the State Assisted Public Housing or PBV Unit, and
- Police reports; or
- Copies of restraining orders;
- Medical reports;
- Court reports;
- Tenant has attempted to get restraining order;
- Applicant has filed a civil or criminal complaint against accused;
- Psychological report;
- Letter from an attorney, counselor, law enforcement or social service agency indicating the immediate need to relocate based upon the factors set forth in the criteria for the Preference.

Any other documentation that provides the HA with acceptable evidence of this Priority criteria. The verification requirements for this preference are not the same as those

which provide for protections under the federal VAWA statute and regulations. This is different standard applicable only to this preference.

A voucher may be issued for victim relocation using preference status with the perpetrator remaining in the existing unit such time as the HA or owner is able to evict and/or terminate where applicable. If the HA or owner does not have adequate evidence to evict/terminate the perpetrator but the victim qualifies for the preference under the above standards, the victim may be provided with the HCV and the perpetrator may remain in the existing unit.

All documentation related to verification of the Domestic Violence preference will be kept confidential unless allowed to be released under applicable law.

b. Terminated due to Insufficient Funding

A Super Priority (First) is provided for families terminated from the CHA's Housing Choice Voucher Program due to insufficient funding.

3. Priority One: Local Resident

Definitions are as follows:

Local residents are defined as families (1) living (2) working or attending school in Concord. For working families, a family member must have been hired to work or be employed or in a job training program for employment in Concord for more than 20 hours per week.

The residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, sex, religion, disability, or age of any member of an applicant family.

The HA will verify this information as follows:

<u>For Residence</u>

- School record; or
- Copy of a current residential lease with the eligible household member's name listed on it; or
- Valid driver's license or state ID card; or
- Medical card with current address; or
- Utility bill (electricity or gas) with eligible household member's name on it; or
- Social Security printout; or
- Voter's registration card; or
- Credit report.

For Employment

For working families, a family member must have been hired to work or be employed or in a job training program for employment in Concord for more than 20 hours per week. The following are acceptable forms of proof of employment in the Town of Concord:

- Paycheck stub with the employer's address showing the business is located in the Town of Concord; or
- Third party verification form.

Any other documentation that provides the HA with acceptable evidence of this Preference criteria.

This documentation shall also be verified and used for purposes of income and rent determination for the Section 8 program and must be consistent with the information provided by the Applicant in terms of reported household income.

Applicants are selected by date and time of application within this Priority Category.

4. Standard Applicant

Standard Applicants: All applicants not meeting one of the Priority Categories listed above. Standard applicants are provided with assistance according to date and time of application.

5. Determination of Local Preference Qualifications

At the time of application an applicant may certify that they qualify for a preference. 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 preference and given an opportunity for an informal review.

6. The 75% Rule in Relation to Preferences

Of the families initially provided tenant-based assistance under the section 8 program by the Housing Authority in any fiscal year, not less than 75% shall be families whose incomes do not exceed 30% of the area median income as determined by the Secretary. The local preference policy is subordinate to this provision, and admissions to the program will be monitored to assure compliance. To ensure compliance with this mandatory requirement the Housing Authority monitors income level of admissions as required by HUD and will admit the next otherwise qualified extremely low-income applicant on the waiting list before a low or very low-income applicant if necessary for compliance with this 75% Extremely Low-Income requirement.

III. Eligibility

A. Definition of Family

Each applicant for assistance under the housing choice voucher program must meet the PHA's definition of family.

- A family is either a single person or a group of persons and includes:

- A household with or without children. A child who is temporarily away from home due to placement in foster care is 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 disabilities; or two or more persons with disabilities; or one or more persons with disabilities 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.
- An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

B. Income Limits and Targeting Extremely Low-Income Families

To be income-eligible, the applicant must be a family in any of the following categories:

- A "very low income" family;
- A low-income family that is "continuously assisted" under the 1937 Housing Act;
- A low-income family that meets additional eligibility criteria specified in the PHA administrative plan. Such additional PHA criteria must be consistent with the PHA plan and with the consolidated plans for local governments in the PHA jurisdiction;

- A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily units) project. (Section 8(o)(4)(D) of the 1937 Act (42 U.S.C. 1437f(o)(4)(D));
- A low-income or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing as defined in §248.101 of this title;
- A low-income family that qualifies for voucher assistance as a non-purHAsing family residing in a project subject to a resident homeownership program under §248.173.

Only 25% of admissions may be above the extremely low-income level. The Housing Authority will track this information and reserves the right to "skip over" a low or very low-income family that may be otherwise eligible to serve an extremely low-income level applicant if the Housing Authority must do so to meet the income targeting requirement. Extremely Low-income families are defined as very low–income families whose income does not exceed the higher of 30 percent of the area median income or the federal poverty level. (See HUD's 2014 Appropriations Act is Title II of Division L of Public Law 113-76, 128 Stat. 5, approved January 17, 2014.)

C. When a Family is Considered "Continuously Assisted"

A family is considered continuously assisted even if they were not subsidized under a program covered under the 1937 Housing Act provided that such period of non-receipt of subsidy assistance is related to certain program technicalities. Example of a program technicality includes a move with tenant-based assistance where the new HAP is not executed due to no fault of the Section 8 participant or non-receipt of subsidy during proposed termination proceedings.

Further a family will be considered continuously assisted when a family assisted under a program covered under the 1937 housing act moves temporarily to a shelter because of domestic abuse or other similar emergency based temporary relocation.

The Housing Authority will make this determination on a case-by-case basis taking into consideration the facts and circumstances of each case. When approval is granted, the family must complete all required documents and submit to all screening of applicants to the program except that the income limit used for re admission may be the low-income limit and there will be no screening for any waiting list preferences if applicable.

D. Form 9886-A

After January 1, 2024, applicants and participants must sign and submit the HUD-9886, as applicable, at admission and no later than the next interim or regularly scheduled income reexamination. At each annual or interim or non-interim reexamination, the HA will determine if any family member turned 18 and has not yet signed the HUD-9886 A form. Such a family member will be required to sign the appropriate form at the reexamination or earlier if requested by the HA.

After an applicant or participant has signed and submitted an updated consent form, they do not need to sign and submit subsequent consent forms at the next interim or regularly scheduled income examination except under the following circumstances:

- When any person 18 years or older becomes a member of the family;
- When a member of the family turns 18 years of age; and
- As required by HUD or the HA in administrative instructions.

The executed consent forms will remain effective until the family is denied assistance, the assistance is terminated, or if the family provides written notification to the PHA to revoke consent. Revocation of consent or refusal to sign the consent forms prohibits the PHA from requesting and accessing income information and financial records, including pulling EIV reports and using the EIV data to verify income (although the data matches between HUD and other agencies will continue to occur automatically if the family is not terminated from the program). The HA will not be able to process interim or annual reexaminations of income, including when a family's income decreases and the family requests an interim reexamination to decrease tenant rent, without the family's executed consent form(s).

Families have the right to revoke consent by providing written notice to the HA; however, revoking consent will result in termination of assistance, eviction or denial of admission. The HA has a policy that the revocation of consent will result in termination of assistance or denial of admission. The family member may be permitted to sign a new consent form in order to avoid termination of assistance or eviction. ***[Effective: July 1, 2025 per PIH 2024-38]*** The CHA will explain the consequences of revocation to the family in writing before the family signs the consent form, and again at the time of any revocation. The CHA will notify its local HUD field office in writing each time an applicant or participant family member revokes consent.

The HA will notify their local HUD office of a family's revocation of consent.

The HA will deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F. This requirement applies to applicant families, and any new members being added to the household of a family currently participating in a rental assistance program administered by the HA.

Request for information by other parties must be accompanied by a signed release request in order for the HA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law or regulations.

E. Asset and Ownership of Real Property Limits

This Section E not effective until a date to be determined by HUD and the HA.

1. Net assets in excess of $100,000

A family is not eligible to receive assistance if the family has net assets in excess of $100,000 (as defined in 5.603), as adjusted annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers.

2. Property Suitable for Occupancy

A family is not eligible to receive assistance if the family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell real property that is suitable for occupancy by the family as a residence.

a. Not suitable for occupancy

A property is suitable for occupancy unless the following applies:

- Does not meet the disability-related needs for all members of the family (e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.);
- Is not sufficient for the size of the family;
- Is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by the HA); Hardship is defined as 60 miles from work or school or other compelling circumstances that will impact commute.
- Is not safe to reside in because of the physical condition of the property (e.g., property's physical conditions pose a risk to the family's health and safety and the condition of the property cannot be easily remedied); or
- Is not a property that a family may reside in under the State or local laws of the jurisdiction where the property is located (ie. the family may own a commercial property, such as a convenience store or other retail establishment, which cannot be occupied as a place of residence by the family. Families who claim they lack the legal right to reside in the real property must provide evidence to support their claim(s). What constitutes sufficient evidence will vary by circumstance.

b. Limitations

The restriction is not applicable to:

- Any property for which the family is receiving assistance under 24 CFR 892.620 (i.e., a manufactured home owned by a family who receives assistance

to lease the space or lot in which it is located); or under the Homeownership Option in 24 CFR part 982;

- Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owners property;
- Any person who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking as defined in part 5 (subpart L); When a family asks for or about an exception to the real property restriction because a family member is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the HA or owner must comply with the confidentiality requirements under 5.2007. The HA or owner must accept a self-certification from the family member, and the restrictions on requesting documentation under 5.2007 apply; or
- Any family that is offering such property for sale (the HA will require documentary evidence of the sales process could include, for example, a contract with a real estate agent or a current real estate listing).

c. Effective Authority to sell

The real property restriction applies when the family has the effective legal authority to sell the real property, based on the laws of the state or locality in which the property is located.

Reasons a family does not have such legal authority could possibly include when families are contesting ownership of a property in court, or an individual is in divorce proceedings, and they may be unable to sell the property until the completion of those proceedings. Someone who owns heirs' property may not have the authority to sell until others' claims to fractional ownership have been settled.

Families who claim they lack the legal authority to sell the real property must provide evidence to support their claim(s). What constitutes sufficient evidence will vary by circumstance. For example, a divorce pleading or complaint may demonstrate that there are actual divorce proceedings occurring.

3. Real Property Ownership may also count towards the $100,000 Asset Limitation

There are several exemptions to the real property restriction which identify when a real property ownership interest does not by itself render the family out of compliance with the asset limitation.

Those exemptions do not indicate that such real property is excluded from the calculation of net family assets. Unless the real property is specifically excluded from net family assets in the definition under § 5.603, it may be included in net family assets. If the value of that real property brings the net family assets above $100,000 (as adjusted for inflation), the family will be out of compliance.

4. Enforcement

Asset and Ownership of Real Property limits are enforced at admission only.

F. Citizenship or Eligible Immigration Status

1. Introduction

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals, or noncitizens with eligible immigration status. If certain members are not eligible The HA will prorate the housing assistance pursuant to federal regulations which are in effect at the time. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

The Family must execute all necessary forms and provide applicable verification where required to fulfill the requirements of the federal regulations governing restrictions on assistance to noncitizens. The HA will verify the citizenship/eligible noncitizen status of applicants at the time other eligibility factors are determined.

These guidelines apply to applicant families, and any new members being added to the household of a family currently participating in a rental assistance program administered by the HA.

2. Declaration Form

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, cohead, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status. No declaration is required for live-in aides, foster children, or foster adults.

3. Verification for U.S. Citizens and Nationals

For U.S. citizens or U.S. nationals the HA will accept the declaration form as required by HUD regulations addressing restrictions on assistance to noncitizens and will only require verification in cases of suspected fraud.

4. Verification for Eligible Noncitizens

The HA will require documentation in accordance with federal regulations governing restrictions on assistance to noncitizens and where required will verify immigration status with the United States Citizenship and Immigration Service in accordance with procedures for the System Alien Verification for Entitlements (SAVE) system. Documents listed in HUD guidebook with special categories also below.

a. Eligibility of citizens of the "Freely Associated States"

In 2001 PIH 2001-27 issued a notice indicating Citizens of the Republic of the Marshall Islands (RMI), Republic of Palau, and the federated states of Micronesia (FSM)

(collectively referred to as the "Freely Associated States" or "FAS.") were now eligible for federal housing benefits[2].

Documentation to verify the above status is not set forth in the HUD Notice. The USCIS fact sheets, dated October 26, 2018, indicates that the following documents may be issued by the USCIS to citizens of the RMI and FSM upon request from USCIS:

i. Form I-766, Employment Authorization Document (EAD) with a category code of A08.
ii. Passport admission stamps as follows: reflecting that the admission relates to the Compacts. "CFA/FSM" for an FSM citizen and "CFA/MIS" for an RMI citizen. Some older versions may be marked "CFA/RMI" for an RMI citizen. For Republic of Palau, "CFA/PAL" (Compact of Free Association/Palau).
iii. Form I-94, Arrival/Departure Record.

b. Violence Against Women Act (VAWA) Self-Petitioner Verification Procedures

The HA will follow the procedures as set forth in PIH Notice 2017-02 if a self-petitioners indicate that they are in "satisfactory immigration status" when applying for assistance or continued assistance from Section 214 covered housing providers (PIH Notice 2017-02).

Once a the HA receives a self-petition (INS Form I-360 or I-130) or INS Form 797, it is prohibited from requesting any additional information from the VAWA self-petitioner, other than what is required in the HUD notice to complete the verification.

[2] 42 U.S.C. §1436a. Restriction on use of assisted housing by non-resident aliens (7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: ***Provided***, That, within Guam any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance."

5. Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing form, signed by the head, spouse, or cohead (regardless of citizenship status), indicating that that individual does not contend to have eligible immigration status. These families will be considered "mixed families."

6. Mixed Families

Under current regulations a family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered mixed families. Such families will be given notice that their assistance will be prorated pursuant to federal regulations, and that they may request a hearing if they contest this determination. If PHA legal obligations are modified in relation to the provisions of assistance to noncitizens in mixed families, The HA will comply with such requirements.

7. Ineligible Families

The HA will not provide assistance to a family before the verification of at least one family member.

When The HA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice.

The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance if applicable and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with the HA. The informal hearing with The HA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process.

The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

G. Social Security Numbers

Disclosure of Social Security Numbers (SSN) requires submission of the following:

- The complete and accurate SSN assigned to the assistance applicant and to each member of the assistance applicant's household; and
- A valid SSN card issued by the Social Security Administration; or
- An original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual; or
- Such other evidence of the SSN as HUD may prescribe in administrative instructions.

HUD has indicated that PHAS may accept a self-certification and a third-party document with the applicant's name printed on it. The HA will generally not accept this as verification.

In rare and compelling circumstances when no other document is available to the family, the HA may accept self-certification of SSN and at least one third-party document, such as a bank statement, utility or cell phone bill, benefit letter, etc., that contains the name of the individual.

The HA will document why the other SSN documentation was not available. If the tenant's SSN becomes verified in EIV, then no further verification is required. If the tenant's SSN fails the SSA identity match, then the HA will obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The tenant's assistance will be terminated if they fail to provide the required documentation. ***Effective May 2026. EIV operational requirement.*** When the CHA has accepted an SSN self-certification and supporting third-party document under these rare-circumstances provisions, the CHA will review the EIV Failed SSA Identity Report on a

monthly basis to identify and follow up on any participant whose identity has not yet been verified through SSA.

1. Rejection of Documentation

The HA may reject documentation of an SSN provided by an applicant or participant if the document is not an original document or if the original document has been altered, mutilated, is illegible, or appears to be forged. In such cases the HA will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the HA within 90 days.

2. Requirements for Applicants

Applicants must submit disclosure information set forth above.

If an applicant is otherwise eligible to participate in a program, the applicant may retain its place on the waiting list for the program but cannot become a participant until it can provide the documentation to verify the SSN of each member of the household as set forth above.

However, if a child under the age of 6 years was added to the assistance applicant household within the 6-month period prior to the household's date of voucher issuance, the assistance applicant may become a participant, so long as the documentation required is provided to the processing entity within 90 calendar days from the date of admission into the program (or, for the HCV program, the effective date of the Housing Assistance Payment contract). The HA must grant an extension of one additional 90-day period if the HA determines that, in its discretion, the assistance applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the documentation required under the rule within the required time period, the HA will follow the provisions of 24 CFR §5.218.

H. Student Rule

For students that are applying for HCV assistance not residing with their parents, the HA may need to determine that they would be income eligible taking parental income into consideration.

Specifically, if a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student's eligibility must be examined along with the income eligibility of the student's parents.

Unless a student meeting the above criteria is determined independent from his/her parents, both the student and the student's parents must be income eligible for the student to receive HCV assistance.

The HA will consider a student to be independent for purposes of this rule if all four criteria below are met:

1. The individual is of legal contract age under state law.
2. The individual has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of independent student.
3. The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.
4. The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

   To be considered an independent student according to the Department of Education, a student must meet one or more of the following criteria:

   - The individual is at least 24 years old by December 31 of the award year for which aid is sought

- The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
- The individual is a veteran of the U.S. Armed Forces or is currently serving on active duty in the Armed Forces for other than training purposes
- The individual is a graduate or professional student
- The individual is married
- The individual has one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent)
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by:
    - A local educational agency homeless liaison
    - The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director
    - A financial aid administrator
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

IV. Denial of Assistance

This section describes the guidelines the Housing Authority has established for screening applicants for drug abuse and other criminal activity. The section includes HUD-required screening standards, as well as discretionary standards allowed by HUD. The Housing Authority will deny program admissions if there is reasonable cause to believe that an applicant family has engaged in activity prohibited by these guidelines.

These guidelines apply to applicant families and any new members being added to the household of a family currently participating in a rental assistance program administered by the Housing Authority. The Housing Authority also screens families transferring into its jurisdiction from other housing authorities, as authorized at 24 CFR §982.355(c)(9) and §982.355(c)(10).

A. Denial of a Voucher

1. Definitions

a. **Denial** means a HA action which denies listing on the HA waiting list, denying or withdrawing a voucher, refusing to enter into a HAP Contract or approve a Lease or refusing to process or provide assistance under Portability procedures.

b. **Drug Related Criminal Activity** is defined in 14 CFR Part 5.100 as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

c. **An "illegal drug"** is defined as any controlled substance, in any amount, as defined by the United States Code, Title 21, section 802, including but not limited to narcotics, amphetamines, hallucinogens, cocaine, marijuana, designer drugs, or other intoxicants. This definition also specifically includes over the counter medications used in the manufacture of illegal drugs or for the purposes of becoming intoxicated, and pharmaceutical medications which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a physician for the purposes of becoming intoxicated.

d. **Violent Criminal Activity** means 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 to be reasonably likely to cause, serious bodily injury or property damage.

2. Considerations in Certain Denials

a. *Consideration of circumstances generally.* The HA has the discretion to consider all the circumstances in each case including, but not limited to, the seriousness of the offense, the extent of the criminal history, the extent of participation by Family members, and the effects that denial will have on Family members not involved in the alleged activity.

b. *Reasonable Accommodation*. The HA shall consider a request for Reasonable Accommodation by an Applicant who has a disability or handicap, has a record of a disability or handicap, or is perceived as having a disability or handicap.

c. *Mitigating Circumstances*. The HA shall consider mitigating circumstances such as active participation in, or completion of, a supervised drug treatment program.

d. *Retention of assistance by a portion of the Family*. The HA may, in its discretion, allow only a portion or certain members of the Family to be admitted to the HCVP, if there is sufficient evidence that the Family member who engaged in the alleged activity will not reside in the Unit or if the Head of Household certifies that the Family Member who engaged in the alleged activity will not reside in the Unit.

e. *Minors*. If the violating member is a minor, the Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.

f. *Project based vs. tenant-based assistance*. The HA may consider whether the Applicant will receive project-based assistance, which has as one of its components supportive services that may be appropriate for the participant.

g. *Domestic Violence.* The HA may consider an incident or incidents directly related to Domestic Violence, Dating Violence, or Stalking as mitigating circumstances when the incident or incidents of Domestic Violence, Dating Violence, or Stalking is directly related to the reason for denial.

3. Mandatory Denial

The Family must be denied a Voucher, even if they are otherwise eligible:

a. If any Family Member fails to sign and submit Consent forms for obtaining information in accordance with this Administrative Plan and 24 C.F.R. part 5, subpart B and F.

b. If any Family Member fails to submit required evidence of citizenship or eligible immigration status (or non-contending forms) in accordance with 24 C.F.R. part 5, subpart F and policies within this Administrative Plan.

c. The family does not meet the social security number disclosure, documentation and certification requirements. The HA will comply with the requirement to provide extensions as required under applicable regulations with regard to children under the age of six without a social security number as described elsewhere within this plan.

d. The family does not meet income eligibility requirements.

e. Any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612.

f. If any Family Member has been evicted from federally assisted housing within the last three years for Drug Related Criminal Activity. 553.(a)(1)(i) However, the HA may admit the Family if the HA determines:

i. That the evicted Family Member who engaged in the drug related criminal activity has successfully completed a supervised drug rehabilitation program.

ii. That the circumstances for leading to eviction no longer exist (for example, the criminal Family Member has died or is serving a lengthy prison term).

g. If any Family Member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the Premises of federally assisted housing, the HA will permanently prohibit Admission to the Section 8 program.

h. If any Family Member is subject to a lifetime registration requirement under a state sex offender registration program in Massachusetts or any other State. This

is regardless of longevity of conviction or completion of any rehabilitative program. [982.553 (a) (2)]

i. If the Family member is currently engaging in illegal use of a drug [24 CFR 982.553(a) (1) (ii) (A)] Use within the past 12 months shall create a rebuttable presumption of current use.

j. If the HA determines that it has reasonable cause to believe that a Family member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the Premises by other residents. [982. 553 (a) (3)]

k. If the HA determines that there is reasonable cause to believe that a Family member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the Premises by other residents. [24 CFR 982.553(a) (1) (ii) (B)])]

l. If any member of the family has been evicted from housing assisted under the program for serious violation of the lease.

m. If the family has net assets as defined in §5.603 in excess of $100,000, as adjusted annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers. This provision is effective on the HOTMA 102 and 104 implementation date as determined by HUD and the HA.

n. If the family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell real property that is suitable for occupancy by the family as a residence.

4. Discretionary Denial

The HA may deny a Family a Voucher, even if they are otherwise eligible, if any Family member:

a. Has been evicted from federally assisted housing in the last five years; or

b. If a PHA has ever terminated assistance under the program for any member of the Family

c. Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing assistance program;

d. *Owes uncollected rent or other amounts (including but not limited to*, court costs, constable fees, or other related fees) arising during the Applicant's receipt of benefits from any program administered by the HA or other Publicly Assisted Housing Program.

e. The family has failed to reimburse the HA or another PHA for rent or any other amount paid to an Owner under a contract or Lease provision;

f. Has breached an agreement to repay a debt to the HA or another HA;

g. If a welfare-to-work family failed, willfully and persistently, to fulfill its obligations under the Section 8 welfare-to-work voucher program.

h. Has violated any Family obligation under the Section 8 Program as stated in 24 C.F.R. § 982.551 or listed in this administrative plan.

i. Has engaged in or directed abusive, threatening or violent behavior toward HA personnel;

i. "Abusive or violent behavior" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for denial.

ii. "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

iii. Actual physical abuse or violence will always be cause for denial.

j. Any Family member is currently engaged in, or has engaged in during a reasonable time before the Admission:

i. Drug Related Criminal Activity;

The HA may not deny assistance due to use or possession of a controlled substance by a Family member if the Family member can demonstrate that s/he has an addiction, has a record of an addiction, or is regarded as having an addiction to a controlled substance, and is recovering or has recovered from such addiction and does not currently use or possess a controlled substance.

The HA will under these circumstances require a Family member who has engaged in the illegal use of a controlled substance to submit verifiable

evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

ii. Violent Criminal Activity;

HUD regulations at 24 CFR 5.100 define violent criminal activity to mean 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;

iii. Other criminal activity which may threaten the health safety, or right to peaceful enjoyment of the Premises by other residents or persons residing in the immediate vicinity; or

iv. Other criminal activity which may threaten the health or safety of the Owner, property management staff, or persons performing a contract administration function on behalf of the HA (including a HA employee or a HA contractor, subcontractor, or agent).

For the purposes of this provision unless otherwise noted, "reasonable time" will depend on the individual circumstances including but not limited to the seriousness of the crime and number of matters under consideration.

If the HA previously denied admission to an applicant because a member of the household engaged in criminal activity, the PHA may reconsider the applicant if the HA has sufficient evidence that the members of the household are not currently engaged in, and have not engaged in, such criminal activity during a reasonable period, as determined by the HA, before the admission decision.

The HA may have "sufficient evidence" if the household member submitted a certification that she or he is not currently engaged in and has not engaged in such criminal activity during the specified period and provided credible supporting information from such sources as a probation officer, a landlord, neighbors, social service agency workers and criminal records, which the HA verified.

In conducting a review of an applicant's history of criminal activity the review shall be limited to a period of three (3) years for criminal activities which would be punishable as a misdemeanor or equivalent level of culpability under local law and seven (7) years (except where the Housing Authority has an obligation to ban applicants whose criminal activity is subject to mandatory denial) for an activity which would be punishable as a felony or equivalent level of culpability under local law. The time period shall run from the date of conviction or the release date, whichever is later. The Housing Authority may deny an applicant whose criminal record shows a pattern of violent criminal activity, or activity that is inherently violent, even though the activity has occurred outside of the time frame set out above.

Families must cooperate with the Housing Authority if releases or similar forms are required to obtain release date or other required information.

B. Criminal Background Checks

The Housing Authority requests a criminal background check for all applicant household members (including live-in aides) 18 years of age and older. The criminal background check is used as a factor in screening applicants for criminal activities that would prohibit admission to the Housing Authority's Section 8 rental assistance programs.

All adult members of an applicant household must submit a signed Criminal Background Consent Form, authorizing the release of criminal conviction records from law enforcement agencies. Failure to sign the consent form will result in the denial of assistance.

A criminal conviction alone may or may not result in the denial of assistance. Factors such as disclosure, completion of a drug or alcohol rehabilitative treatment program, type and longevity of the conviction, reasonable accommodation and Violence Against Women Act may also be taken into consideration.

The Housing Authority's CORI Policy sets forth further information with regard to the manner and use of CORI.

C. Statutory and Regulatory Changes and HUD Directives

Nothing in the plan serves to limit the Housing Authority from terminating assistance on grounds authorized by State, Federal or local law or by HUD directive.

D. Screening by Owners

The screening performed by the HA is to determine that the family is eligible for Section 8 assistance, which generally means that the family is income eligible and has no recent history of violent, drug related criminal activity or other matters which would make the family ineligible based upon the contents of the Administrative Plan, HUD regulations, guidance or state or local law. The HA strongly encourages owners to perform screening prior to accepting any new tenant. Legal procedures utilized by owners to screen market tenants should also be utilized by owners to screen Section 8 participants.

E. Providing Information to Prospective Owners About the Family

Under Federal Regulations the HA is required to notify prospective landlords of:

1. The family's current and prior address (as shown in the HA/records); and
2. The name and address (if known to the HA) of the landlord at the family's current and prior address.

Subject to privacy and confidentially laws:

Upon the request for such information by the prospective landlord, if the information is contained in Housing Authority records and the tenant has authorized the release of such information, the information will be provided to the prospective landlord by the HA.

The Housing Authority will not provide prospective landlords any additional information related to screening the tenant. The landlord is responsible for tenant screening.

F. Portability

Receiving PHAs may rescreen families who have moved into their jurisdiction under portability by applying their own policies for denial or termination of assistance under HCV regulations at 24 CFR § 982.552 or 24 CFR § 982.553. The receiving PHA may refuse to assist a portability family by referring the family back to the initial PHA, or terminate the family's HCV participation, on any of the grounds in 24 CFR § 982.552 or 24 CFR § 982.553. The receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit until the rescreening processes are completed. However, receiving PHAs may take subsequent action against the family (as explained in the preceding sentence) based on the results of the rescreening.

Receiving PHAs do not need prior HUD approval to refuse portability assistance in these cases because they are authorized under regulation to deny the move in accordance with their screening policies. This is because the regulatory meaning of both denial of assistance (applicants) and termination of assistance (participants) specifically includes refusing to process or provide assistance under the portability procedures. If the receiving PHA refuses the portability move, the initial PHA is not precluded from assisting the family either in the initial PHA jurisdiction or by allowing the family to port to another receiving PHA's jurisdiction in accordance with the portability procedures.

Applicant screening policies shall apply to applicant families who are moving into the AHA's jurisdiction under portability procedures. Families are informed that they are subject to certain screening and policies based on the receiving PHA's criteria and that this may be different than that of the initial PHA.

V. Voucher Issuance and Housing Search, Payment and Subsidy Standards

A. The Section 8 Briefing

1. Oral Briefing

When the HA selects a family to participate in a tenant-based program, they give the family an oral briefing. The briefing includes information on the following subjects:

- A description of how the program works;
- Family and owner responsibilities;
- Where the family may lease a unit, including renting a dwelling unit inside or outside the PHA jurisdiction, and any information on selecting a unit that HUD provides.
- An explanation of how portability works. The PHA may not discourage the family from choosing to live anywhere in the PHA jurisdiction, or outside the PHA jurisdiction under portability procedures, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order. The family must be informed of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance.
- The briefing must also explain the advantages of areas that do not have a high concentration of low-income families.
- The HA will not discourage the family from choosing to live anywhere in the HA ‘s jurisdiction or outside the HA’s jurisdiction under portability procedures, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order. The family will be informed of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance.
- The HA will take appropriate steps to ensure effective communication in accordance with 24 CFR 8.6 and 28 CFR part 35, subpart E, and will provide information on the reasonable accommodation process.

a. Information Packet

When a family is selected to participate in the program, the HA will give the family a packet that includes information on the following subjects:

- The term of the voucher, voucher suspensions, and HA policy on any extensions of the term and how the family can request an extension;

- How the HA determines the amount of the housing assistance payment for a family, including how the HA determines the payment standard for a family; and how the HA determines the total tenant payment for a family.
- How the HA determines the maximum rent for an assisted unit;
- Where the family may lease a unit and an explanation of how portability works, including information on how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance;
- The HUD-required "tenancy addendum" that must be included in the lease;
- The form that the family uses to request HA approval of the assisted tenancy, and an explanation of how to request such approval;
- A statement of the HA policy on providing information about a family to prospective owners;
- HA subsidy standards, including when the HA will consider granting exceptions to the standards as allowed by 24 CFR 982.402(b)(8)[3] and when exceptions are required as a reasonable accommodation for persons with disabilities under Section 504, the Fair Housing Act, or the Americans with Disabilities Act;
- Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides;
- Information on Federal, State, and local equal opportunity laws, the contact information for the Section 504 coordinator, a copy of the housing discrimination complaint form, and information on how to request a reasonable accommodation or modification (including information on requesting exception payment standards as a reasonable accommodation) under Section 504, the Fair Housing Act, and the Americans with Disabilities Act;

[3] providing for exception to its established subsidy standards if the HA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances

- A list of landlords known to the HA who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to the HA that may assist the family in locating a unit. The list of landlords or other resources will cover areas outside of poverty or minority concentration;
- Notice that if the family includes a person with disabilities, the HA is subject to the requirement under 24 CFR 8.28(a)(3) to provide a current listing of accessible units known to the HA and, if necessary, other assistance in locating an available accessible dwelling unit;
- Family obligations under the program;
- The advantages of areas that do not have a high concentration of low-income families which may include, access to accessible and high-quality housing, transit, employment opportunities, educational opportunities, recreational facilities, public safety stations, retail services, and health services;
- VAWA Notification; and
- A description of when the HA is required to give a participant family the opportunity for an informal hearing and how to request a hearing.

The Housing Authority may supplement this with additional materials to assist the family in their housing search.

a. Equal Access and Briefing

b. Limited English Proficiency and Briefing

The HA will take reasonable steps to ensure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and HUD's implementing regulations at 24 CFR part 1.

The HA will take reasonable steps to assure meaningful access by persons with limited English ability. Such steps will include translation of common written materials into those languages frequently spoken by applicants/participants.

In accordance with the HA's Language Access Plan vital documents are provided in LEP languages that exceed 5% of the eligible population or 1000 individuals

whichever is less. However, if the 5% is less than 50 in person interpretation may be provided in the alternative. Further, interpreters are available for briefing sessions upon request.

The HA's Language Access Plan is on file at the agency for review.

c. Reasonable Accommodations in the Briefing

The HA will also ensure that communications and materials are provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and their implementing regulations. Where required, the HA will provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, qualified readers and sign language interpreters. Interpreters are available for briefing sessions upon request.

If an applicant/participant cannot understand or read English, HA staff will read and explain documents that they would normally hand to the applicant/participant to be read

The applicant/ participant may also be provided with an interpreter who can explain any policies or procedures.

Information as to reasonable accommodation policies and procedures is provided in the in the information packet and is also reviewed at the oral briefing. In addition to other reasonable accommodation examples, the briefing packet specifically addresses the availability of an increase in the payment standard as a reasonable accommodation.

B. Subsidy Standards

1. Standards

a. The subsidy standards for the Housing Authority are designed to provide for the smallest number of bedrooms without overcrowding.

b. Two adults will share a bedroom unless they are related by blood.

c. Two children of the opposite gender will share a bedroom unless the oldest of the two children is age six (6) or above.

d. Two children of the same gender will share a bedroom.

e. Adults and children will not be required to share a bedroom unless they are siblings of the same gender in which case they will be assigned one bedroom.

f. Live-in-aides will be counted in determining family unit size.

g. Children specified in joint custody agreements will be considered family members if the agreement specifies that they live with the parent at least 183 days (6 months) a year.

h. Foster children placed in the home shall be included in determining unit size only if they will be in the unit for more than 183 days (6 months) a year.

i. A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family's unit size. A social worker shall designate whether placement is permanent or temporary. Temporary shall be defined as placement out of the home for a period of less than six (6) months or any other compelling evidence demonstrating to the HA that the placement is temporary.

2. Exceptions to Subsidy Standards

The HA may grant an exception to its established subsidy standards if the HA determines that the exception is justified by the age, gender, health, handicap, or relationship of family members or other personal circumstances.

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source (e.g., doctor or health professional), unless the disability and the disability–related request for accommodation is readily apparent or

otherwise known. The family's continued need for an additional bedroom due to special medical equipment will be re-verified at annual inspection.

The HA will notify the family of its determination within 10 business days of receiving the family's request. If a participant family's request is denied, the notice will inform the family of their right to request an explanation of the determination, and an informal hearing of the issue is not resolved at the time of explanation.

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom set forth in 24 CFR 982.402(b)(8).

C. Term of the Voucher; Extensions; and Suspensions

1. Initial Term

The Housing Authority shall issue all vouchers with a term of 60 days. Extensions are granted according to the following policies:

a. Initial Extension

i. Unsuccessful Housing Search

The HA may grant an extension of up to 30-120 days (90-180 days of total voucher term) if the Housing Authority is informed by the family that, although a diligent housing search was made, the family was unable to locate suitable housing. The Housing Authority may require that the family provide evidence of their diligent housing search prior to the HA granting this extension.

ii. Extenuating Circumstances

The Housing Authority may grant an extension of 30-120 days (up to 90-120 days of total voucher term) if the Housing Authority is informed by the family that extenuating circumstances have prevented the family from finding a unit, such as:

- Serious illness in the family;
- Death in the family;
- Family emergency;
- Obstacles due to employment;
- Whether family size or other special requirements made finding a unit difficult;
- Family believes that they have been the victim of illegal discrimination in their housing search; or
- Needs related to Domestic Violence, Dating Violence Sexual Assault, or Stalking.

The Housing Authority may require that the family provide evidence of the extenuating circumstances in advance of granting the request for this additional search time.

b. Additional Extensions

If the extension provided are less than 180 days in total, the HA may grant an additional extension of the number of days which will provide for up to 180 days of total voucher term if the Housing Authority is informed by the family that the circumstances in paragraph (i) or (ii) still apply and the provides the HA with evidence of such circumstances as set forth above.

c. Reasonable Accommodation

If the family needs and requests an extension of the initial voucher term as a reasonable accommodation, to make the program accessible to a family member who is a person with disabilities, the HA will extend the voucher term up to the term reasonably required for that purpose. Such extensions will be granted in writing by the HA only when the HA considers the documentation submitted by the family to be sufficient to justify this extension. The extension period must be reasonable for the purpose making the program accessible to and usable by a person with disabilities.

2. Suspension of Term

"Suspension" means stopping the clock on the term of a family's voucher after the family submits a Request for Lease Approval (RLA) or Request for Tenancy Approval (RTA).

The HA will suspend the term of the voucher from the date the "Request for Lease Approval (RLA) or Request for Tenancy Approval (RTA) is submitted to the HA until the date upon which the HA informs the family that the unit in question is "approved for occupancy" or is "denied."

The HA may also suspend the term of a voucher when funding for the program is inadequate to support the family's leasing a unit under the Section 8 program. In such cases the suspension shall commence and end upon the Housing Authority's notification to the applicant of such suspension or reactivation of the voucher.

3. Expiration of Voucher

The HA will require that the family reapply for Section 8 assistance when a voucher has expired.

D. Request for Tenancy Approval

The HA will accept only one Request for Tenancy Approval at a time from a family for processing. If the unit is rejected, or the family prefers to select another unit, the family may submit another Request for Tenancy Approval only once the initial Request for Tenancy Approval has been processed by the HA or withdrawn by the family. RFTA's may be submitted by the family or on behalf of the family.

E. Immediate Portability

The HA will allow new admissions who did not reside in the HA's jurisdiction when application was made to move outside of the HA's jurisdiction upon receipt of the subsidy.

The HA will adhere to all policies and requirements as set forth in PIH 2016-09 as well as the "Housing Choice Voucher Program: Streamlining the Portability Process" referred to as the

portability rule (80 FR 50564, published in the Federal Register on August 20, 2015) and the September 2, 2015, technical correction to the portability rule and or any superseding requirements.

However, since the Jurisdiction of the HA is the Commonwealth of Massachusetts the HA will often directly administer the voucher if it is within the Commonwealth rather than transfer the voucher holder to another for absorption or voucher administration.

F. Assisting a Family That Claims "Illegal Discrimination" Has Prevented Them from Leasing a Unit

In the event that a family informs the HA that they believe they have been illegally discriminated against, and, due to such discrimination, they were prevented from leasing a particular unit, the family will be provided with appropriate Discrimination Complaint Forms and/or information which include.

- A Massachusetts Commission Against Discrimination (MCAD) Information
- A HUD Discrimination Complaint Form

The family may also be provided with the telephone numbers for the following:

- HUD's Fair Housing Enforcement Center - (800) 827-5005
- MCAD - (617) 994-6000, TTY (617) 994-6196
- Español, 中文, Kreyòl Ayisyen, русский, Português, etc. (617) 994-6071

In accordance with Housing Authority policy as set forth within this Plan, the Housing Authority may also provide additional search time on a voucher when a family claims illegal discrimination prevented the leasing of a unit.

G. Payment Standards

1. Payment Standards

Generally, the payment standards may be set by the HA between 90% and 110% of the Fair Market Rent Level.

On an annual basis, the HA shall review a number of factors. The HA reserves to review and adjust the payment on a more frequent basis, if necessary, to assist program operations or the market evidences a need for adjustment.

In addition to making certain that the payment standard is within the basic range, the HA will consider factors such as rent burden, quality and locations of units selected, rent increase requests, unit availability, voucher length, expirations and extensions, and leasing rates.

As a final part of the analysis when determining if and where adjustments may occur the HA will review the budget to determine the impact of revised payment standard amounts in relation to serving existing households under the HCV program.

The policies set forth in 2 and 3 below shall still apply after such annual review unless it is determined they shall not in such case the Administrative Plan will be amended.

2. SAFMR-Based Exception Payment Standard (24 CFR §982.503(b)(1)(iii))

The HA Board voted on 8/2/2023 to voluntarily adopt Small Area Fair Market Rent (SAFMR) based Exception Payments Standards for the town of Concord, (zip code 01742). The HA made this decision in order to expand housing opportunities in Concord and to assist current Section 8 participants leased in Concord to continue to afford the units they have selected.

The change was effective on 9/1/2023. The Concord Housing Authority provided the HUD Boston Field Office with the required notification by email from the Executive Director on 8/3/2023.

The HA will operate both its tenant-based program and project-based program under the Small Area FMR Exception Payment Standards for the Town of Concord prospectively.

This SAFMR policy allows the HA to apply the Small Area FMRs to current PBV projects, provided the owner is willing to agree to do so mutually.

3. Payment Standard Jurisdiction outside the town of Concord, MA

Although the town of Concord, MA, constitutes the HA's principal area of jurisdiction, the HA has jurisdiction to administer the HCV program throughout the Commonwealth of Massachusetts. As such, HA's Payment Standards will be set at 110% of HUD's FMR by bedroom size (studio, 1, 2, 3, 4, etc.) for each community located within each HUD Metro FMR Area in which HA administers vouchers. The CHA may amend this by board vote on an as needed basis.

4. Increase in the Payment Standard Amount

If the payment standard is increased, the higher payment standard is first used in calculating the HAP at the time of the family's regular (annual) reexamination. Families requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher payment standard until their next annual reexamination.

- **a.** For reexaminations of income with an effective date before the effective date of the new payment standard schedule, the old payment standard schedule will be used.
- **b.** For reexaminations of income that are effective on or after the effective date of the new payment standard schedule, the new payment standard will be used.
- **c.** The payment standard employed for a newly issued voucher will depend on the effective date of the HAP contract. If the effective date of the HAP contract is before the effective date of the new payment standard schedule, then the old payment standard schedule is used. If the effective date of the HAP contract is on or after the effective date of the new payment standard schedule, then the new payment standard schedule is used.

5. Decrease in the Payment Standard Amount

The HA's policy, when there is a decrease to the payment standard schedule during the term of a family's HAP contract, is to hold the family harmless— *there is no reduction in subsidy.* The HA will continue to use the existing higher payment standard for the family's subsidy calculation for as long as the family continues to receive the voucher assistance in that unit.

This policy will be applied uniformly to all families.

6. Payment Standard Decreases Due to Change in Family Size or Subsidy Standards

If a family's voucher size is reduced, any lowered payment standard will be applied at the first regular (annual) reexamination following the subsidy standard change. This rule applies whether the family's voucher size was reduced due to a change in family composition or due to the HA changing its subsidy standards.

7. Exception Payment Standard as a Reasonable Accommodation

a. Up to 120% of FMR

One of the purposes of an exception payment standard is to ensure that a family with a person with disabilities can rent a unit that meets the disabled person's needs.

If necessary, as a reasonable accommodation for a person with disabilities, the HA will approve a family request for an exception payment standard under Sec. 982.505(d) for a tenancy under the Section 8 voucher program so that the program is readily accessible to and usable by persons with disabilities. The HA may approve exception payment standards up to 120% of the FMR as a reasonable accommodation. Documentation will be supplied by the family to support the reasonable accommodation request on a case-by-case basis.

b. Over 120% of FMR

HUD Headquarters must waive 24 CFR § 982.505(d) to allow the HA to approve any exception payment standards higher than 120 percent of the FMR as a reasonable accommodation.

The HA will submit all such waiver requests to the field office and where applicable the field office will make the necessary waiver request to HUD headquarters. The HA will include the following in the submission to HUD in order to facilitate the consideration of such a request:

- Note whether the family is an applicant or participant family.
- The number of household members including a live-in aide/s.
- The voucher size the family is issued under the HA's subsidy standards or any exception to those standards granted through a reasonable accommodation request;
- The FMR for the voucher size or unit size whichever is smaller.
- When either the disability or the need for the requested accommodation is not known or readily apparent, a statement from a health care provider regarding the need for the reasonable accommodation and the features of the unit (which may include its location) which meet that person's needs.
- The contract rent and utility allowance for the unit.
- A statement from the HA that it has determined the rent for the unit is reasonable and that the unit has the feature/s required to meet the needs of the person with disabilities as noted in the statement from the health care provider where such a statement is necessary.
- The household's monthly adjusted income.
- Proposed effective date of the new lease or actual effective date of the lease renewal.

To the extent such information must be supplied by the family, the HA will not make such request until such time as the family submits the applicable information to the HA.

8. Utility Allowance

The HA's utility allowance schedule is based upon the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality.

The HA established the Utility allowance schedule taking into consideration normal rate of consumption for the area and current utility rates.

The HA reviews the schedule of utility allowances each year, and revises the schedule if there has been a change of 10 percent or more in any utility rate since the last time the allowance for that utility was revised.

The HA will use the appropriate utility allowance for the lesser of the size of dwelling unit actually leased by the family or the voucher size issued, as determined under the HA subsidy standards.

In cases where a reasonable accommodation has been provided to a family that includes a person with disabilities to live in a larger unit, the HA will apply the appropriate utility allowance for the size of the dwelling unit actually leased by the family.

For areas outside of Concord, the HA will adopt the utility allowance chart standard in use by the local PHA for that City or Town. If no such PHA exists, the HA will adopt the payment standard adopted by the nonprofit agency administering HCVs for the Executive Office of Housing and Livable Communities.

The HA will use the appropriate utility allowance for the lesser of the size of dwelling unit actually leased by the family or the voucher size issued, as determined under the HA subsidy standards.

In cases where a reasonable accommodation has been provided to a family that includes a person with disabilities to live in a larger unit, the HA will use the appropriate utility allowance for the size of the dwelling unit actually leased by the family.

H. Method for Determining Rent Reasonableness

1. Factors for Consideration in Rent Determination

The HA's methodology for ensuring that the rent to an owner is reasonable in comparison to similar unassisted units takes into consideration the following factors: location, quality, size, unit type, age, amenities, housing services, maintenance and utilities provided by the owner and value of accessibility.

To determine the rent for a unit, the HA will review the following information for the unit in question.

a. Location: (miles) – Neighborhood Amenities (stores, transportation, etc.)
b. Quality: Construction and building materials
c. Size: Square footage, number of bedrooms, number of baths
d. Unit type: House, Low-Rise, Highrise Triplex, etc.
e. Age
f. Amenities
g. Maintenance
h. Housing Services
i. Utilities: Paid by tenant vs owner
j. Value of Accessibility: Accessible features may be taken into consideration when approving a requested rent. This "value of accessibility" factor will be taken into consideration on a case-by-case basis when the family indicates that the unit has certain qualities which are not available in other units which are required as a result of a disability.

The information is collected by the HA with the completion and review of:

- The review of the rent roll, if submitted by landlord. This contains information regarding other unassisted units on the premises.
- The completion of a Go Section 8 Rent Reasonableness Comparison Form by HA staff.

This information is then used to establish the reasonable rent by comparing it to the market comparables as described below.

This information, derived from factors a-j above, will then be compared to the information on file at the HA. Comparables utilized to establish the reasonable rent and will be documented. The reasonable rent will be offered to the owner.

Finally, even when the market comparables on file at the HA are higher than the rent which is received by an owner for a "like kind" unit within the same building, the HA will only approve a rent equal to that approved for the "like kind" unit within that same building. However, if exceptional circumstances apply (i.e., the unit in question is more desirable because it was recently refurbished or the tenant in the "like kind" unit has been in place for many years) the HA may approve the higher rent.

2. Source of Market Comparables

The HA has contracted with GoSection8.com to collect market comparables for rent reasonableness determinations.

The GoSection8.com rent reasonable program uses an automated hedonic valuation model (in this context hedonic price analysis determines how the price of a unit varies with its characteristics) to identify and compare the program subject unit to the most similar private market rental property units within a specific geographic radius.

- **Dollar for Dollar Adjustments -** GO8 uses a true market-based methodology which overcomes the inherent artificial numerical “value” assigned to point based comparables because of unknown variables. GoSection8 fine-tunes the rent reasonableness process, allowing dollar for dollar adjustments based on the critical market factors that impact rent ensuring an “apples-to-apples” rent comparison.
- **Integrated Comparable Rental Data** - GoSection8 gathers, organizes and maintains a database of market-based comparable units. The primary source of comparable data included in the GoSection8.com product is open market rental data. GoSection8.com

incorporates ongoing real time data mining of open market rental data from over 300 rental listing websites and newspapers. This ensures a rental database that is current and statistically accurate. The data is harvested both electronically with proprietary technology as well as manually by dedicated data analysts. The open market listings are appended with local tax assessor information along with market assumptions on utilities and amenities thereby assuring an accurate and verified rental comparable.

Assisted units are not used in making a rent reasonableness determination. Determinations are based upon comparison of the HUD required factors to private market units. Comparables utilized to establish the reasonable rent will be documented and maintained in the tenant file. A Rent Reasonable Certification containing the three most similar and credible comparables which accounts for all 9 of the factors set forth in 24CFR 982.507(b) will be maintained in each tenant file.

A Rent Reasonable Certification containing the three most similar and credible comparables which accounts for all of the factors set forth in 24 CFR 982.507(b) will be maintained in each tenant file.

The Certification will contain the actual listing information in the system provided for each comparable unit. A copy of this approval will be maintained in the tenant file. The reasonable rent will be offered to the owner.

Finally, even when the market comparables on file at the Housing Authority are higher than the rent which is received by an owner for a "like kind" unit within the same building, the HA will only approve a rent equal to that approved for the "like kind" unit within that same building. However, if exceptional circumstances apply (i.e. the unit in question is more desirable because it was recently refurbished or the tenant in the "like kind" unit has been in place for many years, the HA may approve the higher rent).

3. Limitations Regarding Rent to Owner in Subsidized Projects

As stated in 24 CFR §982.521, when a family leases a unit under the Housing Choice Voucher program in an insured or non-insured Section 236 project, Section 202 project,

Section 221(d)(3) BMIR project, or a Section 515 project of the Rural Development Program, the rent to owner must equal the rent set by the respective subsidy programs and be reasonable in comparison to rent for other unassisted units. Thus, the approved rent will be the lower of the reasonable rent or the rent set for the program. This determination is however not subject to the prohibition against increasing the rent to owner during the initial lease term (see § 982.309).

4. Prohibition Against Other Housing Subsidy

The federally subsidized projects referenced above may, in some circumstances, contain units that also receive the benefit of a State, local, or federal, housing subsidy (i.e., Section 8 project-based housing assistance payments contract). Such units are ineligible units under the HCV program.

In accordance with program regulations at 24 CFR §982.352 (c), a HCV family may not receive the benefit of any of the following forms of other housing subsidy, for the same unit or for a different unit.

These units include:

- **a.** Public or Indian housing assistance;
- **b.** Other Section 8 assistance (including other tenant-based assistance);
- **c.** Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);
- **d.** Section 101 rent supplements;
- **e.** Section 236 rental assistance payments;
- **f.** Tenant-based assistance under the HOME Program;
- **g.** Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);
- **h.** Any local or State rent subsidy;
- **i.** Section 202 supportive housing for the elderly;
- **j.** Section 811 supportive housing for persons with disabilities;

k. Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or

l. Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, "housing subsidy" does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

5. When Rent Determinations Shall Occur

This same rent reasonableness process will be utilized when:

a. New Admission and Movers;

b. the owner requests a rent increase; or

c. There is a 10 percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect 1 year before the contract anniversary; or

d. When directed by HUD.

The HA may also redetermine the reasonable rent at any other time.

I. Disapproval of Owners

1. Mandatory Denial

The Housing Authority will not approve a unit if:

a. The HA has been informed, by HUD or otherwise, that the owner is debarred, suspended, or subject to limited denial of participation under 2 CFR part 2424.

b. When directed by HUD, the HA will not approve a unit if 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.

c. When directed by HUD, the HA will not approve a unit if a court or administrative agency has determined that the owner violated the Fair Housing Act or other Federal Equal Opportunity Requirements.

d. The owner is the parent, child, grandparent, grandchild, sister or brother of any member of the family unless to do so will provide a reasonable accommodation for a family member who is a person with a disability.

2. Discretionary Denial

The Housing Authority may deny approval to lease a unit from an owner for any of the following reasons:

a. The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).

b. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal Housing Program.

c. The owner has engaged in any drug related criminal activity or any violent criminal activity.

d. 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 Programs

e. The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other Federally Assisted Housing Program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

- threatens the right to peaceful enjoyment of the premises by other residents;
- threatens the health and safety of other residents, of employees of the HA, or of owner employees or other persons engaged in management of the housing;

- threatens the health or safety of or the right to peaceful enjoyment of their residency by persons residing in the immediate vicinity of the premises; or

- engages in drug related criminal activity or violent criminal activity.

f. The owner has not paid state or local real estate taxes, fines or assessments.

g. The owner has a history or practice of renting units that fail to meet State or local housing codes.

h. Any other reasons determined reasonable by the Housing Authority and prohibited by law.

When the HA decides not to execute HAP contracts with an owner for reasons described in this section of the administrative plan, the decision affects only prospective future contracts. Participants residing in units belonging to the identified owner will not be asked to move solely because of a decision to disapprove the owner as described within this plan.

However, when a Housing Assistance Contract with an owner is terminated for other reasons such as violation of Housing Quality Standards which is not tenant caused the Section 8 participant will be issued a voucher and required to relocate to continue to receive Section 8 assistance.

In these cases, in advance of owner disapproval, a letter will be sent to the owner indicating that the HAP contract will be terminated (or his/her approval as an owner is denied or terminated) with the reasons therein stated. In cases of HAP contract termination, the effective date of the termination will be determined by the Executive Director taking into consideration the circumstances of the assisted family.

For purposes of this section "owner" includes principal or other interested party.

Nothing in this section of the Administrative Plan is intended to give any owner any right to participate in the program.

VI. Program Participation

A. Annual Recertification, Interim Reporting and Non-Interim Examinations Reporting and Processing Policies

A number of the provisions herein are effective upon the date established by HUD and CHA to implement HOTMA Sections 102 and 104 and will not be effective until that time.

Background: PHAs were originally required to comply by January 1, 2025, but on September 18, 2024, HUD PIH indefinitely delayed that deadline due to HUD system (HIP) implementation issues. As of the date of this Plan, no general PIH compliance date has been set. Per PIH Notice 2024-38 (December 18, 2024), CHA is required to comply with a SPECIFIC SUBSET of HOTMA 102/104 provisions for all transactions effective on or after July 1, 2025 (including: HUD-9886-A use; revocation-of-consent policies; new income exclusions in 24 CFR 5.609(b); updated definitions in 24 CFR 5.100, 5.403, and 5.603; and De Minimis Errors policies).

All OTHER HOTMA 102/104 provisions in this Plan are effective only upon the CHA's implementation date which will be no earlier than the date HUD finally sets a PIH compliance deadline. References elsewhere in this Plan to "upon the date established by HUD and CHA" should be read as referring to that future implementation date. This Plan also incorporates the requirements of PIH 2026-09 (interim reexaminations on household composition changes effective upon CHA's HOTMA implementation date and PIH 2026-11 (monthly Deceased Tenants Report review effective immediately as a free-standing EIV operational requirement.

1. Mandatory Annual Examination

The HA must conduct a reexamination of the Family's income and composition at least annually.

The HA will contact the Head of Household in writing three to four months before the anniversary of their last annual recertification by sending the Family an appointment letter. The appointment letter requests that the Head of Household bring the necessary verification of Annual Income and Family Composition. The appointment letter also lists the required documentation and information

Failure to comply with the obligation to supply information may result in the termination of the Family's assistance.

The following para is effective upon Notice by the HA of HOTMA 102 104 compliance until that time the HA will use anticipated income in accordance with prior HUD requirements:

During annual reexaminations, the HA must first determine the family's income for the previous 12-month period and use this amount as the family income for annual reexaminations; however, adjustments to reflect current income must be made. Any change of income since the family's last annual reexamination, including those that did not meet the threshold to process an interim reexamination of family income in accordance with the PHA policies and HUD regulations, must be considered. Income from assets is always anticipated, irrespective of the income examination type.

For Annual recertification the effective date of the recertification is the anniversary date of the last annual recertification.

2. Interim Reporting and Processing Policies - Current Rules

The following rules shall apply until such time as HUD indicates that new HOTMA recertification requirements apply to the HA.

Families must report household composition changes and changes to income and deductions consistent with HUD and HA requirements. This policy describes how soon families must report changes and the consequences of untimely reporting as it relates to effective dates. Other consequences are described in the section addressing program termination.

a. When and What to Report

All changes in income, deductible expenses and family composition must be reported in writing to the HA within 10 days of the change (for income changes, birth, adoption, court-awarded custody) or otherwise advance of the proposed change (i.e., request to

add a family member). Requests for additional members will be considered in accordance with HA policy.

Interim examinations will be required in the following instances:

i. When a family receives an increase of more than 25% in total monthly income, however, the Housing Authority shall be notified of any change in income;
ii. When a family's expenses decrease by more than 10%;
iii. When a household member is leaving the dwelling unit;
iv. When the family is breaking up;
v. When the family is requesting that a new family member be added to the household composition.

Unless otherwise required, an appointment will not be scheduled by the HA to conduct the interim examination. Unless otherwise required, this interim examination will cover only the new information being reported and accordingly only information related to such changes will be reviewed and verified.

Nothing in this section should be construed to limit the ability to require an interim examination by the HA in other circumstances when not prohibited under federal regulations, HUD guidance or other applicable law.

b. Recertification Effective Dates

The HA will conduct any required interim reexamination within a "reasonable time." This will be 30 days after changes are reported provided that the family cooperates with requests for needed information.

The effective date of the interim recertification will depend on the timeliness of the family's reporting of the change to the HA, the Housing Authorities receipt of requested documentation and appropriate verification. The HA will make the interim determination within a reasonable time after the family request.

For decreases, the interim determination will be effective on the first of the following month, within reason (if the determination is at least five days prior to the end of the month).

For increases, the interim determination will be generally effective on the first of the second month.

In both instances this effective date of the determination is provided that the information was reported to the HA in a timely manner and that the family cooperated with the HA's ability to receive all necessary documentation and verification.

If the family failed to report changes in a timely manner the HA will only apply retroactive decreases in cases of reasonable accommodation or VAWA.

The HA will also inform the owner of any adjustment in Total Tenant Payment and Housing Assistance Payment.

c. Optional Interim Reporting

Upon written request by the family, the Housing Authority will schedule an interim examination to address a decrease in income, increase in allowable expenses, or other relevant changes in family circumstances. The time frames set forth in the Mandatory Reporting Section above shall also apply in cases of an optional interim recertification.

In exceptional circumstances such as a pandemic, state of emergency, illness or hospitalization of the family member which would have reported the decrease in income or increase in allowable expenses the CHA may waive the requirement that the request be made timely. In that instance the CHA may make a decrease in tenant payment retroactive to the time period that it would have been effective if it had been reported in a timely manner. This shall be done at the sole discretion of the CHA.

3. Interim Reporting and Processing Policies - Current Rules

This section will be made effective upon the HHA's HOTMA 102 104 compliance date which will be established by HUD and the HHA.

Families must report household composition changes and changes to income and deductions consistent with HUD and PHA requirements. This policy describes how soon families must report changes and the consequences of untimely reporting as it relates to effective dates. Other consequences are described in the section addressing program termination.

a. When and What to Report

All changes in income, deductible expenses and family composition must be reported in writing to the CHA within 10 days of the change (for income changes, birth, adoption, court-awarded custody) or otherwise advance of the proposed change (i.e., request to add a family member). Requests for additional members will be considered in accordance with CHA policy.

b. Interim examinations will be required in the following instances:

i. When a family reports a change in income that will result in an increase of 10% or more in the family's annual adjusted income, however, the Housing Authority shall be notified of any change in income;

Earned income will not be considered when determining if the 10% threshold is met unless the family had an interim reexamination performed for a decrease in annual adjusted income. The adjustment may have been due to earned, unearned or combined income.

While families are still required to report any increase in annual adjusted income, no interim reexaminations will be conducted due to increases in annual adjusted income timely reported in the 3 months before the next regular annual examination effective date. Families who delay reporting income increases until the last three months of their certification period may be subject to retroactive rent increases in accordance with the HA policies.

The HA will look at the earned and unearned income changes independently to determine if an interim reexamination should be performed.

A *series of smaller reported increases in adjusted income* over the examination cycle may cumulatively meet or exceed the 10-percent increase threshold, at which point the HA must conduct an interim reexamination.

ii. When there is an increase in family size, that will result in an increase of 10% or more in annual adjusted income.

If the increase in annual adjusted income is less than 10%, the HA will perform a non-interim to add the new family member.

iii. When a family reports a change in income that will result in a decrease of 10% or more in the family's annual adjusted income.

The CHA will not conduct a recertification if the HA estimates that the family's annual adjusted income will decrease by an amount that is less than 10% of the family's annual adjusted income.

iv. When there is a decrease in the family size attributed to the death or permanent move-out from the assisted unit of a family member during the period since the family's last reexamination that results in a decrease in adjusted income of any amount.

Note: if the net effect of the changes in annual income due to the decrease in family size results in an increase in annual adjusted income, then the HA will process the removal of the household member(s) as a non-interim reexamination transaction without making changes to the family's annual adjusted income (see below Non-Interim Reexamination Transactions).

The above changes may be a result of:

- An increase in the family's expenses when a household member is leaving the dwelling unit
- When the family is breaking up
- When the family is requesting that a new family member be added to the household composition

v. In all cases, the request for an interim examination must be made by the family, in writing, to the Housing Authority.

Where percentages are used, calculated percentage increases and decreases will be rounded up (.50 and above) or down (.49 and below) to the nearest whole number.

Household Composition Changes (added per PIH 2026-09, issued April 13, 2026). ***Effective: upon CHA's HOTMA 102/104 compliance date*** The CHA will conduct an interim reexamination whenever the household adds or removes a member, including a family member, foster adult, foster child, or live-in aide, regardless of whether the change results in a decrease, increase, or no change in the family's annual adjusted income. This is in addition to, and not in lieu of, the 10% income-change thresholds described above.

Exception (three-month window). ***Effective: upon CHA's HOTMA 102/104 compliance date*** Because the CHA has a written policy not to conduct interim reexaminations for increases in annual adjusted income during the last three months of the recertification period, the CHA is not required to conduct an interim reexamination based on the addition or removal of a household member that occurs in that same three-month window. The change will instead be reported at the family's next annual reexamination.

No earned-income increases at composition-change interims. ***Effective: upon CHA's HOTMA 102/104 compliance date*** When the CHA conducts an interim reexamination triggered solely by an addition or removal of a household member, the CHA will not consider any increases in earned income unless an existing earned-income exception applies (i.e., the family had a prior interim decrease during the same reexamination cycle).

Nothing in this section should be construed to limit the ability to require an interim examination by the Housing Authority in other circumstances when not prohibited under federal regulations, HUD guidance or other applicable law.

c. Recertification Effective Dates

The CHA will conduct any required interim reexamination within a "reasonable time." This will be 30 days after changes are reported provided that the family cooperates with requests for needed information.

The effective date of the interim recertification will depend on the timeliness of the family's reporting of the change to the CHA, the Housing Authorities receipt of requested documentation and appropriate verification. The CHA will make the interim determination within a reasonable time after the family request.

For decreases, the interim determination will be effective on the first of the following month.

For increases, the interim determination will be generally effective on the first of the second month.

In both instances this effective date of the determination is provided that the information was reported to the CHA in a timely manner and that the family cooperated with the Housing Authority's ability to receive all necessary documentation and verification.

If the family failed to report changes in a timely manner the CHA will only apply retroactive decreases in cases of reasonable accommodation or VAWA.

Untimely reporting of a decrease in income (expanded). ***Effective: upon CHA's HOTMA 102/104 compliance date.*** When a family does not report a change resulting in a rent decrease within 10 days of the change, the CHA will implement the rent decrease no later than the first of the month following completion of the reexamination. The CHA may, in its discretion, determine that the late report was due to circumstances outside the family's control and that the decrease will be implemented retroactively. Circumstances that may warrant a retroactive rent decrease include, but are not limited to: a documented medical emergency; a natural disaster or federally/state declared emergency; wage theft by the family member's employer; disruptions to CHA operations; reasonable accommodation for a person with a disability; or circumstances qualifying under VAWA. A retroactive rent decrease may not be applied prior to the

LATER of (i) the first of the month following the date of the actual decrease in income, or (ii) the first of the month following the most recent regular admission, annual, or interim reexamination.

Untimely reporting of an increase in income. ***Effective: upon CHA's HOTMA 102/104 compliance date.*** When a family does not report, within 10 days, a change in income or composition that will result in an increase in tenant rent, the CHA will implement the rent increase retroactively to the first of the month following the date of the change leading to the interim reexamination. The family will owe a one-time payment equal to the difference between the rent paid and the new increased rent for each monthly rental period from the date of the change through the date of the interim reexamination. The CHA will offer the family a reasonable repayment agreement where appropriate.

Clear written notice. ***Effective: upon CHA's HOTMA 102/104 compliance date.*** In every case of retroactive adjustment (increase or decrease), the CHA will provide the family and, where applicable, the owner with clear written notice showing: any one-time charge or credit due to the retroactive adjustment; the new monthly rent due; the date that rent is due; and the date of the family's next annual reexamination.

The CHA will also inform the owner of any adjustment in Total Tenant Payment and Housing Assistance Payment.

4. Non-Interim Reexamination Transactions- New Rules

Changes within the household that still need to be reported to HUD that do not require an interim reexamination are called non-interim reexaminations. They are as follows:

- **a.** Adding or removing a hardship exemption for the child-care expense deduction;
- **b.** Updating or removing the phased-in hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction;

c. Adding or removing general hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction;

d. Adding or removing a minimum rent hardship;

e. Ending a family's EID or excluding 50 percent (decreased from 100%) of a family member's increase in employment income at the start of the second 12-month EID period.

f. Adding/updating a family or household member's Social Security number;

g. Updating a family member's citizenship status from eligible to ineligible or vice versa, resulting in a change to the family's rent and/or utility reimbursement, if applicable (i.e., family begins receiving prorated assistance or previously prorated assistance becomes full assistance), or updating the prorated rent calculation due to the addition or removal of family members in household with an ineligible noncitizen(s).

h. Processing contract rent changes that do not correspond with an interim or annual reexamination (including PBV rent increases)

i. Implementing an update to the payment standard that does not correspond with an interim or annual reexamination.

B. Change in Family Unit Size and Payment Standards and Ongoing Program Participation

The family unit size (voucher bedroom size) is changed at the family's first annual reexamination following the change in family size. This may occur due to change in family composition or change in HA subsidy standards.

1. Overhoused

If the family is overhoused due to a change in family unit size, the family may remain in the unit or relocate at the election of the family. The voucher payment standard based upon the new family size will apply at the first annual reexamination.

2. Underhoused

If the family is under housed due to the change in family unit size, the family may remain in the unit provided that it meets minimum size standards under the Massachusetts State Sanitary Code and HQS/NSPIRE standards as applicable.

If the unit does not meet minimum standards under the Massachusetts State Sanitary Code or HQS/NSPIRE standards as applicable, the family will be required to relocate.

C. Admission of Additional Members to an Existing Household and Guest Policy

1. General Additions

The HA will allow the additions to the family or household in the following instances:

- **a.** Birth, adoption, court awarded custody;
- **b.** Marriage or Domestic Partnership or other stable relationship; or
- **c.** A person with a disability requires the addition of a person or persons to the household as a reasonable accommodation.

In the tenant-based program, prior to allowing the addition of the household member, the existing head of household must secure the owner's written permission to add the new member to the household unless the addition of the particular member is required by law.

An additional person may not be added to the household until they have met all program requirements, including providing social security numbers, information on citizenship status, appropriate income release forms, and the Criminal Offender Record Information check where applicable based upon the age of the proposed new family member. Addition of an adult family member may require a HAP proration or change in the HAP proration.

The HA prohibits the addition of any person to the household who would normally be denied initial admission to the program in accordance with this Administrative Plan.

Upon approval by the HA, which shall always have a prospective effective date, the new household member is immediately subject to all the requirements, and receives all the benefits, of the assisted housing program.

2. Foster Child and Adult

The HA, at its sole discretion, may approve the addition of a foster child to the assisted family's household at the written request of the head of household. See state law definition in glossary.

Approval of a foster child will generally be granted if:

- **a.** The Department of Social Services has verified that such is an official foster care placement;
- **b.** No extenuating circumstances which would lead the HA to believe the addition of the foster child would be inappropriate, and;
- **c.** Documentation of the above is provided and verified by the HA.

A foster adult is usually a person with a disability, unrelated to the tenant family, who is unable to live alone. Approval of a foster adult will generally be granted if:

- **d.** Certification from a Social Service Agency that the adult cannot live alone;
- **e.** No extenuating circumstances which would lead the HA to believe the addition of the foster adult would be inappropriate, and;
- **f.** Documentation of the above is provided and verified by the Housing Authority.

Unless prohibited by law, the provisions set forth in section 1. General Additions above also apply in the case of HA approval of Foster Child or Adult.

3. Live-in Aide

- **a.** Approval of a Live-in Aide

A live-in aide is a person who resides with a person or persons who are elderly, near elderly, and/or have a disability [24 CFR 5.403].

The live-in aide:

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

The HA may approve a live-in aide for a family upon verification of need by a qualified health care or service provider subject to 3. *Refusal to Approve a Live-In Aide*, of this Administrative Plan.

A live-in aide is not required to have citizenship or eligible immigration status. The aide must, however, provide a valid (unexpired) photo identification card that at a minimum indicates the aide's name and birth date. If the photo identification is not of government issue, the aide must also provide one additional form of identification. Identification documents must be attached to any request for a criminal history check.

For information concerning the appropriate family unit size when the HA has approved a live-in aide for a family see Section addressing Subsidy Standards within this Administrative Plan.

Unless prohibited by law, the provisions set forth in section 1. General Additions above also apply in the case of HA Approval of Live in Aide.

b. Identification Required for Live-in Aide

The HA provides an additional bedroom to the family unit size to accommodate an approved live-in aide. In order for a family to receive a voucher with an additional bedroom for a live-in aide, the aide must:

- Personally appear at the HA offices;
- Provide a picture ID;

- Complete a certified statement indicating that the assisted unit shall be the aide's primary residence and that the individual meets the regulatory definition of a live-in aide;
- Sign a Family Obligations statement separately from the family members; and
- Undergo a criminal history check and any other procedures required by the Administrative Plan to determine whether the aide should be allowed in the household.

The HA shall not issue a voucher of a larger bedroom size to accommodate a live-in aide unless and until an aide has met the above requirements and has passed a criminal history check.

c. Refusal to Approve a Live-in Aide

The HA may refuse to approve or may withdraw its approval of a particular person as a live-in aide for the reasons indicated in 24 CFR part 982, or if the live-in aide (a member of the household) is barred from participation in assisted housing programs for any of the reasons stated (and in accordance with the time frames expressed) within the sections covering denial and termination this administrative plan. The date on which the applicant or participant requests HA approval of the person to become a live-in aide or the date the HA becomes aware that the aide was debarred, whichever is later, is used to determine whether the period of debarment has elapsed.

At any time, HA can refuse to approve, or withdraw approval of, a live-in aide if:

i. The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; or
ii. The person commits drug-related criminal activity or violent criminal activity; or
iii. The person currently owes rent or other amounts to the HA or to another Public Housing Agency (PHA) in connection with Section 8 or public housing assistance under the 1937 Act; or
iv. The person fails to comply with HA requirements for a live-in aide including the requirements contained in this Administrative Plan.

The HA may require a participant to terminate the services of a particular live-in aide as a condition of continued assistance or may require an applicant to terminate the services of a particular live-in aide as a prerequisite to issuing a voucher or to approving a tenancy.

Any refusal or withdrawal of approval will be in writing and will allow the applicant or participant a thirty-day period in which to locate a replacement aide.

4. Caretakers for a Child

If the head of household or co-head are no longer in the household, such as in the case of incarceration, and his or her child remains in the unit, the HA will take the following actions:

- **a.** If a responsible agency has determined that another adult is to be brought into the assisted unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.
- **b.** If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the HA will extend the caretaker's status as an eligible visitor.
- **c.** At any time that custody or guardianship legally has been awarded to a caretaker, the housing choice voucher will be transferred to the caretaker.
- **d.** During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

Unless prohibited by law the provisions set forth in section General Additions above also apply in the case of HA approval of HA Approval of Caretaker for a Child.

D. Guest Policy

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has express or implied authority to so consent. A guest can remain in the assisted unit no longer than 7 consecutive days or a total of 30 cumulative calendar days during any 12-month period. Otherwise, the individual will be considered and unreported household member and the family may be terminated from the program for failure to report an addition to the household.

A family may request an exception to this policy for valid reasons. An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

This is HA policy relative to Section 8 program rules. To the extent that the landlord has a more restrictive policy within the assisted lease, the tenant shall still be bound by the terms of the lease with regard to the guest policy. To the extent the landlord has a more lenient policy the HA policy shall continue to apply to the assisted tenancy.

E. Relocation Policy

1. Permitted Relocation

A family may move to a new unit if:

a. The assisted lease for the old unit has terminated. This includes a termination because:

i. The PHA has terminated the HAP contract for the owner's breach; or

ii. The lease has terminated by mutual agreement of the owner and the tenant.

b. The owner has given the tenant 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 tenant. In such cases the move will be permitted if such notice

or owner action is not based upon the family's act or failure to act and the HA is not currently proceeding to terminate assistance on such basis.

c. The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner, for owner breach, or otherwise).

d. The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or Stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member. A PHA may not terminate assistance if the family, with or without prior notification to the PHA, already moved out of a unit in violation of the lease, if such move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or Stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the dwelling unit. If the family wants to move to a new unit, the family must notify the HA and the owner before moving from the old unit.

2. Mandatory Denial of a Family Request to Move

Unless there is an exception under VAWA or other applicable law, moves must be denied for families that are evicted for serious violation of the lease.

3. Discretionary Denial of a Family Request to Move

The HA may deny a family's request to move due to the family's action or failure to act as described in 24 CFR § 982.552 or 982.553. It is the policy of the HA to deny moves when violations of these regulations have occurred.

The HA may deny a family's requests to move due to insufficient funding in limited circumstances as described in this Administrative Plan.

The HA may deny a family's request to move when the request to move does not comply with the PHA's policies on the timing and frequency of moves in accordance with 24

CFR § 982.354(c)(2). These policies include prohibiting any move by the family within the initial lease term and prohibiting more than one move by the family during any one-year period.

a. Initial Term of Lease

Currently, the HA only approves leases with an initial term of one (1) year. Thus, the HA will require the family to remain in place during the initial year of an assisted tenancy, except in the following circumstances:

i. The owner is in breach of the Lease Agreement and/or the HAP Contract;
ii. Extenuating circumstances have been brought to the attention of the HA by the family and the HA determines that it is appropriate to grant approval to allow the family to move during the initial year of the assisted tenancy. The Housing Authority will take into consideration requests for Reasonable Accommodation and any applicable provisions of the Violence Against Women act where applicable in making determinations.

Approval will be provided in writing by the Housing Authority. In cases where written approval is not provided, the family will be in violation of this requirement.

b. Extended Term of Lease

The HA will only allow the family to relocate during the extended term of the lease at the end of the extended term which will vary based upon the terms and conditions of the lease in question. However, if the landlord releases the tenant in writing from the terms of the lease relative to term and notice requirements, the family will not be denied relocation on this basis.

Approval will be provided in writing by the Housing Authority. In cases where written approval is not provided, the family will be in violation of this requirement.

F. Restrictions on Moving When the Family Owes Money

For so long as the family owes the HA money, the family shall not be provided a voucher to move except in cases in which:

- The family is being evicted due to circumstances which of themselves would not subject the family to termination of participation, or
- The HA is terminating the HAP contract due to an owner's breach of the contract (including HQS violations that are the responsibility of the owner), or
- A move from the premises is required by the Violence Against Women Act or other federal, state or local law or ordinance, or for the physical safety of the family, or
- A move from the premises is required as a reasonable accommodation.

G. Family Absence from the Unit

The family may be absent from the unit for brief periods.

If a family will be absent from the unit for more than sixty (60) consecutive days, such family must receive advance written approval from the Housing Authority, or such family will be considered absent from the unit for more than a brief period and Housing Assistance payments will be terminated.

In no instance will approval for absence from the unit of more than one hundred eighty (180) consecutive days be granted.

The Housing Authority may, in its sole discretion, under compelling circumstances, allow a family who necessitated absence from the unit for more than 180 consecutive calendar days to be readmitted to the Section 8 Program, provided that the family still meets all eligibility criteria for the Section 8 Program. This allowance will generally only be granted when a medical necessity, domestic violence keeping in mind any applicable provisions of the Violence Against Women Act, in cases of reasonable accommodation or other compelling circumstances were the cause for absence from the unit. In such cases the HA will take into consideration whether the family acted in a responsible manner in an attempt to fulfill their obligations in relation to the Section 8 program.

When such approval is granted, the family must complete all required documents and submit to all screening of applicants to the program except that the income limit used for re admission may be the low-income limit and there will be no screening for any waiting list preferences if applicable.

H. Who Remains on the Program if the Family Breaks Up

The Housing Authority is bound by the court's determination if a court determines the disposition of property between members of the assisted family in a divorce or separation decree.

When no such court determination has been made, the Housing Authority shall determine which members of an assisted family will continue to receive assistance if an assisted family breaks up. In making this determination, the HA shall consider the interests of all assisted family members. The HA will decide which family member receives the voucher on a case-by-case basis, and the following factors may be included in the Housing Authority's decision:

1. the interests of any minor child/children;
2. the interests of ill, elderly, or disabled family members;
3. whether family members were forced to leave the unit as a result of actual or threatened physical violence, by a spouse or other member of the household, (the HA shall take this factor into consideration regardless of whether the individual(s) leaving the unit are the victim or the perpetrator) and any applicable provisions under the Violence Against Women Act.
4. family members remaining in the original assisted unit;
5. if the sole remaining members of the household are all minors, an adult guardian of such minor children may be added to the family composition as the new "head of household" and;
6. any other factors which in the discretion of the Housing Authority will affect the fairness and reasonableness of the determination.

Pursuant to PIH 2017-08, the PHA may have a family break-up policy allowing for assistance to be provided to both persons seeking VAWA protection. The HA will adopt such a policy in limited circumstances as follows: In cases where there is a family break up due to Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking where applicable, and the victim and perpetrator are both family members on the lease, household composition and residing in the assisted unit but the HA cannot be assured to a reasonable level to whom the voucher should be provided (i.e., both claiming victim status), the HA may provide assistance to both parties. The provision of voucher assistance to both parties may be temporary or permanent. If the Housing Authority is able to determine at a later date with reasonable likelihood which individual has victim status, the individual with perpetrator status may be terminated from the HCV program.

VII. Informal Review and Hearing Procedures

A. Informal Reviews for Applicants

1. Right to an Informal Review

Applicants who are determined Ineligible for Admission, issued a Notice of Withdrawal, or denied Priority status or Preference(s) by the HA will be sent a notice which:

- **a.** Informs the Applicant of the reason(s) for Ineligibility, withdrawal or denial of Priority status or Preference(s);
- **b.** Advises the Applicant of his/her right to contest the decision in an informal review provided a written request for a review is received within ten (10) calendar days of the date the Notice of Denial is issued. The request must be in writing and must state clearly the basis for requesting the informal review and be sent to the address provided on the notice;
- **c.** Advises the Applicant of his/her right to contest the CORI information in accordance with Federal and/or State law if that is the basis for determination of Ineligibility;
- **d.** Advises the Applicant that if s/he has a disability, not previously disclosed, that the disclosure of such condition would lead to the consideration of Mitigating

Circumstances and/or a Reasonable Accommodation, if related to the disability. Advises the Applicant that if s/he requests a Reasonable Accommodation at the time of or after requesting an informal hearing, the hearing officer will make the decision regarding the accommodation;

e. Advises the Applicant that if s/he has been the victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking or where applicable human trafficking, that such situations could be considered as Mitigating Circumstances if they are directly related to the negative information. Advises the Applicant that if s/he requests consideration of Mitigating Circumstances at the time of or after requesting an informal review, the hearing officer at the review will make the decision regarding the circumstances;

f. Provides a description of the HA's informal review process and advises Applicants that they have the right to be represented by an attorney or other individual at the informal review, review the contents of their file in advance of the hearing, and the right to submit additional documents and evidence and to testify at the review;

g. The hearing officer may consider mitigating circumstances, or a reasonable accommodation presented at the hearing when determining whether or not to deny the assistance of an applicant.

2. Time to Request an Informal Review

The time to request an informal review shall be ten (10) days from the date of notice of withdrawal, denial of assistance to the Family, denial of Priority and/or Preference, denial of a place on the appropriate waiting list, or denial of issuance of a Voucher, except in Non-Citizen Rule cases where the time period shall be thirty (30) days from the date of the notice of denial of assistance for any Family member. The HA will grant a request for a hearing when an Applicant submits a late request, but submits evidence of compelling circumstances, such as a health condition or Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking where applicable that prevented the Applicant from requesting a hearing within ten (10) days.

3. Scheduling the Informal Review

When the HA receives the Applicant's written request HA will schedule an informal review.

a. Notice of Informal Review

The HA will notify the Applicant in writing of the date, time and place of the review. The HA will send the notice to the Applicant’s address of record. The notice shall also restate the Applicant’s rights to present evidence and testify, review their file, request a Reasonable Accommodation and right to be represented by an attorney or other individual at the hearing. The review shall be held at a convenient time and at an accessible location for the Applicant and the HA.

If an Applicant requests a Reasonable Accommodation at the time of or after requesting an informal review, the hearing officer may make the decision regarding the accommodation.

b. Default

The HA will withdraw an Applicant from the waiting list if the Applicant does not attend the informal review and did not attempt to reschedule twenty-four (24) hours prior to the review.

The HA will reschedule an informal review when an applicant submits evidence of compelling circumstances, such as a health condition or Domestic Violence, Dating Violence, Sexual Assault, or Stalking, that prevented the applicant from attending the hearing on the scheduled date.

4. Applicant Rights During the Informal Review

During the hearing, the HA will put forth its evidence in support of a determination of Ineligibility, Withdrawal, or denial of Priority status or Preference(s). The Applicant will

have an opportunity to present evidence and testimony rebutting the basis for the HA's determination.

5. Due Process Requirements

The informal review will conform to the following due process requirements:

- **a.** A person who did not participate in the original decision or subordinate of the person must conduct the review.
- **b.** The hearing officer must base the decision solely on evidence presented at the hearing as well as any evidence previously received by the HA.
- **c.** The Applicant and/or his/her representative has a right to inspect the file prior to the review, provided the Applicant provides HA with written authorizations permitting the representative to have access to the contents of the Applicant's file and/or CORI.
- **d.** Either the Applicant or the HA may request after close of the review that the record remain open for a reasonable time for submission of new evidence. At the discretion of the hearing officer, the date may be only extended for good cause (such as the inability of the Applicant for reasons outside his/her control to provide a particular document by the requested date). Written notice of the record being held open, the cause for an extension if any, and the date the record will close will be given to the Applicant and kept in the HA case file.

6. Informal Review Decisions

After the informal review, all Applicants will be sent an "Informal Review Decision" from the HA hearing officer. This notice shall:

- **a.** Provide a summary of the review;
- **b.** Provide the decision of the hearing officer, together with findings and determination;

c. Provide an explanation of the regulations and/or other applicable provisions utilized in making the decision;

7. Reversal of HA's Determination of Ineligibility

If the hearing officer reverses the determination to deny the Applicant assistance or Priority or Preference status, the application will return to its appropriate place on the waiting list(s) for all programs previously selected by the Applicant. The HA will restore the status or position in accordance with the determination.

8. Confirmation of the HA's Determination of Ineligibility

a. If the decision or an appeal upholds the determination of Ineligibility the Applicant will be denied participation in the Section 8 Program. The family's name will not be removed by the Housing Authority from the Centralized Section 8 Waiting List because the family may be eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Housing Authority unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

b. If the decision or an appeal upholds the determination of Ineligibility based upon a family being over income for the Section 8 Program, program, the name will be removed from the Centralized Section 8 Waiting List if the Housing Authority making the determination is in the jurisdiction with the highest income limits of those Housing Authorities participating in the Centralized Section 8 Waiting List process. Otherwise, the family's name will not be removed by the Housing Authority from the Centralized Section 8 Waiting List because the family may be income eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Housing Authority unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

B. Informal Hearings for Participant Families

1. When an Informal Hearing must be offered to a Family

The HA will offer a Family participating in the program an informal hearing for the following reasons:

- **a.** A determination of the Family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment;
- **b.** A determination of the appropriate Utility Allowance (if any) for tenant-paid utilities from HA allowance schedule;
- **c.** A determination of the Family Unit Size under the HA Subsidy Standards;
- **d.** A determination to terminate assistance for a Participant Family because of the Family's action or failure to act;
- **e.** A determination to terminate assistance because the Family has been absent from the assisted Unit for longer than maximum period permitted under HA policy and HUD rules.
- **f.** A determination to deny a Reasonable Accommodation;

2. Special Cases of Explanation in Advance of Informal Hearing

In situations a-c of Section 1, "When an Informal Hearing Must be offered to a Family." (adjusted income, utility allowances, family unit size) the HA will notify the family that the family may ask for an explanation of the basis of the HA determination and if the family does not agree with the determination, the family may request an Informal Hearing on the decision.

3. When an informal hearing is not required

The HA is not required to provide a Participant Family an opportunity for an informal hearing for any of the following:

- **a.** Discretionary administrative determinations by the HA;

b. General policy issues or class grievances;

c. Establishment of the HA schedule of Utility Allowances for families in the program;

d. A HA decision not to approve an extension or suspension of a Voucher term;

e. A HA determination not to approve a Unit or tenancy;

f. A HA determination that an assisted Unit is not in compliance with HQS;

g. A HA determination that the Unit is not in accordance with HQS because of the Family size;

h. A HA determination to exercise or not to exercise any right or remedy against the Owner under a HAP Contract;

4. Notice to the Family to Request an Informal Hearing

Participants will be sent a notice which:

a. Informs the Participant of the reason(s) for Termination;

b. Advises the Participant of his/her right to contest the decision in an Informal Hearing provided a written request for a Hearing is received within ten (10) calendar days of the date the Notice of Termination is issued. The request must be in writing and must state clearly the basis for requesting the informal review and be sent to the address provided on the notice;

c. Advises the Participant that if s/he has a disability, not previously disclosed, that the disclosure of such condition would lead to the consideration of Mitigating Circumstances and/or a Reasonable Accommodation, if related to the disability.

d. Advises the Participant that if s/he has been the victim of Domestic Violence, Dating Violence, or Stalking, that such situations could be considered as Mitigating Circumstances if they are directly related to the negative information.

e. Provides a description of the HA's informal hearing process and advises Applicants that they have the right to be represented by an attorney or other individual at the informal hearing, review the contents of their file in advance of the hearing, and the right to submit additional documents and evidence and to testify at the review; and

f. Includes a statement that the hearing officer may consider mitigating circumstances or a reasonable accommodation presented at the hearing when determining whether or not to deny the assistance of an applicant.

5. Expeditious Hearing Process

The HA will hold a hearing and issue a decision within sixty days (60 days) from the date of the hearing or the date the record was closed, whichever is later. The Family will continue receive assistance while a decision is pending.

6. Hearing Procedures

a. Time to request a hearing

The Participant has ten (10) days from the date of the proposed termination letter, except in non-Citizen Rule cases where the time period shall be 30 days from the date of the notice of termination of assistance for any Family member.

b. Scheduling

The HA will schedule an informal hearing upon the receipt of a Participant's written request. The Participant will be given at least fourteen (14) days' notice prior to the hearing date.

c. Discovery

The HA will give the family the opportunity to examine before the hearing, any documents in HA's possession that are directly relevant to the hearing. The HA will allow the family to make copies of the relevant documents before the hearing at the family's expense. The HA will also allow a representative of the family with an authorized release may have access to the file. If the HA does not make the document available to the family for examination upon request, then the HA may not rely on the document at the hearing.

The Family must allow the HA to examine any Family documents that are directly relevant to the hearing before the hearing upon request. The Family must allow the HA to examine the relevant documents at the HA and the Family will allow the HA to copy the relevant documents at the HA's expense. If the Family does not make the document available to the HA for examination upon request, then the Family may not rely on the document at the hearing.

d. Extension

Either party may request an extension if required to rebut documents that were not provided to the opposing party prior to the hearing. Extensions will be granted at the discretion of the hearing officer. The hearing officer may use discretion to grant an extension or continue the hearing to hear additional evidence or testimony.

e. Amendments to Proposed Terminations

If the HA wishes to amend the grounds for the proposed termination, the HA must notify the Participant of the amendment in writing, not less than fourteen (14) days prior to the hearing date. The amendment will be sent by regular and certified mail to the Participant's address of record. When sending out an amended proposed termination notice, the amended notice should contain all violations. If the Participant has already requested a hearing due to the original proposed termination, a request for a hearing due to the amended notice is not required.

f. Representation of Family

At its own expense, the Family may be represented by a lawyer or other representative of the Family's choice.

g. Evidence

The HA and the Family will each be given the opportunity to present evidence and question any witnesses. The Hearing Officer may consider evidence without regard to admissibility under the rules of evidence applicable to judicial proceedings.

h. Hearing File

The hearing file shall consist of all documents submitted by either party in relation to the subject of termination.

i. Hearing Officer

Any party so designated by the HA may conduct the informal hearing, other than a person who made the decision under review or his or her subordinate. The person who conducts the hearing may regulate the conduct of the hearing in accordance with the HA's hearing procedures.

7. Issuance of Decision

The hearing officer shall make a factual determination relating to the individual circumstances of the Participant based on a preponderance of the evidence presented at the hearing. The hearing officer shall take into consideration all relevant circumstances and any mitigating circumstances presented by the Participant. The hearing officer shall promptly render a written decision (within sixty days of the hearing or the date the record was closed, whichever is later) stating the reasons for the decision.)

The decision will contain the following information:

a. **Parties present and location:** name of the participant; Date, time and place of the hearing; Name of the hearing officer; Name of the HA representative; Name of family representative.
b. **Background**: A brief, impartial statement of the reason for the hearing.
c. **Summary of the Evidence**: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony that are admitted into evidence.
d. **Findings of Fact:** The hearing officer will include all findings of fact, based on a preponderance of the evidence.
e. **Other Considerations:** The hearing officer will indicate that consideration was taken of all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating

circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure, these factors will be addressed in the decision.

f. **Conclusion:** The hearing officer will render a conclusion. The conclusion will result in a determination of whether these facts uphold the HA's decision.
g. **Order:** The hearing report will include a statement of whether the HA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the PHA to Change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct the PHA to restore the participant's program status.

8. Failure to Attend the Hearing

The HA may terminate the subsidy, if the Participant did not attend the hearing and did not attempt to reschedule within twenty-four (24) hours prior to hearing. The HA will reschedule hearing when a Participant submits evidence of compelling circumstances that prevented the Participant attending the hearing on the scheduled date. If the Participant does not attend the hearing because the scheduling notice was not received due to the Participant's failure to give the HA, the correct and most current address the HA may terminate the subsidy.

9. Effect of Decision

If the decision to terminate the Family's assistance is upheld, the Family will no longer receive assistance under the section 8 program. The HA will promptly send the Owner and the Participant a 30-day notice of termination. For matters not involving termination, the decision of the HA will stand if upheld by the Hearing Officer.

There is no additional opportunity within the HA to appeal the hearing officer's decision.

If the decision to terminate the Family's subsidy is reversed, the Family will continue to receive assistance under the Section 8 program and will be considered a tenant in good

standing. For matters not involving termination, the decision of the HA will stand if upheld by the Hearing Officer.

The Executive Director or his/her or her designee may find that the HA is not bound by an informal hearing decision:

a. Concerning a matter for which the HA is not required to provide an opportunity for an informal hearing, or that exceeds the authority of the person conducting the hearing, or

b. Is contrary to HUD regulations or requirements, or otherwise contrary to federal, State or local law.

Under such circumstances, the Executive Director or his or her designee will make the determination to continue or terminate Participant's assistance. The HA will promptly notify the Participant of the determination, and of the reasons for the determination. There will be no further opportunity within the HA to appeal the decision.

The HA may use its discretion to overturn a hearing that was "upheld" if the reason for termination was discretionary.

C. Informal Hearings for Non-Citizen Rule Matters

The Informal Hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

D. Remote Hearings and Briefings

The HA may offer remote Private Conferences, Informal Reviews or Hearings or Briefings as applicable (Hereinafter in this section collectively referred to as "remote hearings"). The requirements set forth elsewhere in the plan still apply to these matters except as they are modified herein.

These may be provided at the discretion of the HA in the following circumstances:

- Upon request of the client as a reasonable accommodation;
- Due to extenuating circumstances; or
- If determined necessary by the HA due to social distancing or other similar requirements,

Requests for a remote hearing must be made in advance to the Housing Authority and the family must demonstrate why it is necessary as a reasonable accommodation or for extenuating circumstances. The Housing Authority will make the sole determination as to whether the circumstances warrant a remote hearing as a reasonable accommodation or extenuating circumstances.

Remote hearings may be the phone, via video conferencing, or through other virtual platforms. The HA may use Zoom or a similar platform for electronic hearings but will also offer telephonic remote hearings when the zoom platform is unavailable to the family.

1. Accessibility

Under Section 504, the ADA, and the Fair Housing Act, PHAs may need to make reasonable accommodations and take appropriate steps to ensure effective communication with individuals with individuals with disabilities. The Housing Authority will work with families on a case-by-case basis to ensure that remote hearings are accessible to them.

The Zoom platform has the following accessibility features:

a. Ability to add live closed captions
b. Produce an automated transcript
c. Keyboard Accessibility including specific keyboard shortcuts
d. Screen Reader support

2. Technology Barriers

If the family does not have proper technology access which will allow the individual to fully participate and this cannot be remedied, then the remote hearing will be postponed, or an in-person alternative will be provided.

3. Materials

All materials being presented, whether paper or electronic, will be provided to the family prior to the remote hearing or remote briefing. (where applicable see also "Discovery" below)

4. Privacy Protection

The HA will not transmit sensitive PII via an unsecured information system (e.g., electronic mail, Internet, or electronic bulletin board) without first encrypting the information. In the alternative the HA may send this information via first class mail.

5. Discovery

The HA may request and copy any of the individual's or family's documents at the DHAs' own expense in accordance with the applicable regulations. Additionally, the individual or family must be given the opportunity to examine any HA documents that are directly relevant to the hearing prior to the remote hearing. This may include transmitting documents electronically or by mail that would normally be exchanged at the HA's office.

6. Communications

All families will be afforded the opportunity to communicate ask questions and questions witnesses as applicable in remote hearings.

7. Notification of Remote Hearing

When a remote hearing is scheduled, the letter notifying the family of the remote hearing will indicate:

a. The manner in which the remote hearing will be held including information as to how to access the remote hearing;

b. That the family may contact the HA if they have batters to participation due to technical issues. If that is the case the HA will postpone the remote hearing of necessary and attempt to address the technical issues. Other options will be discussed including the option of an in person hearing if that is necessary under the circumstances;

c. That the HA will provide technical assistance during the remote hearing; and

d. The manner for family and HA receipt of documents for the remote hearing.

8. Technical Issues During the Remote Hearing

If any family, family representative, advocate, witness, HA representative, or the hearing officer is unable to effectively utilize the videoconferencing platform, the remote hearing will be conducted by telephone conferencing call-in. If that does not resolve the issued the matter will be continued to a new date.

VIII. Special Rules for Use of Special Purpose Vouchers

The HA has not been allocated Special Purpose Funding by HUD.

The HA has not been allocated Mainstream Vouchers but pursuant to the HUD Notice PIH 2024-30 ("Notice") issued on August 20, 2024, however, the CHA will follow special rules for incoming portability Mainstream Vouchers as follows:

A. Initial Search Term

The initial search term for a Mainstream Voucher is 120 days. The 120 day term also applies when a family chooses to move to a new unit with continued assistance inside or outside the

Concord Housing Authority's (HA's) jurisdiction, in accordance with 24 CFR subpart H, regardless of whether the HA has a Mainstream Voucher program.

B. Extensions of Term

The following apply to term extensions for Mainstream Voucher applicants:

1. Each extension will be for a minimum of 90 days;
2. The first extension request will be approved, regardless of how the request is made (written or verbal) or when it is made, as long as the request is made on or before the term expiration date and is consistent with applicable requirements; subsequent requests will be processed in accordance with HA's administrative plan; and
3. On at least one occasion after voucher issuance, the family will be notified prior to the initial term expiration to remind them of the term expiration date, the process for requesting an extension, and to inquire if the family is in need of assistance with their housing search.

Additional extensions will be granted if requested in accordance with ~~the HA's~~ this administrative plan.

The HA will not restrict a first extension approval to certain circumstances or require documentation from applicants. For all extension requests, the written or verbal request is sufficient.

This provision is also applicable to current Mainstream Voucher participants who choose to move to a new unit with continued assistance inside or outside of HA's jurisdiction, in accordance with 24 CFR 982 subpart H.

In providing notice to the families of the expiration date and extension request process, HA will ensure effective communication with persons with disabilities, including those with vision, hearing, speech, intellectual or other developmental disabilities, or any other communication-related disabilities.

IX. Use of Special Housing Types

A. Reasonable Accommodation

Unless so noted under the specific housing type addressed in Sections 2-7 below, special housing types shall be provided only if the provision of such serves to reasonably accommodate a person with a disability. The HA does not offer an "in house" homeownership program but will work with a local housing authority that offers such a program upon request of the family. The Administrate Plan for that PHA shall govern in that instance.

Special Housing types include the following:

B. Single Room Occupancy

A single room occupancy (SRO) unit provides living and sleeping space to be used exclusively by the (individual) occupant. The occupant shares sanitary and/or food preparation facilities with other individuals.

The payment standard and utility allowance utilized will be 75% of a zero-bedroom unit. The HA will use a separate lease and housing assistance payment contract for each assisted person residing in an SRO.

The HQS in 24 CFR 982.401 applies to SRO housing units, except where there are special regulations for SRO units in 24 CFR 982.605. In addition, sanitary facilities and space and security features must meet local code standards for SRO housing. In the absence of local code standards, the regulations at 24 CFR 982.605 apply.

C. Congregate Housing

Congregate housing is intended for use by elderly persons or persons with disabilities. The housing contains a shared central kitchen and dining area as well as a private living area for the individual household. The private living area contains at least a living room, bedroom and bathroom. Food service for residents of congregate housing must be provided by the facility.

The PHA may approve a family member or live-in aide to reside with the elderly person or person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

The payment standard utilized will be that of a zero-bedroom unit, unless there are two or more rooms (excluding kitchen and bathroom) in such case the one-bedroom payment standard will be utilized.

For congregate housing, there must be a separate lease and HAP contract executed for each assisted family.

The PHA will ensure that all congregate housing units approved for the program are in compliance with all of the housing quality standards for congregate housing.

The HQS in 24 CFR 982.401 applies to congregate housing, except for the areas of food preparation and refuse disposal.

The HQS standards specific to congregate housing are set forth at 24 CFR 982.609.

D. Group Homes

A Group Home is a dwelling unit that is licensed by the State as a Group Home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities.

A group home shall be licensed or certified by the Commonwealth of Massachusetts. It shall house no more than twelve (12) persons. Approval to reside in a group home will be withheld if continuous medical care is required for the individual.

The group home will have residents' bedrooms, which can be shared by no more than two people; living room; kitchen; dining area; bathroom; and other appropriate social, recreational, or community space that may be shared with other residents.

If approved by the PHA, a live-in aide may reside with a person with disabilities. The PHA must approve alive-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities

Rental calculations for a group home are set forth in 24 CFR 982.613 and indicate that a person's "pro-rata portion" is derived by dividing the number of assisted persons in the household (including live-in-aides of such assisted persons), by the total number of residents.

Rent reasonableness will be determined according to 24 CFR 982.507 and whether sanitary facilities or food preparation services are common or private, the rent to the owner will not exceed the pro-rata portion of the reasonable rent for the group home.

A zero or one-bedroom payment standard will be utilized unless a live-in-aide is present. The utility allowance will be the pro-rata portion for the group sized home.

24 CFR 982.614 and 982.401 (b) govern Housing Quality Standards for group homes.

E. Shared Housing

The HA may approve "shared housing" in which other persons who are assisted or not assisted under the tenant-based program may reside in the "shared housing unit." While the owner of a shared housing unit may reside in the unit, he/she may not be related to the Section 8 participant.

Further, housing assistance will not be paid on behalf of an owner.

There will be a separate HAP Contract and lease for each assisted family residing in a shared housing unit.

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.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on the PHA payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the PHA payment standard for the shared housing unit size.

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.

24FR 982.618 and 982.401 governs HQS for “Shared Housing” unit.

F. Cooperative Housing

Cooperative housing is a special housing type owned by a nonprofit corporation or association, where a member of the corporation or association has a right to reside in a particular unit. That member also has the right to participate in the management of the housing.

The HA may approve a family living in cooperative housing if it determines that assistance under the Section 8 program will help maintain affordability of the cooperative unit for low-income families.

The HA will not approve assistance for a family in cooperative housing until the HA has determined that the cooperative has adopted affordability requirements to maintain continued affordability for low-income families.

The HA may approve a live-in aide to reside with the family to care for a person with disabilities. The HA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

The rent to owner for this form of housing is the monthly carrying HArge under the occupancy agreement/lease between the member and the cooperative. The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperative's debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying HArge does not include down-payments

or other payments to purchase the cooperative unit. Gross rent is the carrying HArge plus any utility costs.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to limitations on rent to owner.

HQS for cooperative housing are governed by 24 CFR 982.401. HUD regulations at 24 CFR 982.619(d) specify family obligations relating to HQS maintenance for this housing type.

G. Manufactured Homes

A Manufactured Home is a manufactured structure that is built on a permanent chassis. It must be designed to be used as a principal place of residence and must meet HUD HQS.

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 manufactured home must be securely anchored by a tie-town device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

The FMR for a manufactured home space is determined by HUD. The FMR for rental of a manufactured home space is generally 30 percent of the published FMR for a two-bedroom unit. The payment standard is used to calculate the monthly housing assistance payment for a family.

During the term of a Voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

1. The payment standard minus the total payment; or
2. The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

   The space rent is the sum of the following as determined by the HA:

   - Rent to owner for the manufactured home space;

- Owner maintenance and management HArges for the space;
- The utility allowance for tenant paid utilities.

If necessary, the HA will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up HArges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges are not provided, however, utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

X. Procedural Guidelines and Performance Standards for Conducting Required Inspections

A. Consistency with Market Practice

The guidelines and performance standards included herein are consistent with practices utilized in the private housing market. Specifically, in private market units, generally an occupancy permit will be requested by the owner. To obtain such permit, an inspector from the local code enforcement agency, usually the Inspectional Service's Department for the town will come out to the unit and perform an inspection to ensure that the unit is in compliance with the Massachusetts State Sanitary Code. In the event that the unit does not pass inspection, the owner is provided a written description of the code violations and a time parameter within which to make repairs.

B. When Inspection shall be Performed

Inspections will be performed in the following instances:

1. **Initial Inspection:** Prior to the execution of a Lease or HAP, the unit in question must pass an initial inspection. This inspection will take place, and the family and owner

will be notified of the results within fifteen (15) days of submission of the Request for Tenancy Approval (RTA).

2. **Annual Inspections:** Inspections will be performed on an annual basis to ensure that the unit is maintained in a manner which is consistent with HQS/NSPIRE.
3. **Supervisory Quality Control Inspection:** 5% of inspections undergo a Quality Control Inspection to ensure that all inspections are performed in accordance with HUD requirements.
4. **Interim Inspections:** When a participant family or government official notifies the PHA of a potential deficiency.

   In such cases the following conditions apply:

   - ***Life-Threatening.*** If the reported deficiency is life-threatening, the HA will, within 24 hours of notification, both inspect the housing unit and notify the owner if the life-threatening deficiency is confirmed. The owner must then make the repairs within 24 hours of HA notification.
   - ***Non-Life-Threatening.*** If the reported deficiency is non-life-threatening, the HA will, within 15 days of notification, both inspect the unit and notify the owner if the deficiency is confirmed. The owner must then make the repairs within 30 days of notification from the HA or within any HA-approved extension.

5. **Upon Request of Owner:** The owner may request that the Housing Authority perform an inspection to the unit to ensure that the unit is maintained in a manner consistent with HUD's NSPIRE. The HA will only perform such inspection if the HA determines that performance of such inspection is reasonable.
6. **Special Inspection:** The Housing Authority may perform an inspection at any time to ensure that the unit is maintained in a manner consistent with HUD's NSPIRE.

C. Standards Utilized

Effective February 1, 2027, or such other implementation date as required by HUD and adopted by the CHA, the HA will implement the use of HUD National Standards for the Physical

Inspection of Real Estate. The HA inspector, and its subcontractor(s), will perform inspections using NSPIRE standards.

The HA will continue to use the former HQS standards (Pre 2024) until that date.

The inspection and application of such standards in no way eliminates the landlord's obligation to maintain the unit in accordance with the Massachusetts State Sanitary Code nor does it eliminate any rights or remedies of the tenant for the landlord's lack or failure to maintain a unit in accordance with requirements under State law.

The Inspector shall make the determination as to whether the condition is serious or life threatening taking into consideration HUD requirements and local codes.

1. **Pre - NSPIRE**
    - **a.** Non-Life-Threatening Conditions

      Non-Life-Threatening condition is defined as any condition that would fail to meet the housing quality standards under 24 CFR 982.401 (pre-2024) and is not a life-threatening condition.
    - **b.** Life-threatening Conditions

      The following will always be considered serious life-threatening violations, but the inspector may make additional determination that the situation falls into this category:

        i. Gas (natural or liquid petroleum) leak or fumes. A life-threatening condition under this standard is one of the following: (a) A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking; or (b) a strong gas odor detected with potential for explosion or fire, or that results in health risk if inhaled.

        ii. Electrical hazards that could result in shock or fire. A life-threatening condition under this standard is one of the following: (a) A light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed; (b) a light fixture is hanging by its wires; (c) a light fixture has a missing or broken bulb, and the open socket

is readily accessible to the tenant during the day to day use of the unit; (d) a receptacle (outlet) or switch is missing or broken and electrical connections or wires are exposed; (e) a receptacle (outlet) or switch has a missing or damaged cover plate and electrical connections or wires are exposed; (f) an open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses; (g) a cover is missing from any electrical device box, panel box, switch gear box, control panel, etc., and there are exposed electrical connections; (h) any nicks, abrasions, or fraying of the insulation that expose conducting wire; (i) exposed bare wires or electrical connections; (j) any condition that results in openings in electrical panels or electrical control device enclosures; (k) water leaking or ponding near any electrical device; or (l) any condition that poses a serious risk of electrocution or fire and poses an immediate life-threatening condition.

iii. Inoperable or missing smoke detector. A life-threatening condition under this standard is one of the following: (a) the smoke detector is missing; or (b) the smoke detector does not function as it should.

iv. Interior air quality. A life-threatening condition under this standard is one of the following: (a) the carbon monoxide detector is missing; or (b) the carbon monoxide detector does not function as it should.

v. Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting. A life-threatening condition under this standard is one of the following: (a) The chimney or venting system on a fuel fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gases; (b) a gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside; (c) a fuel fired space heater is not properly vented or lacks available combustion air; (d) a non-vented space heater is present; (e) safety devices on a fuel fired space heater are missing or damaged; or (f) the chimney or venting system on a fuel fired heating, ventilation, or cooling system is

misaligned, negatively pitched, or damaged which may cause improper or dangerous venting of gases.

vi. Lack of alternative means of exit in case of fire or blocked egress. A life threatening condition under this standard is one of the following: (a) Any of the components that affect the function of the fire escape are missing or damaged; (b) stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency; or (c) the building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency.

vii. Other interior hazards. A life-threatening condition under this standard is a fire extinguisher (where required) that is missing, damaged, discharged, overcharged, or expired.

viii. Deteriorated paint, as defined by 24 CFR 35.110, in a unit built before 1978 that is to be occupied by a family with a child under 6 years of age. This is a life-threatening condition only for the purpose of a condition that would prevent a family from moving into the unit. All lead hazard reduction requirements in 24 CFR part 35, including the timeline for lead hazard reduction procedures, still apply[4].

ix. Any other condition subsequently identified by HUD as life threatening in a notice published in the Federal Register. HUD will notify PHAs if such changes are made.

2. NSPIRE Standards

To ensure that all residents live in safe, habitable dwellings, the items and components located inside the building, outside the building, and within the units of HUD housing must be functionally adequate, operable, and free of health and safety hazards. The standards are addressed in 24 CFR 5 subpart G and PIH 2023-28.

[4] This is a mandatory HUD definition, nothing in this Administrative Plan is intended to waive any obligation on the part of the owner or manager of the assisted unit with regard to the laws relative to Lead Based Paint in the Commonwealth.

The PHA inspection will identify each deficiency as "Life Threatening", "Severe," "Moderate", or "Low." At the time of publication these standards can be found at NSPIRE Standards (hud.gov)

The HA has expanded the NSPIRE "Life Threatening" deficiency list to include the following:

- Utilities not in service, including no running hot water
- No working heater during heating season as defined under local code
- Presence of Lead Based Paint with a child under the age of 6 in the unit

D. Lead-Based Paint

Lead based paint compliance issues are addressed in 24 CFR Part 35 Subpart M. Deteriorated paint in or other lead-based paint hazard identified through a lead-based paint risk assessment or lead-based paint inspection is considered a violation of HQS/NSPIRE standards.

For any unit built before 1978 in which a child under the age of 6 will reside the Housing Authority will require the owner to provide a letter of Compliance.

If a PHA is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than six years of age, living in an HCV-assisted unit has been identified as having an elevated blood lead level, the PHA will complete an environmental investigation of the dwelling unit within 15 calendar days after being notified by a public health department or other medical health care provider.

The environmental investigation will be completed in accordance with program requirements, and the result of the environmental investigation will be immediately provided to the owner of the dwelling unit. In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner.

Within 30 days after receiving the environmental investigation report from the PHA, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations [24

CFR 35.1325 and 35.1330; 40 CFR 745.227]. If the owner does not complete the "hazard reduction" as required, the dwelling unit is in violation of NSPIRE.

Nothing in this section is intended to modify landlord responsibility under Massachusetts State Law with regard to lead based paint.

E. Smoke Detectors

The NSPIRE Standards for installing carbon monoxide devices and smoke alarms are in effect as they implement statutory mandates under the Consolidated Appropriations Act, 2021 and 2023 respectively. Further, the NSPIRE Standard for smoke alarms will be updated for the new smoke alarm requirements before the statutory compliance date of December 29, 2024. Specifically, starting on December 29, 2024, sealed batteries will be required pursuant to the Public and Federally Assisted Housing Fire Safety Act of 2022.

F. Overcrowded

If the unit is overcrowded under HQS (current standards) or NSPIRE standards (on or after the NSPIRE standards implementation date) or State Law standards (at any time) the family will be issued a voucher to relocate.

G. HQS Enforcement for Failed Annual and Interim Inspections

1. Notification of Failure

After an inspection is completed, if a unit fails inspection a letter is sent out to the landlord and the participant listing the violations and the time period for repair.

The letter will indicate that if the repairs are not made that withholding, abatement or termination will occur depending on the circumstances and if the violations are tenant or owner responsibility.

In the case of tenant-caused deficiencies, the owner is responsible until such time as it has been determined that the tenant is responsible in a particular case. Further nothing in the HAP contract provisions or HUD regulations modifies owner's responsibilities under State or local law.

a. Life-threatening violations must be corrected within twenty-four (24) hours.
b. For other HQS/NSPIRE violations, corrections must be made within thirty (30) days unless an extension is provided by the HA.

2. Noncompliance

The unit is in noncompliance with HQS/NSPIRE if:

a. The HA or authorized inspector determines the unit has HQS/NSPIRE deficiencies based upon an inspection;
b. The HA notified the owner in writing of the unit HQS/NSPIRE deficiencies; and
c. The unit HQS/NSPIRE deficiencies are not corrected in accordance within 24 hours of notification for life threatening deficiencies and 30 calendar days of notification for other deficiencies (or any reasonable HA-approved extension).

3. Extensions

Extensions are provided at the sole discretion of the HA. The HA will exercise this extension authority in compelling situations when the landlord has demonstrated a good faith effort and the repair cannot be made within the allotted time frame (i.e. requires multiple bids, weather delays, delays in obtaining specific parts, materials or services).

The date by which the HA will terminate the HAP contract for the owner's failure to correct the deficiencies, which may not exceed 180 days from the effective date of the HAP contract.

4. Remedies

a. Withholding

The HA may withhold assistance payments for units that have HQS/NSPIRE deficiencies once the HA has notified the owner in writing of the deficiencies.

It is the policy of the HA to withhold payments when the owner has requested more than 60 days to make the repair associated with the NLT repair, and it is due to a delay for which the Housing Authority will not normally issue an extension.

If the unit is brought into compliance during the applicable cure period during withholding, the HA will resume any withheld assistance payments and will provide assistance payments to cover the time period for which the assistance payments were withheld.

The maximum amount of time the HA will withhold payments if the owner fails to correct the deficiencies within the required cure period before abating payments is 90 days.

Life threatening deficiencies that are unrepaired will be abated after the expiration of the applicable 24-hour period when they are not repaired. Withholding is not offered for 24-hour violations.

b. HAP Abatement and Termination Notice

The HA will abate the HAP if the owner fails to make the repairs within the applicable cure period. The HA will make all HAP abatements effective the first of the month following the expiration of the HA specified correction period (including any extension).

In such case the HA will notify the family and the owner that it is abating payments and that if the unit does not meet HQS/NSPIRE within 60 days (or a reasonable longer period established by the HA) after the determination of noncompliance, the HA will terminate the HAP contract for the unit, and the family will have to move if the family

wishes to receive continued assistance. The HA will issue the family its voucher to move at least 30 days prior to the termination of the HAP contract.

The HA will terminate the HAP contract for the owner's failure to correct the deficiencies after 60 days of abatement but may provide a longer period in individual circumstances. This longer period will not exceed 180 days from the date of the last HAP payment to the owner.

In all cases the HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.

c. Tenancy Termination

The owner may not terminate the tenancy of any family due to the withholding or abatement of assistance described herein.

During the period that assistance is abated, the family may terminate the tenancy by notifying the owner and the HA. If the family chooses to terminate the tenancy, the HAP contract will automatically terminate on the effective date of the tenancy termination or the date the family vacates the unit, whichever is earlier. The HA will promptly issue the family its voucher to move.

If the family does not terminate the tenancy and the owner makes the repairs and the unit complies with HQS/NSPIRE within 60 days (or a reasonable longer period established by the HA) of the notice of abatement, the HA will recommence payments to the owner. The HA does not make any payments to the owner for the period of time that the payments were abated.

d. Relocation Assistance

The HA will give any family residing in a unit for which the HAP contract is terminated due to a failure to correct HQS/NSPIRE deficiencies at least 90 days or a longer period as the HA determines is reasonably necessary following the termination of the HAP contract to lease a new unit.

The HA will use up to 2 months of the withheld and abated assistance payments for costs directly associated with relocating to a new unit, including security deposits, temporary housing costs, or other reasonable moving costs as determined by the HA based on the locality.

The Security Deposit provided from the abated funds will be called, "HA's Security Deposit Program Funds." Owners will be notified that families within this situation are approved for payment of a security deposit and this award is contingent on approval and final negotiated contract rent and on the completion of a fully signed lease, with HCV Lease Addendum attached, and Housing Assistance Payment Contract. Further the owner must comply with landlord obligations in accordance with M.G.L., c.186 s. 15B.

The HA will require the family to remit the security deposit returned by the owner of the new unit at such time that the lease is terminated, up to the amount of the security deposit assistance provided by the HA for that unit. In order to effectuate this policy, the HA will execute and Agreement with the family in which they acknowledge that the Security Deposit is the property of the Housing Authority.

5. Family Caused HQS/NSPIRE Breach

Family caused HQS/NSPIRE breach is the following:

- **a.** Family fails to pay for any utilities that the owner is not responsible to pay for, but which are required to be paid by the tenant;
- **b.** Family fails to provide and maintain appliances that the owner is not to provide but which are to be provided by the tenant;
- **c.** Any member of the household or guest damages the dwelling unit causing a violation of HQS/NSPIRE (damages beyond reasonable wear and tear).

In the case of an HQS/NSPIRE deficiency that the HA determines is caused by the tenant, any member of the household, or any guest or other person under the tenant's control, other

than any damage resulting from ordinary use, the HAP to the owner may not be withheld or abated. However, the HA may terminate assistance to a family.

Pursuant to HUD regulations, for HQS/NSPIRE breach caused by the family, the family must take all steps permissible under the lease and State and local law to ensure the deficiency is corrected within 24 hours of notification for life-threatening deficiencies and within 30 days of notification (or other reasonable extension period established by the HA) for non-life-threatening deficiencies). Otherwise, the HA may terminate assistance to the family.

6. Reinspection Fees

When the owner notifies the HA that a repair has been made but the deficiency has not been corrected or when the time for repairs has elapsed and the deficiency has not been corrected the HA may elect to HArge a reasonable reinspection fee in the amount equal to the fee charged to the HA by their inspection's subcontractor. Said fee will not be charged if deficiencies were caused by the participant family; if the inspector was unable to gain access to the unit through no fault of the owner; or only new deficiencies were identified during the reinspection.

To the extent that any of the policies and requirements in this section F are not permissible under HUD regulations effective prior to May 7, 2024, then they will only be made applicable to HAP contracts that were either executed on or after or renewed after June 6, 2024. For purposes of this paragraph, a HAP contract is renewed if the HAP contract continues beyond the initial term of the lease.

H. Remote Verification of HQS Deficiencies for Annual or Interim Inspections

The HA reserves the right to accept an owner's certification, a receipt from a vendor, a photo of the repair or tenant confirmation that required repairs are complete and then verify that

action at the next on-site inspection. The HA will use this verification process when appropriate in light of the severity of corrections.

In the case of initial inspections, the HA will always conduct an actual follow-up on-site inspection if the unit does not pass pursuant to the initial inspection. Additionally, in the case of project-based vouchers, the HA will always conduct follow-up inspections to determine if the NSPIRE deficiency is corrected pursuant to 24 CFR 983.103(e)(2).

XI. Income and Exclusions from Income

Income exclusions became effective after July 1, 2025. HOTMA Assets provisions are effective upon the HOTMA 102/104 implementation date as determined by HUD and the HA.

A. Income Defined

Annual income includes all amounts received from all sources by each member of the family who is 18 years of age or older, the head of household, or spouse of the head of household, in addition to unearned income received by or on behalf of each dependent who is under 18 years of age. Annual income does not include amounts specifically excluded in paragraph (b) of 24 CFR § 5.609. This includes all amounts received by the head of household, co-head, or spouse, including the income of a day laborer, independent contractor, and seasonal worker.

When the value of net family assets exceeds $50,000 (amount which HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and the actual returns from a given asset cannot be calculated, imputed returns on the asset based on the currently passbook savings rate, as determined by HUD.

B. Income Exclusions

The following provisions, where new, will apply to actions effective on or after July 1, 2025.

C. Calculating Annual Income

1. At Admission and Interim Examination

When calculating a household's income, including asset income, at the time of admission to the program or during interim reexaminations, the PHA must use anticipated income (i.e., the family's estimated income for the upcoming 12-month period).

2. At Annual Recertification

At annual recertification the PHA must use prior income and then take into account any changes. At annual recertification, the HA will first determine the family's income for the previous 12-month period and use this amount as the family income for annual reexaminations. Adjustments to reflect current income must then be made. Any change of income since the family's last annual reexamination, including those that did not meet the threshold to process an interim reexamination of family income in accordance with HA policies and HUD regulations will be considered. If, there have been no changes to income, then the amount of income calculated for the previous 12-month period is the amount that will be used to determine the family's rental assistance.

D. Verification of Excluded Income

For income sources where the entire amount qualifies to be excluded from the annual income determination in accordance with 24 CFR § 5.609(b) and any *Federal Register* notice on mandatory exclusions issued by HUD, the PHA is <u>not</u> required to:

- Verify the income using third-party verification;
- Document in the tenant file as to why the third-party verification was not available as required by 24 CFR §§ 5.659(d), 960.259(c)(i), and 24 CFR 982.516(a)(2); 891.105; 891.410(b)-(c) and (g); 891.610(b)-(c) and (g); or
- Report the income on forms HUD-50058

An income source that is partially excluded, for example, earnings in excess of $480 for full-time students 18 years of age or older (24 CFR § 5.609(b)(14)), must be third-party verified and reported on forms HUD-50058.

The HA's application and reexamination questionnaire documentation may serve as the self-certification of excluded income.

The HA will verify the income using third-party verification, if necessary, to determine if a source of income qualifies for exclusion.

E. Applying the Current SSA COLA at Next Annual and Interim Reexamination

Annually in October, the Social Security Administration (SSA) announces the cost-of-living adjustment (COLA) by which federal SS and SSI benefits are adjusted to reflect the increase, if any, in the cost of living as measured by the Consumer Price Index for Urban Wage Earners and Clerical Workers prepared by the Bureau of Labor Statistics. The purpose of the COLA is to ensure that the purchasing power of SS and SSI benefits are not eroded by inflation. The federal COLA does not apply to state-paid disability benefits. Additional information regarding the SSA COLA is available online at www.socialsecurity.gov.

Effective the day after SSA has announced the COLA, PHAs are required to factor in the COLA when determining SS and SSI annual income for all annual reexaminations and interim reexaminations of family income that have not yet been completed and will be effective January 1 or later of the upcoming year.

F. Earned Income

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

Income includes money the family members who are 18 years old or older make from work (earned income).

Common examples of earned income (not included for children under 18 years old):

- Money from a job like wages, salaries, tips, or other payments.
- Money earned from business.
- Money earned as a day laborer, doing seasonal work, or as an independent contractor.

G. Nonrecurring Income

Nonrecurring income includes:

1. Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment. Any permanent employment with the U.S. Census Bureau should be considered in the annual income calculation.
2. Direct Federal or State payments intended for economic stimulus or recovery. HUD will advise PHAs/MFH Owners of which payments are considered economic stimulus or recovery payments for the purposes of income calculation.
3. Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received.
4. Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received.
5. Gifts for holidays, birthdays, or other significant life events or milestones (*e.g.,* wedding gifts, baby showers, anniversaries).
6. Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization. The HA will not assign a monetary value to non-monetary in-kind donations received by the family from a food bank or similar organization.

7. Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings. These amounts may count toward net family assets in accordance with 24 CFR § 5.603.

H. Zero-Income Reviews

A zero-income review is an assessment performed by the HA of the income of a family who claims that they do not receive income from any source, including from assets. During such a review the HA will request that families complete and sign a worksheet explaining how they pay for the household's expenses.

In calculating annual income, the HA will not assign monetary value to non-monetary in-kind donations from a food bank or similar organization received by the family. The HA will perform an interim reexamination only due to an increase in the family's adjusted income.

A family who begins receiving income which does not require an interim reexamination will no longer be considered zero income even though the family's income is not reflected on the form HUD-50058.

The HA will not conduct zero income reviews for zero income families. Instead, HA will monitor zero income families in EIV to identify increases in income. The HA will generally accept self-certification as the highest form of verification of zero income. The HA may always perform a zero-income review in cases of suspected fraud.

I. Minimum Rent Policy

The Public Housing Reform Act of 1998 includes a provision for the establishment of minimum rents to be paid by participants in the Section 8 Housing Choice Voucher Program. This provision permits housing authorities administering the program to set a minimum rent requirement between $0.00 and $50.00 per month.

Due to the reduction of funding and in response to recommendations from the Secretary of the U.S. Department of Housing and Urban Development (HUD), the Housing Authority has established a minimum rent of $50.00 per month for the Section 8 Housing program.

1. Exemptions from The Minimum Rent Requirement

To be considered for an exemption from the minimum rent requirement a tenant/participant household must demonstrate that it is experiencing a financial hardship due to an unexpected or unprecedented economic burden on the family. (The voluntary loss of income, or voluntary continued loss of income, does not necessarily qualify a family for the financial hardship exemption from minimum rent.)

Only the following situations shall qualify for the exemption:

- **a.** When the family has lost eligibility for, or is awaiting an eligibility determination from a federal, state or local assistance program, including a family having a non-citizen household member lawfully admitted for permanent residence and who would be entitled to public benefits except for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.
- **b.** When the family would be evicted as a result of the imposition of the minimum rent requirement.
- **c.** When the family income has decreased due to changed circumstances, including involuntary loss of employment.
- **d.** When the family has an increase in expenses due to changed circumstances, such as medical costs, childcare, transportation, education, or similar items.
- **e.** When a death or severe illness has occurred in the family.
- **f.** Other qualifying circumstances that would require approval by the Housing Authority or HUD.

Requests for an exemption from the minimum rent must be submitted in writing to the Housing Authority office. This written request must be accompanied by the following:

- **a.** A complete listing of all household members' current income and their sources.

b. A completed Zero Income form listing all the household members' current financial obligations and routine expenditures.

c. A certification statement that no member of the household has made a purchase or financial obligations of a non-essential nature, as outlined above, within the past 90 days.

d. A certification statement signed by all members of the household over the age of 18 years authorizing HA to obtain account information directly from any form of subscription entertainment or communication services.

If a family requests the hardship exemption, application of the minimum rent hardship will be suspended beginning the month following the family's written hardship request. During suspension, the minimum rent will be included in the family's Total Tenant Payment (TTP) and the housing assistance payment will be increased accordingly.

The Housing Authority will determine if the hardship is temporary or long-term. This determination will be based on the information and documentation provided by the family.

2. Minimum Rent Hardships

a. Temporary Hardship

If the hardship is determined to be temporary, the minimum rent will be suspended for a period of 90 days from the date of the family's request. Documentation substantiating the claim for a temporary hardship is required. At the end of the 90-day period, the minimum rent will be reinstated retroactively to the date of the suspension and the amount of overpaid assistance, based on the minimum rent amount, shall be reimbursed by the family. The Housing Authority will offer a reasonable repayment agreement to cover the minimum rent HArges accumulated during the suspension period.

b. Long-term Hardship

If the hardship is determined to be long-term, that will extend beyond a 90-day period, documentation regarding the reasons to substantiate the long-term hardship will be

required. A statement from either a medical provider or other documentation that the Housing Authority considers to be sufficient will be required. If the Housing Authority determines that there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists. Repayment of the minimum rent is not required as long as the family has complied with the Family Obligations of reporting information. At each annual reexamination, the family's eligibility for financial hardship exemption will be reviewed.

c. No Hardship

If the family has failed to provide documentation proving the hardship has occurred due the circumstances listed or the Housing Authority has determined that there is no qualifying hardship, the minimum rent will be reinstated. A repayment agreement will be executed for any money owed to The Housing Authority during the time of the suspension. Hardship determinations are subject to The Housing Authority's informal hearing process and will be reviewed. If the Housing Authority determines hardship does not exist, the family has the right to request an informal hearing on the decision.

J. Adjusted Income

Some definitions in effect July 1, 2025, that assist with this determination are as follows:
"Dependent" is a member of the family (which excludes foster children and foster adults) other than the family head or spouse who is under 18 years of age, or is a person with a disability, or is a full-time student.

"Foster child" is a member of the household who meets the definition of a foster child under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction. In Massachusetts this is generally children under the care of the Department of Children and Families pursuant to M.G.L ch. 119. The HHA will generally request a court order from a court of component jurisdiction in the Commonwealth or placement letter issued by the Massachusetts Department of Children and Families for verification.

"Foster adult" is a member of the household who is 18 years of age or older and meets the definition of a foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction. The HHA will generally request a court order from a court of component jurisdiction in the Commonwealth setting forth Guardianship of the person. This definition includes young adults age 19-22 pursuant to M.G.L ch. 119, § 21 who are under the custody, care, or responsibility of the department of Children and Families including, but not limited to, those who meet the eligibility criteria set forth in M.G.L. ch. 119, § 23(f).

"Health and medical care expenses" are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed. Health and medical care expenses may be deducted from annual income only if they are eligible under this definition and not otherwise reimbursed and may only be deducted for elderly or disabled families.

The HHA will review each expense to determine whether it is eligible in accordance with this definition. The HHA does not specifically align with IRS Publication 502 but will use it as a standard for determining allowable expenses provided that they conform with the above definition of allowable expenses. (Examples of allowable expenses are set forth in Chart 2).

"Minor" is a member of the family, other than the head of family or spouse, who is under 18 years of age.

Chart 2 Health and Medical Care Expenses

Summary of Typical Allowable Health and Medical Care Expenses	
Services of medical professionals	Substance abuse treatment programs Psychiatric treatment

Surgery and medical procedures that are necessary, legal, and non-cosmetic Services of medical facilities Hospitalization, long-term care, and in-home nursing services Prescription medicines and insulin, but not nonprescription medicines, even if recommended by a doctor Improvements to housing directly related to medical needs (e.g., ramps for a wheelchair, handrails) Medical insurance premiums or the cost of a health maintenance organization (HMO) Medicare Part B and Part D premiums	Ambulance services and some costs of transportation related to medical expenses. The HHA will use the most current medical mileage rate listed in IRS Publication 502 The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth) The costs of buying, training, and maintaining a guide dog or other service animal to assist a visually impaired or hearing disabled person, or a person with other physical disabilities. In general, this includes any costs, such as food, grooming, and veterinary care, incurred in maintaining the health and vitality of the service animal so that it may perform its duties.

Note: This chart provides a summary of eligible health and medical care expenses only. In all cases, the HHA will consider whether health and medical expenses claimed by the family are eligible under HUD's definition.

1. Mandatory Deductions

The HA will consider mandatory deductions when determining a family's annual adjusted income. The HA has no additional permissive deductions other than those established by HUD.

The following are mandatory deductions:

a. Dependent

This is effective upon notice by HUD. Please see prior HCV Administrative Plan and/or and HUD regulations for prior rule.

$480 for each dependent, which amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of $25;

b. Elderly or Disabled Family

This is effective upon notice by HUD. Please see prior HCV Administrative Plan and/or and HUD regulations for prior rule.

$525 for any elderly family or disabled family, which amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of $25;

c. Health and Medical and unreimbursed attendant Care and Auxiliary Apparatus

The sum of the following, to the extent the sum exceeds ten percent of annual income, however it shall be 3% of annual income until such time as HUD implements 102/104.

The sum of the following, to the extent the sum exceeds ten percent of annual income:

i. Unreimbursed health and medical care expenses of any elderly family or disabled family;
ii. Health and medical care expenses, as defined in 24 CFR § 5.603, include costs incurred for the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed. Medical insurance premiums continue to be eligible health and medical care expenses.
iii. Health and medical care expenses may be deducted from annual income only if they are eligible and not otherwise reimbursed and may only be deducted for elderly or disabled families. In order to claim unreimbursed health and medical care expenses, the family must have a head, co-head, or spouse that is elderly or a person with a disability
iv. The HA will review each expense to determine whether it is eligible in accordance with HUD's definition of health and medical care expenses.
v. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the member who is a person with a disability) to be employed.
vi. This deduction may not exceed the combined earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus;
vii. In order to claim unreimbursed reasonable attendant care and auxiliary apparatus expenses, the family must:

- include a person with a disability, and
- the expenses must enable any member of the family (including the member who is a person with a disability) to be employed.

Family member(s) permitted to work:

- The HA will verify that the expenses claimed enable a family member, or members, including the person with disabilities, to work.
- The HA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus enables another family member, or members, to work.
- This documentation may be provided by the family. If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense enables a family member, or members (possibly including the family member receiving the assistance), to work.

Unreimbursed Expenses:

- To be eligible, the costs must not be reimbursed by another source.
- The family is required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the from any source.

Attendant Care:

Examples of attendant care expenses include teaching a person with disabilities how to perform day-to-day tasks independently like cleaning, bathing, doing laundry, and cooking. Attendant care can be 24-hour care, or care during sporadic periods throughout the day.

Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or canceled checks.
- Third-party verification form signed by the provider, if family-provided documents are not available.
- If third-party verification is not possible, written family certification as to costs anticipated to be incurred and the anticipated period.

Auxiliary Apparatus

Auxiliary apparatus items can include, for example, expenses for wheelchairs, ramps, adaptations to vehicles, guide dogs, assistance animals, or special equipment to enable a person who is blind or has low vision to read, or type or special equipment to assist a person who is deaf or hard of hearing.

Auxiliary apparatus expenses will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the period for which the hardship is requested.
- Third-party verification form signed by the provider, if family-provided documents are not available.
- If third-party or document review is not possible, written family certification of estimated apparatus costs for the period for which the hardship is requested.

In addition, the HA will verify that:

- The family member for whom the expense is incurred is a person with disabilities.
- The expense permits a family member, or members, to work.
- The expense is not reimbursed from another source.

d. Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

Any reasonable child-care expenses necessary to enable a member of the family to be employed or to further their education are deducted from income. Reasonable child-care expenses are defined in 24 CFR § 5.603(a) and are expenses for the care of children (including foster children if the unreimbursed child-care expenses are paid from the family's annual income and not from another source, such as a stipend from the child welfare agency), age 12 and younger, when all the following statements are true:

- The care is necessary to enable a family member to be employed or to further his or her education (e.g., work, look for work, or further their education (academic or vocational))
- The expense is not reimbursed by an agency or individual outside the household; and
- The expenses incurred to enable a family to work do not exceed the amount of employment income that is included in annual income.

The HA calculates childcare expenses in accordance with the following policies:

i. **Choice of Provider**

The HA cannot choose who will provide childcare for a participant's child(ren), nor may the HA decide the type of childcare to be provided. Those decisions are left to the family. The HA may not refuse to give a family a childcare expense deduction because there is an adult member in the household that may be available to provide childcare.

ii. **Childcare Expense Verification**

When determining allowable amounts for childcare, staff must verify:

- The actual cost of the childcare and the hours and days it is provided;
- That the cost of the childcare is reasonable (as defined below);

- That the hours of childcare relate to the hours working, in school or searching for employment with a reasonable time allowed for transportation;
- That the cost of childcare is not being reimbursed. This information may be obtained through a certified statement.

Staff must also require the family to document whichever of the following applies:

- The wages earned by the person freed up to work by the childcare;
- The days and hours of work (and a reasonable time for transportation to and from employment - normally one half-hour each way unless otherwise documented);
- Full-time student status and the hours of schooling (with a maximum allowance for travel time of one half-hour each way and study time at the place of instruction not to exceed 3 hours weekly per hour of coursework);
- That the person is currently seeking employment.

iii. **Reasonable Costs of Childcare**

To determine the reasonableness of childcare costs the HA uses regional market rates and figures published from time to time in HA memoranda or in the HA Section 8 guidebook for annual income.

iv. **Earnings Resulting from Childcare**

HA follows a general rule that childcare is enabling the person with the lowest income from earnings to work unless this is obviously not the case.

v. **Childcare and School Year Proration**

If the family will pay a different rate for childcare depending on whether the child is in school or out of school and information is not available from the childcare provider on what portion of the year the child is in school, the HA will consider the

child to be in school 38 weeks of the year and out of school 14 weeks for the purpose of prorating childcare for the year.

2. Relief for Families due to Change in Mandatory Deductions

The provisions below will be implemented by the PHA when HUD has indicated the 102 104 HOTMA provisions should be made effective by the HA.

Previously, if families were eligible and spent more than 3% of their yearly income on certain medical expenses, they received an income deduction. New rules change this to 10% meaning that fewer medical expenses will be deducted and family portion of the rent for the family may increase. To help families, this change will be made over two years (Phased in Relief). Also, a new hardship deduction allows families who cannot pay rent due to a hardship to deduct more medical expenses for a time (General Relief).

There are two types of qualifying expenses:

- Health and medical care expenses of elderly or disabled families.
- Reasonable attendant care and equipment expenses for families that include a person with disabilities.

3. Determination of the Family's Inability to Pay Rent (24 CFR 5.611(e)) Effective: upon CHA's HOTMA 102/104 compliance date]

For purposes of determining eligibility for general hardship relief under the health and medical care expense deduction, the reasonable attendant care and auxiliary apparatus expense deduction, and the continuation of the child care expense deduction, the CHA will consider a family to be unable to pay rent when ONE OR MORE of the following circumstances exists:

(a) The family's share of total housing costs (rent plus the family's portion of utilities) exceeds 35 percent of the family's adjusted household income; OR

(b) The family would be evicted because it is unable to pay the tenant portion of the rent; OR

(c) Due to a change in circumstances, the family's qualifying expenses (medical/attendant care/auxiliary apparatus or child care) exceed 5 percent of the family's annual income and the change does not independently trigger an interim reexamination.

For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income at least equal to the amount lost are received, or for 90 days, whichever is earlier. For hardship conditions based on hardship-related expenses, the relief will continue to be recognized until the cumulative amount exempted equals the expense incurred, or for 90 days, whichever is earlier.

4. Phased in Relief for families eligible for and taking the unreimbursed health and medical care expenses and reasonable attendant care and auxiliary apparatus expenses

All families who received a deduction for unreimbursed health and medical care and/or reasonable attendant care or auxiliary apparatus expenses based on their most recent income examination prior to January 1, 2025[5], will begin receiving the 24-month phased-in relief at their next annual or interim reexamination, whichever occurs first after January 1, 2025, or another HOTMA effective date as directed by HUD.

Families who received this phased-in relief will have eligible expenses deducted as follows:

- 1st twelve months: in excess of 5% of annual income.
- 2nd twelve months: in excess of 7.5% of annual income.
- After 24 months: in excess of 10% threshold will phase in and remain in effect unless the family qualifies for general hardship relief.

[5] It is unknown at this time what date HUD will determine is the date to determine eligibility for relief. This date will be updated on an as needed basis if HUD makes a change.

When an eligible family's phased-in relief begins at an interim reexamination, the PHA will process another transaction one year later for the next phase. The transaction can be either an interim reexamination, or a non-interim reexamination transaction.

The phased-in hardship relief will not be provided to families who were eligible for relief and who are treated as new admissions under a different program.

Once a family chooses to obtain General Relief, a family may no longer receive the phased-in relief.

5. General Hardship relief for unreimbursed health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses

Families that can demonstrate that the family has new or increased health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses, or the family's financial hardship is a result of a change in circumstances that would not otherwise trigger an interim reexamination may qualify for General Relief.

a. Requirements for General Hardship Relief

The family is an elderly or disabled family or a family that includes a person with disabilities; and

i. Family must demonstrate that the family's applicable health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased; or
ii. The family has experienced unanticipated expenses, such as large medical bills, that have affected their ability to pay their rent or other financial hardship is a result of a change in circumstances that would not otherwise be cause for an interim reexamination; or

iii. The family is awaiting an eligibility determination for a federal, state, or local assistance program, such as a determination for unemployment compensation or disability benefits; or
iv. The family's income decreased because of a loss of employment; or
v. The family's income decreased death of a family member; or
vi. The family's income decreased due to a natural or federal/state declared disaster; or
vii. Other compelling circumstances as determined by the PHA on a case-by-case basis.

A hardship in such circumstances will be reviewed under the following standard: due to change in circumstances expenses are more than 45 percent of the family's adjusted income and that these circumstances do not require an interim reexamination to downwardly adjust the rent.

General Hardship relief is available regardless of whether the family previously received deductions under 24 CFR 5.611 (a)(3), is currently receiving phased in relief, or previously received phased in relief.

A family may request hardship relief prior to the end of the twenty-four (24) month transition period (Phased in Relief). Once a family chooses to obtain general relief, a family may no longer receive the phased-in relief.

b. Verification

The HA will obtain third-party verification of the family's inability to pay rent or will document in the file the reason third-party verification was not available.

c. Form and Amount of General Relief

If a family receiving phased in relief requests and is determined eligible for hardship relief, transitional relief ends and the family's hardship relief shall be administered in accordance with hardship relief requirements, and the family will no longer receive phased in relief.

The family will receive a deduction for the sum of the eligible expenses that exceed 5 percent of annual income.

d. Family notification

The PHA will notify families in writing of the decision.

Approvals: Written notification will be provided which provides a Change in the determination of adjusted income and the family's rent resulting from the application of the hardship exemption. The notice will provide the dates that the hardship exemption will begin and expire and the requirement for the family to report to the HA if the circumstances that made the family eligible for relief are no longer applicable. The notice will also indicate that the family's adjusted income and tenant rent will be recalculated upon expiration of the hardship exemption. The PHAs will still provide families 30 days' notice of any increase in rent.

Denials: Families denied a hardship will be granted an informal hearing.

e. Duration of Relief

The family's general hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after ninety (90) days, whichever comes earlier.

For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost or for (90) days whichever comes earlier.

For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred or for (90) days, whichever comes earlier.

During the General Hardship Relief period the family must report changes in circumstances as outlined in vii below.

f. Extension

The HA will not extend relief beyond 90 days.

g. Non-interim Examination

To initiate, extend, or conclude a hardship exemption only, the HA will process and submit a non-interim reexamination transaction.

The HA will not conduct an interim reexamination to add, remove, or to extend a hardship exemption, unless another Change is experienced by the family calls for an interim reexamination under the applicable regulation or in accordance with the HA's policies on conducting interim reexaminations for adjusted income decreases that are less than ten (10) percent.

h. Reporting of change in circumstances

Families must report if the circumstances that made the family eligible for the hardship exemption are no longer applicable. Reporting shall be made to the HA in writing with seven (7) days. If the family reports the Change in circumstances in a timely manner, HA will provide the family with [30] days advance notice of any rent increase, and such rent increase will be effective the first day of the month beginning after the end of that [30] day period. If the family does not report the Change in a timely manner, the adjustment will be made retroactive to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement where circumstances permit.

6. Hardship to Continue the Child Care Expense Deduction

A family whose eligibility for the child-care expense deduction is ending may request a hardship exemption to continue receiving a child-care expense deduction in certain circumstances when the family no longer has a member that is working, looking for work, or seeking to further their education, and the deduction is necessary because the family is unable to pay their rent.

a. Requirements for Hardship to Continue the Child Care Expense Deduction

- The family is eligible for the childcare expense deduction under federal regulations; and
- Said childcare expenses deduction is ending; and
- family is unable to pay their rent because of loss of the childcare expense deduction; and
- the family will lose childcare slot which is needed by the family due to extenuating circumstances; or
- The family still requires the childcare because all family members able to care for the child are unavailable for other reasons; or
- The childcare slot provides special services of benefit to the child, or
- Other compelling circumstances that demonstrate to the HA the childcare expense is still necessary even though the family member is no longer employed or furthering his or her education.

Determining the family's inability to pay the rent for purposes of determining eligibility for a hardship exemption is reviewed as follows:

Verification that the rent, utility payment, and applicable expenses (child-care expenses) is more than 45 percent of the family's adjusted income and these circumstances do not require an interim reexamination to downwardly adjust the rent.

b. Verification

The HA will obtain third-party verification of the family's inability to pay rent or will document in the file the reason third-party verification was not available.

c. Form and Amount of Hardship to Continue the Child Care Expense Deduction

The family will receive a deduction for 90 days.

d. Family notification

i. The PHA will notify families in writing of the decision.

Approvals: Written notification will be provided which provides a Change in the determination of adjusted income and the family's rent resulting from the application of the hardship exemption. The notice will provide the dates that the hardship exemption will begin and expire and the requirement for the family to report to the HA if the circumstances that made the family eligible for relief are no longer applicable. The notice will also indicate that the family's adjusted income and tenant rent will be recalculated upon expiration of the hardship exemption. The PHAs will still provide families 30 days' notice of any increase in rent.

Denials: Families denied a hardship will be granted an informal hearing.

e. Duration of Relief

The family's relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after ninety (90) days, whichever comes earlier.

For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost or for (90) days whichever comes earlier.

For hardship conditions based upon hardship-related expenses, the exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred or for (90) days, whichever comes earlier.

During the General Hardship Relief period the family must report changes in circumstances as outlined in vii below.

f. Extension

The HA will not extend relief beyond 90 days.

g. Non-interim Examination

To initiate, extend, or conclude a hardship to Continue the Child Care Expense Deduction exemption only, the HA will process and submit a non-interim reexamination transaction.

The HA will not conduct an interim reexamination to add, remove, or to extend a hardship exemption, unless another Change is experienced by the family calls for an interim reexamination under the applicable regulation or in accordance with the HA's policies on conducting interim reexaminations for adjusted income decreases that are less than ten (10) percent.

h. Reporting of change in circumstances

Families must report if the circumstances that made the family eligible for the hardship exemption are no longer applicable. Reporting shall be made to the HA in writing with seven (7) days. If the family reports the Change in circumstances in a timely manner, HA will provide the family with [30] days advance notice of any rent increase, and such rent increase will be effective the first day of the month beginning after the end of that [30] day period. If the family does not report the Change in a timely manner, the adjustment will be made retroactive to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement where circumstances permit.

7. Additional Permissive Deductions

The HA has not established other permissive deductions by policy.

8. Sunset of the Disallowance (Exclusion) of increase in annual income; Earned Income Disregard

The Earned Income Disregard (EID) allowed eligible families to have a portion of their earned income excluded from annual income for a maximum period of twenty-four (24) consecutive months.

The EID will not apply to any family who is not eligible for and already participating in the disallowance as of December 31, 2023.

Families eligible for and already participating in the disallowance as of December 31, 2023, may continue to receive the full benefit until the remaining timeframe for an individual family's EID expires. Because the EID lasts up to twenty-four (24) consecutive months, no family will still be receiving the EID benefit after December 31, 2025.

XII. Assets

The provisions below are not effective until HUD indicates the implementation date for HOTMA 102 and 104 for the CHA.

A. Definition Family Assets New

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

As part of the process to determine Net Family Assets, the HA will take the following steps:

- The family will be required to disclose all assets including real and personal property on the application or continuing application.
- The HA will assess the list and if the family's non-necessary personal property has a net value over $50,000 and to determine if items are necessary personal property or non-necessary personal or are otherwise excluded.

The HA will determine what is a necessary item of personal property as it is a fact-specific determination. The HA will require enough facts to qualify whether an asset is necessary or non-necessary personal property.

Items of personal property that do not qualify as necessary personal property will be classified as non-necessary personal property.

Self-Certification of Net Family Assets. ***Effective: upon CHA's HOTMA 102/104 compliance date.]*** The CHA does NOT accept family self-certification of net family assets at admission, annual reexamination, or interim reexamination. The CHA will fully verify net family assets and the anticipated income earned from those assets at admission and at every

annual reexamination using third-party verification consistent with HUD's verification hierarchy.

Full third-party verification is required for all families regardless of whether net family assets are above or below the $50,000 threshold. When fully verifying assets, the CHA will obtain a minimum of one account statement to verify the balance and any interest accrued for each interest-accruing account, including checking and savings accounts. Third-party verification is always required when net family assets exceed $50,000 (as annually adjusted by HUD).

B. Exclusions from Net Family Assets

The following assets are excluded under HOTMA. If the family owns an excluded asset, its value does not count toward the asset restriction:

- The value of necessary items of personal property.
- The value of all non-necessary items of personal property with a total combined value of $50,000 or less, annually adjusted for inflation.
- The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including Individual Retirement Accounts (IRAs), employer retirement plans (e.g., 401(k), 403(b)), and retirement plans for self-employed individuals.
- The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located. Examples of this include but are not limited to co-ownership situations (including situations where one owner is a victim of domestic violence), where one party cannot unilaterally sell the real property; property that is tied up in litigation; inherited property in dispute.
- Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law that resulted in a member of the family being a person with disabilities.
- The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986; the value of any qualified tuition program under section 529 of such Code; and the amounts in, contributions to, and distributions from

any Achieving a Better Life Experience (ABLE) account authorized under section 529A of such code.

- The value of any "baby bond" account created, authorized, or funded by the federal, state, or local government (money held in trust by the government for children until they are adults).
- Interests in Indian trust land.
- Equity in a manufactured home where the family receives assistance under 24 CFR Part 982.
- Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR Part 982.
- Family Self-Sufficiency accounts.
- Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.
- The full amount of assets held in an irrevocable trust.
- The full amount of assets held in a revocable trust where a member of the family is the beneficiary, but the grantor/owner and trustee of the trust is not a member of the participant family or household.

Excluded Asset Chart

Category	Excluded	Asset Example(s)	Note
Personal property	Necessary items of personal property	Medical devices, vehicle for commute	fact-specific determination
Personal property	Non-necessary items of personal property if the combined total value does not exceed $50,000*	Vintage baseball cards, recreational boat, coin collection, art	PHA Policy PHA Policy does not allow self-certification
Savings account	Retirement account recognized by IRS	IRA, 401(k), 401(b) and retirement plans for self-employed individuals	
Cash	Any amounts recovered in any civil action or settlement	A driver injures a family member, causing a disability.	

	based on a claim of malpractice, negligence, or other breach of duty owed to a family member, for an incident resulting in a disability	The family sues, and the driver's insurance pays the family.	
Savings account	The value of certain education or disability support savings accounts	Under Internal Revenue Code sections 529, 529A, 530, "baby bond" accounts	Coverdell accounts, tuition programs, any "baby bond" account created, authorized, or funded by Federal, state, or local government
Real property	Interest in Indian trust land	Family has interest in land held in trust by Bureau of Indian Affairs	
Real property	Equity in a manufactured home where the family receives assistance under 24 CFR 982	HCV Manufactured Home Space Rental participants	
Real property	Equity in property where the family receives assistance under 24 CFR 982	HCV homeownership participant	For real property other than manufactured homes
Savings account	Family Self-Sufficiency (FSS) accounts		
Cash	Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family	Earned Income Tax Credits (EITC)	
Trust Funds	Trust that is not revocable by, or under the control of,	Irrevocable trust	

	any member of the family or household		

1. Treatment of Necessary and Non-Necessary Personal Property [24 CFR 5.603]

Necessary personal property is excluded from net family assets.

Necessary personal property are items essential to the family for the maintenance, use, and occupancy of the premises as a home; or they are necessary for employment, education, or health and wellness. Necessary personal property includes more than merely items that are indispensable to the bare existence of the family. It may include personal effects (such as items that are ordinarily worn or utilized by the individual), items that are convenient or useful to a reasonable existence, and items that support and facilitate daily life within the family's home. Necessary personal property also includes items that assist a household member with a disability, including any items related to disability-related needs, or that may be required for a reasonable accommodation for a person with a disability.

The HA will determine what is a necessary item of personal property as it is a fact-specific determination. The HA will require enough facts to qualify whether an asset is necessary or non-necessary personal property. Items of personal property that do not qualify as necessary personal property will be classified as non-necessary personal property.

Necessary personal property does not include bank accounts, other financial investments, or luxury items.

Non-necessary personal property with a combined value greater than $50,000, as adjusted by inflation, is considered part of net family assets. When the combined value of all non-necessary personal property does not exceed $50,000, as adjusted by inflation, all non-necessary personal property is excluded from net family assets.

The following table lists examples of necessary and non-necessary personal property. This is not an exhaustive list.

Necessary Personal Property (excluded)	**Non-Necessary Personal Property**

	(included after 50,000)
• Car(s)/vehicle(s) that a family relies on for transportation for personal or business use (e.g., bike, motorcycle, skateboard, scooter) • Furniture, carpets, linens, kitchenware • Common appliances • Common electronics (e.g., radio, television, DVD player, gaming system) • Clothing • Personal effects that are not luxury items (e.g., toys, books) • Wedding and engagement rings • Jewelry used in religious/cultural celebrations and ceremonies • Religious and cultural items • Medical equipment and supplies • Health care–related supplies • Musical instruments used by the family • Personal computers, phones, tablets, and related equipment • Professional tools of trade of the family, for example professional books • Educational materials and equipment used by the family, including equipment to accommodate persons with disabilities • Equipment used for exercising (e.g., treadmill, stationary bike, kayak, paddleboard, ski equipment)	• Recreational car/ vehicle not needed for day to-day transportation (campers, motorhomes, travel trailers, all-terrain vehicles (ATVs)) • Bank accounts or other financial investments (e.g., checking account, savings account, stocks/bonds) • Recreational boat/watercraft • Expensive jewelry without religious or cultural value, or which does not hold family significance • Collectibles (e.g., coins/stamps) • Equipment/machinery that is not used to generate income for a business • Items such as gems/precious metals, antique cars, artwork, etc.

2. Treatment of Real Property

All assets are categorized as either real property (e.g., land, a home) or personal property.

Personal property includes tangible items, like boats, as well as intangible items, like bank accounts.

R*eal property* is included in net family assets regardless of its value unless the real property meets an exclusion under 24 CFR § 5.603. Specifically, real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located. Examples of this include but are not limited to: co-ownership situations (including situations where one owner is a victim of domestic violence), where one party cannot unilaterally sell the real property; property that is tied up in litigation; inherited property in dispute.

3. Verification relating to Real Property Ownership

The HA will determine compliance based on a certification by a family that certifies that such family does not have any present ownership in any real property at the time of the income determination or review. The HA will require the use of the PHA form for this purpose.

However, if the family owns real property, the HA will seek third-party verification of the family's legal right to reside in the property, the effective legal authority to sell the property, and whether the property is suitable for occupancy by the family as a residence.

C. Third Party Verification v Use of Self- Certification when assets below $50,000

The HA will obtain third-party verification of assets every year both below and above $50,000 unless otherwise stated herein.

D. Treatment of Certain Assets

1. Assets with negative equity

The cash value of real property or other assets with negative equity would be considered $0 for the purposes of calculating net family assets. Negative equity in real property or other investments does not prohibit the family from selling the property or other

investments, so negative equity alone would not justify excluding the property or other investments from family assets.

2. Assets disposed of for less than fair market value

In determining the value of net family assets, the HA will include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received.

3. Asset owned by business entity

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

4. Jointly owned assets.

Unless otherwise stated herein, for assets jointly owned by the family and one or more individuals outside of the assisted family, the HA must include the total value of the asset in the calculation of net family assets, unless the asset is otherwise excluded (or unless the assisted family can demonstrate that the asset is inaccessible to them, or that they cannot dispose of any portion of the asset without the consent of another owner who refuses to comply. If the family demonstrates that they can only access a portion of an asset, then only that portion's value shall be included in the calculation of net family assets for the family. Likewise, any income from a jointly owned asset must be included in annual income, unless that income is specifically excluded, or unless the family demonstrates that

they do not have access to the income from that asset, or that they only have access to a portion of the income from that asset.

If an individual is a beneficiary who is entitled to access the account's funds only upon the death of the account's owner, and may not otherwise withdraw funds from an account, then the account is not an asset to the assisted family, and the family should provide proper documentation demonstrating that they are only a beneficiary on the account.

E. Income from Assets [24 CFR 5.609(a)(2)]

The provisions below are generally not effective until HUD indicates the implementation date for HOTMA 102 and 104 for the HA. See PIH 2024-38 for additional details.

See prior Administrative Plan and HUD regulations at part 24 of the Code of federal regulations with regard to Assets until the HOTMA 102/104 effective date.

1. Actual Income

Actual income from assets is always included in a family's annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded by 24 CFR § 5.609(b).

2. Imputed Income

Imputed income from assets is no longer determined based on the greater of actual or imputed income from the assets. Instead, imputed asset income must be calculated for specific assets when three conditions are met:

- The value of net family assets exceeds $50,000 (as adjusted for inflation);
- The specific asset is included in net family assets; and
- Actual asset income cannot be calculated for the specific asset.

If the actual income from assets can be computed for some assets but not all assets, then PHAs must add up the actual income from the assets, where actual income can be calculated, then calculate the imputed income for the assets where actual income could not be calculated. After the PHA has calculated both the actual income and imputed income, the housing provider must combine both amounts to account for income on net family assets with a combined value of over $50,000.

When the family's net family assets do not exceed $50,000 (as adjusted for inflation), imputed income is not calculated. Imputed asset income is never calculated on assets that are excluded from net family assets. When actual income for an asset (which can equal $0) can be calculated, imputed income is not calculated for that asset.

3. Passbook Rate [24 CFR 5.609(a)(2)]

HUD will annually publish a passbook rate based on the Federal Deposit Insurance Corporation (FDIC) National Deposit Rate for savings accounts, which is an average of national savings rates published on a monthly basis. The PHA will use the HUD-published passbook rate when calculating imputed asset income for net family assets that exceed $50,000 (annually adjusted for inflation). The HUD-published passbook rate is posted to a dataset on the HUDUser Web site, alongside annual inflationary adjustments.

F. Treatment of Trusts

Whether the value of a trust counts as a net family asset and whether distributions from the trust count as annual income to the family depends on the following three factors:

- Whether the trust is under the control of the family;
- Whether distributions are made from the trust's principal; and
- The purpose of the distribution, if the distribution is made from income earned on the trust's principal.

1. As an Asset

The value of *irrevocable trusts* and *revocable trusts* where a member of the family is the beneficiary, but the grantor/owner and trustee of the trust is not a member of the participant family or household are both excluded from net family assets.

A *revocable trust that is under the control of the family* is included in net family assets. (Therefore, income earned on this trust is included in the family's income from assets).

2. Actual Income from a Trust

As indicated above, if the HA determines that the revocable trust is included in the calculation of net family assets, then the actual income earned by the revocable trust is also included in the family's income.

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

Where an irrevocable trust and a *revocable trust* where a member of the family is the beneficiary, but the grantor/owner and trustee of the trust is not a member of the participant family or household are excluded from net family assets, the HA will not consider actual income earned by the trust (i.e., interest earned, rental income if property is held in the trust) *for so long as the income from the trust is not distributed (see below).*

3. Trust Distributions and Annual Income

Revocable trusts (unless they are not under the control of the family) are considered part of net family assets. If the value of the trust is considered part of the family's net assets, then distributions from the trust are not considered income to the family.

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

- All distributions from the trust's principal are excluded from income.
- Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust's principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor.
- Income means trust income and not any distribution from the trust to the beneficiary.

(See also income exclusions section)

Treatment of Trusts

Trust Type	**Asset**	**Is Interest Earned by Trust Family Income**	**Are distributions of trust principal considered family income?**	**Are distributions of interest earned on the trust principal considered family income?**
Revocable And Grantor is not part of the assisted family or household (and the family or household is not otherwise in control of the trust)	No	No	No	Yes, unless the distributions are used to pay for the health and medical expenses for a minor
Revocable And Grantor is part of the assisted family or household (or the trust is	Yes	Yes	No	No

otherwise under the control of the family or household)				
Irrevocable[6]	No	No	No	Yes, unless the distributions are used to pay for the health and medical expenses for a minor

4. Verification and Trusts

The Housing Authority will request a certification of trust, the actual trust if certification is insufficient for verification, and trust bank statements.

G. Treatment of Federal Tax Refunds or Refundable Tax Credits

Effective after 102/104 implementation date.

1. Asset Exclusion

All amounts received by a family in the form of federal tax refunds or refundable tax credits are excluded from a family's net family assets for a period of 12 months after receipt by the family.

2. Income

The anticipated income earned by the assets in which a family has deposited their federal tax refund or refundable tax credits must be included in the family's annual income unless the income is specifically excluded under 24 CFR 5.609(b).

[6] Typically, Special Needs Trusts are Irrevocable

3. Verification

Effective after 102/104 implementation date.

PHAs are not required to verify the amount of the family's federal tax refund or refundable tax credit(s) if the family's net assets are equal to or below $50,000 (adjusted annually for inflation), even in years when full verification of assets is required or if the PHA does not accept self-certification of assets. PHAs must verify the amount of the family's federal tax refund or refundable tax credits if the family's net assets are greater than $50,000 (adjusted annually for inflation). Per PHA Policy, the HA will verify the amount of the family's federal tax refund or refundable tax credits when under $50,000.

H. Asset Limitations

This Section will be made effective upon notification by HUD of the HA's 102/104 effective Date.

1. At Admission

A family is not eligible to receive assistance if the family has net assets in excess of $100,000 (as defined in 5.603), as adjusted annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers.

A family is not eligible to receive assistance if the family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell real property that is suitable for occupancy by the family as a residence.

A property is suitable for occupancy unless the following applies:

- Does not meet the disability-related needs for all members of the family (e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.);

- Is not sufficient for the size of the family;
- Is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by the HA or owner);
- Is not safe to reside in because of the physical condition of the property (e.g., property's physical conditions pose a risk to the family's health and safety and the condition of the property cannot be easily remedied); or
- Is not a property that a family may reside in under the State or local laws of the jurisdiction where the property is located.

Further, the restriction is not applicable to:

- Any property for which the family is receiving assistance under 24 CFR 892.620; or under the Homeownership Option in 24 CFR part 982;
- Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owners property;
- Any person who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking as defined in part 5 (subpart L); When a family asks for or about an exception to the real property restriction because a family member is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the HA or owner must comply with the confidentiality requirements under 5.2007. The HA or owner must accept a self-certification from the family member, and the restrictions on requesting documentation under 5.2007 apply; or
- Any family that is offering such property for sale.

2. Real Property Ownership may also count towards the $100,000 Asset Limitation

There are several exemptions to the real property restriction which identify when a real property ownership interest does not by itself render the family out of compliance with the asset limitation. Those exemptions do not indicate that such real property is excluded from the calculation of net family assets. Unless the real property is specifically excluded from

net family assets in the definition under § 5.603, it may be included in net family assets. If the value of that real property brings the net family assets above $100,000 (as adjusted for inflation), the family will be out of compliance.

3. At Reexamination Total Non-Enforcement Policy

At annual and interim reexamination, the HA will not enforce the asset limitation. The HA will not initiate termination or eviction proceedings for a family for non-compliance with the asset limitation and the family will continue to receive assistance. This total nonenforcement policy is applied the same for all families within the HCV program.

The HA will still calculate net family assets in the manner required by § 5.603, as part of the process of calculating annual income in accordance with § 5.609. In the course of calculating net family assets, the HA still needs to determine whether the family owns real property that must be included in net family assets. However, due to the enforcement policy the HA is not required to obtain and verify additional information about owned real property strictly to determine whether it qualifies for an exemption under § 5.618 (whether owned real property is suitable for occupancy). If a family owns real property, that real property will need to be included in the calculation of net family assets unless it is specifically excluded by § 5.603, but the HA will not need to inquire whether it is suitable for occupancy.

This total non-enforcement does not apply to the proposed admission of new participant members to the family/household. Requested additions to the family composition are subject to the asset limit/real property restrictions.

4. Acceptable Documentation

A PHA will determine compliance based on a certification by a family that certifies that such family does not have any present ownership in any real property at the time of the income determination or review. The HA will require the use of the HA form for the purpose and the form must be notarized if not executed in the presence of HA staff.

However, if the family owns real property, the PHA must seek third-party verification of the family's legal right to reside in the property, the effective legal authority to sell the property, and whether the property is suitable for occupancy by the family as a residence.

Policies on this are also located in the eligibility section of this Administrative Plan.

XIII. Verification, Income and Deductions

See prior Administrative Plan for Verification Hierarchy prior to the HOTMA 102/104 effective date except that the HA explicitly adopts the 120 days from receipt for acceptable timeframe and receipt of statement from the appropriate benefit year for fixed income sources pursuant to HOTMA discretionary provisions. Finally, the HA has adopted the provision that it will generally not utilize the EIV income report at interim recertification unless it is determined to be helpful in a specific situation (i.e. zero income).

A. Verification

The HA is responsible for obtaining third-party verification of reported family annual income, the value of assets, expenses related to deductions from annual income, and other factors that affect the determination of adjusted income. Third-party verification is the process by which the PHAs gathers information (i.e., about the family's annual income, value of assets, etc.) independently for the source of the income, assets, expenses, or other factors that affect the determination of adjusted income. Third-party verification may be obtained directly from the third party or through the family. The PHAs must document in the tenant file the reason why third-party verification was not available unless HUD's regulations specifically permit families to self-certify a particular component of adjusted income.

HUD developed a hierarchy that describes verification documentation from most acceptable to least acceptable. The PHA will demonstrate efforts to obtain third party verification prior to accepting self-certification except instances when self-certification is explicitly allowed.

B. Methods of Verification and Ranking Order

Verification Hierarchy		
Level	**Verification Technique**	**Ranking/Order of Acceptability**
6	Upfront Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system	Highest PHAs must pull the EIV Income Report for each family at every Annual Reexamination EIV may be used as the sole verification of Social Security Income EIV income information may be used to calculate other types of annual income when family agrees. See Level 4 for more information.
5	Upfront Income Verification (UIV) using non-EIV system (e.g., The Work Number, web-based state benefits systems, etc.)	Highest
4	Written, third-party verification from the source, also known as "tenant-provided verification" OR EIV + Self-Certification PHAs can choose either option when both are available to verify income. PHAs must use written, third-party verification when the income type is not available in EIV (e.g., self-employment, Go Fund Me accounts, general public assistance, Veterans Administration benefits, etc.)	High • Written, third-party verification is used when tenant disputes EIV-reported employment and income information. • The EIV Income Report may be used to verify and calculate income if the family self-certifies that the amount is accurate and representative of current income. The family must be provided with the information from EIV.
3	Written, Third-Part Verification Form	Medium • Use if Level 5 or Level 4 verification is not available or is rejected by the PHA and when the applicant or tenant is unable to provide acceptable documentation. • May substitute Level 2 for written, third-party verification form, only completing one of the two forms of verification before moving to self-certification.
2	Oral Third-Party Verification	Medium

1	Self-Certification (not third-party verification)	Low Use as a last resort when unable to obtain any type of third-party verification or if specially permitted.

1. **Upfront Income Verification using Enterprise Income Verification Level 6 Highest**

   a. Introduction

   The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals. It should be noted that the EIV system is available to all PHAs/ as a UIV technique and that all HAs are required to use EIV in its entirety.

   The HA must use EIV to verify tenant employment and income information at annual and streamlined reexaminations of family composition and income. However, PHAs are no longer required to use EIV to verify tenant employment and income information during an interim reexamination of family composition and income.

   PHAs are required to use the following reports from the EIV System:

   - Debts Owed & Termination,
   - Deceased Tenants,
   - Existing Tenant Search,
   - Failed EIV Pre-Screening,
   - Failed SSI Identity Test,
   - Identity Verification,
   - Multiple Subsidy,
   - New Hires,
   - No Income Report by HA or SSA,
   - No Income Reported on 50058,
   - Summary of Household Information

The HAs that choose to use the EIV Income Discrepancy Report[7] and other EIV reports at intervals other than reexaminations must include this information in their Administrative Plan, as applicable. The HA will use the following schedule for EIV:

HA's Use of EIV		
Report Title	**Report Description**	**Frequency of Use**
Debts Owed to PHAs & Terminations	Allows users to access information concerning former tenants who left owing a debt to a PHA or who had their voucher terminated for cause.	At the time of processing an applicant family for admission, and to enter debt information or terminations for families who have ended program participation.
Deceased Tenants Report	Identifies tenants reported by Social Security Administration (SSA) as being deceased.	**At least monthly, prior to the disbursement of monthly Housing Assistance Payments to owners (revised per PIH 2026-11, issued April 30, 2026) Effective May 2026.**
Existing Tenant Search	Identifies applicants who may be receiving assistance at another Multifamily project or PIH location.	At the time of processing an applicant family for admission.
Failed EIV Prescreening Report	Identifies tenants who have missing or invalid personal identifiers (last name, date of birth, SSN) in HIP/TRACS. These tenants will not be sent to SSA from EIV for the SSA identity test.	Monthly

[7] HUD intends to update the discrepancy logic for the Public Housing Income Discrepancy Reports and the Income Verification Tools (IVTs) to conform to the requirements of the HOTMA final rule. PHAs are not required to investigate discrepancies resulting from the Public Housing Income Discrepancy Reports and the IVT Tools until HUD updates the discrepancy logic.

Failed Verification Report (Failed SSA Identity Test)	Identifies tenants whose personal identifiers (last name, date of birth, SSN) do not match the SSA database. *PHAs that admit families using a self-certification of SSN must review the Failed SSN Verification Report monthly to identify and follow up on new issues.	Monthly
Identity Verification Report	Identifies tenants that failed SSA verification, and failed EIV pre-screening.	Monthly
Income Information for PIH Programs	Provides employment and income reported by HHS and SSA for each household member that passes the SSA identity test. Identifies tenants who: • May not have reported complete and accurate income information; and/or • May be receiving multiple subsidies.	Must be used at annual reexamination; not required at interim reexaminations. PHAs may use, if desired. PHAs are not required to use at annual reexamination if they use Safe Harbor verification to determine the family's income.
Income Validation Tool Report for PIH Programs	Provides projections of discrepant income for wages, unemployment compensation, and SSA benefits pursuant to HUD's data sharing agreements with the Department of Health and Human Services (HHS) using the National Directory of New Hires (NDNH) database, and the SSA.	PHAs are required to obtain an EIV Income and Income Validation Tool Report for each family any time the PHA conducts an annual reexamination of family income and composition. PHAs may use the report at other intervals, in accordance with the PHA's ACOP or Administrative Plan. PHAs are not required to use the report at annual reexamination if they used Safe Harbor verification to

		determine the family's income at the last reexamination.
Multiple Subsidy Reports	Identifies tenants who may be receiving rental assistance at more than one location.	At least quarterly.
New Hires Reports	Identifies tenants who have new employment within the last six months. Report is updated monthly.	PHAs must review this information at annual reexamination except when the PHA uses Safe Harbor verification to determine the family's income. PHAs that do not require families to undergo interim reexaminations (IRs) for income increases after an IR decrease do not need to review this report at all between a family's annual reexamination. If the PHA's policy is to require an IR for increases in income after an IR decrease, then the PHA must review the report quarterly after the family's IR decrease.
No Income Reported by HHS or SSA	Identifies tenants who passed the SSA identity test but where no income was reported by HHS or SSA. This scenario does not mean that the tenant does not have any income. PHAs must obtain written, third-party verification of any income reported by the tenant.	As identified in a PHA's Administrative Plan.

b. Deceased Tenants Report — Required Procedures (added per PIH 2026-11) Effective May 2026.

Generation Frequency. The CHA will generate the EIV Deceased Tenants Report at least once a month, prior to disbursing monthly Housing Assistance Payments to owners. The CHA will align this generation with its HAP processing schedule.

Death Confirmation. When the Deceased Tenants Report identifies an individual as deceased — or when the CHA receives such information from another source (family or friend report, obituary, etc.) — the CHA will request confirmation of the death within 24 hours of being notified. The request may be sent by mail, email, or hand delivery to the head of household, or, when the head of household is the deceased individual, to the family's emergency contact. The CHA will document all attempts to confirm the death in the tenant record. Families and emergency contacts will be given 30 days to respond in writing. If no response is received within 30 days, the CHA may presume the information is accurate and proceed.

Owner Notification (HCV, PBV). When the deceased individual is the head of household, the CHA will notify the owner in writing.

Deceased Single-Member Household. The CHA will terminate HAP to the owner no later than the last day of the month in which the death occurred, and will submit an End-of-Participation (EOP) Form HUD-50058 with an effective date equal to the last day of the month in which the death occurred. The owner is entitled to receive the full HAP amount for the month in which the death occurred. The CHA will not designate a live-in aide as a new head of household and will not pay HAP on behalf of a remaining live-in aide for any month after the month in which the head of household died.

Deceased Member of a Multi-Member Household. The CHA will submit an updated Form HUD-50058 removing the deceased individual. If the deceased was the head of household, the CHA will follow its admissions policies to determine a new head of household. The CHA will complete this action within 60 days of EIV receiving the death information. If no eligible new head of household is identified within 60 days, the CHA will file an EOP.

Owner Repayment of HAP Overpayments. If an owner receives HAP for any month in which the owner is ineligible because of a deceased tenant, the CHA will notify the owner in writing and require the owner to repay the overpayment within 30 days. If the owner does not repay, the CHA may deduct the overpayment from any other HAP due

to the owner or seek any other remedy available under the HAP contract and state and local law.

Errors in the Deceased Tenants Report. If a household member is misidentified as deceased on the Deceased Tenants Report, the CHA will notify the individual in writing and direct the individual to contact the Social Security Administration to correct its records. The CHA will require the family to provide written evidence from SSA before relying on the corrected information.

Family Self-Sufficiency. If the FSS head of household dies, the CHA will follow 24 CFR 984.305(d) and 24 CFR 984.303 in determining whether the FSS Contract of Participation should be transferred to a remaining adult, completed as a graduation, or terminated with forfeiture of escrow.

c. EIV and Annual Reexamination v Interim Reexamination

PHAs must use EIV to verify tenant employment and income information at annual and streamlined reexaminations of family composition and income. However, PHAs are no longer required to use EIV to verify tenant employment and income information during an interim reexamination of family composition and income.

The HA will not access the EIV system verify tenant employment and income information during an interim reexamination of family composition and income.

d. Security Personnel

The Executive Director has appointed a Security Officer to supervise and enforce the security procedures. Currently, the Assistant Director, serves in this capacity. The Security Officer's responsibilities include keeping records, logs and monitoring EIV security issues. The Security Officer reads and disseminates training materials and trains the appropriate departmental staff concerning the handling of files containing EIV data. These materials will be disseminated prior to working with the EIV data initially as well as yearly thereafter.

Access to EIV data is limited to persons whose duties or responsibilities require access. The level of access will also be limited to the functional areas of specific users as required. Any staff member who may need access or may need to have their status revoked will be reported to the Security Officer. If there is any unauthorized use of the system, the Security Officer will notify the Executive Director immediately and secure documentation of any security violation. The Executive Director or his/her designee shall notify the HUD Field Office PIH Director of any unauthorized use of the system.

e. Enterprise Income Verification Files

Information from Enterprise Income Verification websites will be downloaded only with a signed HUD Form 9886 Release Waiver, signed by each Household member 18 years of age or older, on file. The data pertaining to only one family will be maintained in a file. This data will be maintained in the same confidential manner as all tenant data.

Participating Family files are kept in file cabinets in an office with a door that locks. The external entrance doors to all sites are secured and alarmed. During normal operating hours, a staff member greets all visitors in the office. The general public does not have access to the room where confidential data are maintained unless accompanied by the Assistant Executive Director. Visitors are always escorted by HA staff in all areas that may contain confidential data. After hours, staff must access the building through an alarm code system.

f. Enterprise Income Verification Computer Files

Computerized data is handled in the following manner:

- Data downloaded from the Enterprise Income Verification system will not be saved to a hard drive.
- If the information is saved to a local drive (recordable disc), then it must be kept separately from all HA data.
- Any disk must be marked “Confidential.”
- Specific computers in locked areas will be used to access EIV data.

- When possible, one printer in each office will be designated to print EIV data.
- Printouts of EIV data will be collected from the printer immediately.

g. Destruction of Enterprise Income Verification Data

The EIV data is kept in the Tenant file for at least seven (7) years. EIV data will be shredded upon completion of seven years unless it is within an initial lease packet, which requires it to be kept until the tenant moves to another unit.

Any miscellaneous or duplicate copies printed that must be destroyed prior to the three-year period will also be shredded.

2. Upfront Income Verification (UIV) using non-HUD systems Level 5 (High)

The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals. Examples include the Work Number (an automated verification system) and state government databases, to verify tenant-reported income.

3. Written third-party verification from the source, also known as "tenant-provided verification" OR EIV + Self-Certification Level 4 (High)

The HA may choose either tenant-provided verification or EIV + Self-Certification when both are available to verify income.

EIV may be used as Level 4 verification and may be used to calculate income as long as the family agrees with the information in EIV; this practice is known as "EIV + Self-Certification." The EIV Income report will be dated within 120 days prior to the reexamination effective date.

The HA will use written, third-party verification when the income type is not available in EIV (e.g., self-employment, Go Fund Me accounts, general public assistance, Veterans Administration benefits, etc.)

Written, third-party verification or tenant provided verification is an original or authentic document generated by a third-party source dated within 120 days of the date received by the PHA. For fixed-income sources, dated within the appropriate benefit year is acceptable documentation.

Such documentation may be in the possession of the tenant (or applicant). The HA may obtain any tenant-provided documents and follow up directly with the third-party source to obtain necessary verification of information, when necessary.

Examples of acceptable tenant-provided documentation (generated by a third-party source) include but are not limited to the following:

- Pay stubs
- Payroll summary reports
- Employer notice or letters of hire or termination
- SSA benefit verification letters
- Bank statements
- Child support payment stubs
- Welfare benefit letters or printouts
- Unemployment monetary benefit notice
- Veterans Administration letters
- Retirement Benefit Letters
- Investment Company Statement
- City or County Court orders
- Life Insurance Company Statement
- Investment Group Statement

The HA will obtain a minimum of two current and consecutive pay stubs for determining annual income from wages when not using EIV + Self-Certification or the income type is not reported in EIV.

For new income sources or when two pay stubs are not available, the HA will determine income based on the information from a traditional written, third-party verification form or the best available information. Income tax returns with corresponding official tax forms and schedules attached and including third-party receipt of transmission for income tax return filed (i.e., tax preparer's transmittal receipt, summary of transmittal from online source, etc.) are an acceptable form of written, third-party verification.

When verification of assets is required, the HA will obtain a minimum of one statement that reflects the current balance of banking/financial accounts.

Verifications received from the third party electronically via computer e-mail, by fax machine, via an on-line database system, or directly from the source, are considered by the HA to be written third party verifications.

The HA reserves the right to reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

Information verified on the internet is considered by the HA to be written third-party verification if the HA is able to view and print web-based information from a reputable source on the computer screen.

4. Third-Party Form Level 3 (Medium)

For new income sources or when two pay stubs are not available, the HA will determine income based on the information from a traditional written, third-party verification form (or the best available information).

A Third-Party Form is also known as "traditional third-party verification." This type of verification is a form developed by the HA and used uniformly for all families when needed

to collect information from a third-party source. The form is completed by the third party by hand (in writing or typeset). The HA sends the form directly to the third-party source by mail, fax, or email.

The HA may skip this level of verification before attempting Level 2, which means they will have only completed Level 3 or Level 2 verification before moving to Self-Certification.

The family will be required to sign an authorization for release of information to allow the third parties to release the requested information.

Verifications received from the third party electronically via computer e-mail, by fax machine, via an on-line database system, or directly from the source, are considered by the HA to be written third party verifications.

5. Oral Third-Party Verification (Level 2 - Medium)

If the HA has requested a written third-party verification form and has not received a response **within 10 working days**, or if written third party verification is not possible, the HA will attempt oral third-party verification.

When a third-party oral verification is used, HA staff to note in the file:

- the name of the person contacted
- the date of the conversation, and the facts provided.

The HA will not delay the processing of an application beyond ten days because a third-party information provider does not return the verification in a timely manner.

The HA may skip this level of verification if they attempted Level 3, which means they will have only completed Level 3 or Level 2 verification before moving to Self-Certification.

6. Level 1 Non-Third-Party Verification: Self-Certification

If it is not possible to contact the third party by telephone due to either the agency's documented policy of not releasing information over the telephone, or unavailability of the third party, the HA will note the file and proceed to the next ranking verification source, Self Certification. The HA will not delay the processing of an application beyond ten working days because a third-party information provider does not return the verification in a timely manner.

The family may be required to certify that they do not receive a particular benefit or type of income.

The HA will require that the self-certification be signed in the presence of HA staff or notarized. A notarized self-certification means a family signed and dated affidavit/certification/statement under penalty of perjury in the presence of a notary public.

When the HA form is used the self-certification will state, "I/We, the undersigned, certify under penalty of perjury that the information provided here is true and correct, to the best of my knowledge and recollection. WARNING: Anyone who knowingly submits a false claim or knowingly makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. 287, 1001, 1010, 1012; 31 U.S.C. 3279, 3802)"

C. Determination of Income Using Other Means-Tested Public Assistance ("Safe Harbor") Effective upon HOTMA 102/104 compliance date.

24 CFR 5.609(c)(3) permits a PHA to determine a family's income, prior to the application of any deductions, based on income calculations made within the previous 12 months by another means-tested federal public assistance program. The CHA has elected to opt out of the Safe Harbor option.

The CHA does NOT accept Safe Harbor income determinations from other means-tested federal public assistance programs. The CHA will calculate annual income using the methods established in 24 CFR 5.609(c)(1) and (2) and applicable program regulations.

D. Length of Time Verification Is Acceptable

This provision is currently effective as the HA has adopted them in advance of full HOTMA implementation as permitted by HUD.

Unless otherwise noted herein, an original or authentic document generated by a third-party source dated within 120 days of the date received by the HA is acceptable verification. For fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation.

E. Policies Regarding Certain Items Verified and Methods Utilized

1. Proof of Identity

a. Applicant Identification

The HA requires each adult member of an applicant family to provide proof of identity in the form of a government issued photo identification card. The card must, at a minimum, identify the adult by name and date of birth and must be a valid, unexpired, card.

A live-in aide must provide a photo identification card at the time the family requests HA approval of the aide. The card must be valid (not expired) and must, at a minimum, identify the aide by name and birth date, but need not be of government issue. If the photo identification is not government issued, the aide must also provide one additional form of identification. A copy of both forms of identification must be maintained in the client folder for as long as the aide resides with the family. No adult shall be admitted to an assisted housing program unless he or she has provided the HA with a valid photo identification card. A copy of each identification card shall be maintained in the client folder.

When minors in the assisted family reach the age of 18, they shall be required to provide a government issued photo identification card for the client folder at the first reexamination of income following their 18th birthday.

b. Participant Identification

At the time of any annual reexamination, including one performed at the time of recontracting, each adult member of the family, including any approved live-in aide, must provide proof of identity in the form of either:

i. A government issued photo identification card, or
ii. A non-government photo identification card and one other form of identification.

All identification must be valid and current.

Failure to provide appropriate identification shall not be sufficient to delay the reexamination process, but failure to provide appropriate identification, or documentation that the family has undertaken actions to obtain proper identification within 30 days of the HA's request shall be considered a violation of the family's obligations and grounds for termination of assistance.

2. Provision of Social Security Numbers

This section does not apply to those who do not contend to have eligible immigration status.

a. Information required for Disclosure of Social Security Number

i. Documentation

Disclosure of Social Security Numbers (SSN) requires submission of the following:

- The complete and accurate SSN assigned to the assistance applicant and to each member of the assistance applicant's household; and
- A valid SSN card issued by the Social Security Administration; or
- An original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual; or
- Such other evidence of the SSN as HUD may prescribe in administrative instructions.

HUD has indicated that PHAS may accept a self-certification and a third-party document with the applicant's name printed on it. The PHA will generally not accept this as verification.

In rare and compelling circumstances when no other document is available to the family, the HA may accept self-certification of SSN and at least one third-party document, such as a bank statement, utility or cell phone bill, benefit letter, etc., that contains the name of the individual.

The HA will document why the other SSN documentation was not available. If the tenant's SSN becomes verified in EIV, then no further verification is required. If the tenant's SSN fails the SSA identity match, then the PHA will obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The tenant's assistance will be terminated if they fail to provide the required documentation. ***Effective May 2026. EIV operational requirement.*** When the CHA has accepted an SSN self-certification and supporting third-party document under these rare-circumstances provisions, the CHA will review the EIV Failed SSA Identity Report on a monthly basis to identify and follow up on any participant whose identity has not yet been verified through SSA.

ii. Rejection of documentation

The HA may reject documentation of an SSN provided by an applicant or participant if the document is not an original document or if the original document has been altered, mutilated, is illegible, or appears to be forged. In such cases the HA will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the HA within 90 days.

b. Requirements for Applicants

Applicants must submit disclosure information set forth in 2a above.

If an applicant is otherwise eligible to participate in a program, the applicant may retain its place on the waiting list for the program but cannot become a participant until it can provide the documentation to verify the SSN of each member of the household as set forth in A above.

However, if a child under the age of 6 years was added to the assistance applicant household within the 6-month period prior to the household's date of voucher issuance, the assistance applicant may become a participant, so long as the documentation required is provided to the processing entity within 90 calendar days from the date of admission into the program (or, for the HCV program, the effective date of the Housing Assistance Payment contract). The HA must grant an extension of one additional 90-day period if the HA determines that, in its discretion, the assistance applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the documentation required under the rule within the required time period, the Ha will follow the provisions of 24 CFR §5.218.

c. Participants

The HA has obtained and verified SSNs for all participants, except those age 62 or older as of January 31, 2010.

i. Addition of new household member who is at least 6 years of age or under the age of 6 and has an assigned SSN

When the participant requests to add a new household member who is at least 6 years of age or is under the age of 6 and has an assigned SSN, the participant must provide the information set forth in 2a above.

ii. Addition of new household member who is under the age of 6 and has no assigned SSN

When a participant requests to add a new household member who is under the age of 6 and has not been assigned a SSN, the participant shall be required to provide

the complete and accurate SSN assigned to each new child as described in A above to verify the SSN for each new child within 90 calendar days of the child being added to the household.

Further, the HA will grant an extension of one additional 90-day period if the HA, in its discretion, determines that the participant's failure to comply was due to circumstances that could not have reasonably been foreseen and were outside the control of the participant. During the period that the HA is awaiting documentation of a SSN, the HA shall include the child as part of the assisted household and the child shall be entitled to all the benefits of being a household member. If, upon expiration of the provided time period, the participant fails to produce a SSN, the HA will follow the provisions of 24 CFR §5.218.

iii. Assignment of New SSN to Participant

If the participant or any member of the participant's household has been assigned a new SSN, the participant must submit the information set forth in A above to HA at either the time of receipt of the new SSN; at the next interim or regularly scheduled reexamination or recertification of family composition or income, or other reexamination or recertification; or at such earlier time specified by the HA.

3. Proof of Age

The HA requires proof of age for each member of the assisted family and any subsequent additions to the family.

The following are acceptable forms of age verification:

- Birth Certificate or Certificate or Verification of Live Birth,
- Other Official Record of Birth,
- Baptismal Certificate,
- Census Record or Census Document showing age,

- Driver's License,
- State ID Card,
- Other identification cards issued by a federal, state or local agency,
- Adoption papers that specify age,
- Military discharge records,
- Naturalization certificate or other INS documents,
- Proof of receipt of old age benefits (SS or SSI for persons age 62 or older),
- Court records that specify a date of birth,
- Life insurance policies that specify a date of birth,
- Retirement Award or Benefit letters that specify a date of birth or age,
- Veterans Administration records,
- Valid passport.

4. Evidence of Citizenship

The HA requires applicants and participants of its Section 8 programs to submit evidence of citizenship or eligible immigration status in accordance with the HUD regulations governing *Restrictions on Housing Assistance to Noncitizens*.

The Housing Authority does allow for the self-certification of Citizenship using the Declaration form and will not require additional verification of the same unless fraud is suspected. Documentation of eligible noncitizen status is governed by the regulations addressing the same. See also Eligibility Section of this document.

5. Verification of Disability

Disability for purposes of Deductions shall be verified only by:

- Proof of disability provided through EIV verification;
- Proof of disability provided through a third-party verification from the Social

- Security Administration;
- A third-party verification of disability provided by a health care or service
- provider, a qualified professional having knowledge of the person's disability, who can verify that the person meets HUD's definition of disability (not a certification of disability for reasonable accommodation); or

- Document review of a Social Security or SSI benefit statement
- Disability is not verified by receipt of VA disability pay or by a statement indicating that a person meets the disability standards for reasonable accommodation.

6. Bonds

To determine the current value of a bond in the absence of third-party verification from a broker staff may use a website with a treasury department calculator provides the issue price of the bond, total interest earned to date, current value and current interest rate. The current value is used as the net value of the bond (asset). Annual income is the current value times the interest rate. If the interest rate column is blank, it means the bond is no longer paying interest. Printed calculator page results may be used as a third-party verification.

7. Checking and Savings Accounts

a. Cash Value and Income from Bank Accounts

For bank accounts with monthly statements, the HA uses the average closing balance of the most recent three consecutive months as the cash value of the asset.

For bank accounts with quarterly statements the HA uses the closing balance of the most recent quarterly statement.

For passbook savings accounts with no regular statements, the HA uses the closing balance of the passbook provided that the passbook has been updated by the savings

institution within 120 days of the date the passbook is presented to staff for document review.

The HA uses the current interest rate being paid by the financial institution to determine actual income from savings, checking and other accounts.

b. Certificates of Deposit and Money Market Accounts

The HA uses the current interest rate being paid by the financial institution to determine actual income from certificates of deposit and similar accounts.

c. Joint Accounts

If a member of the family has unrestricted access to the account and can withdraw money from the account, the entire value of the account is counted as his or her asset. If the family member merely has survivorship rights and has no access to the funds until the other party dies, then the funds are not counted. The family must demonstrate that it either has no access to the asset or that it has access only to a portion of the asset.

If the person's social security number is on the account for tax purposes, income from the asset should be considered as going to that person. If the asset is owned by two or more family members in the same household, prorate the asset (and income from the asset) evenly among all owners unless the family can document otherwise.

8. Mutual Funds and Stocks

Staff must initially attempt to obtain information on mutual funds and stocks from the family's broker or have the family certify that it does not use a broker. If information cannot be obtained from a broker, staff may accept information received from the family in the form of the most recent quarterly statements.

Staff must verify family-provided information by use of screen prints of information which may be used as third party verification of the current value of stocks, mutual funds and annual returns from dividends.

To determine the costs of converting stocks or mutual funds to cash staff uses information provided by the family's broker or financial institution.

9. Real Property

a. Market Value of a Single-Family Residence

In determining the market value of a single-family residence or a condominium in the area where no third-party broker or real estate agent's information is available on the unit, the HA shall determine the market value by:

- Determining the square footage of living space, and
- Multiplying the square footage times the median sales price per square foot for the appropriate area.

b. Costs of Sale of a Property

If a family has sold a property but cannot provide verification of the costs of sale through a broker, financial institution or escrow company, the HA will impute costs of sale equal to 7% of the market value.

To determine the cash value of a property, the HA shall use 7% of the fair market value as the imputed costs of sale unless the family provides a third party written estimate. This section is not intended to modify or supersede the Asset Limitation rules.

10. Credit Checks

The HA may conduct credit checks of participant families at annual reexaminations and at any time there is reasonable cause to believe that the family has not reported income or family composition in accordance with program requirements. Credit check results are reviewed for information that appears inconsistent with the family's report of income and family composition. Inconsistencies are investigated.

11. Seasonal, Sporadic or Irregular Employment

When calculating anticipated annual income for family members whose employment is seasonal, sporadic or irregular, the actual earnings from the past 12 months are used if the family member intends to continue in the same type of employment. A special reexamination may be scheduled as needed.

12. Imputed Income when Assets Exceed $50,000

Imputed asset income must be calculated for specific assets when three conditions are met:

- The value of net family assets exceeds $50,000 (as adjusted for inflation);
- The specific asset is included in net family assets; and
- Actual asset income cannot be calculated for the specific asset. Imputed asset income is calculated by multiplying the net cash value of the asset, after deducting reasonable costs that would be incurred in disposing of the asset, by the HUD-published passbook rate.

If the actual income from assets can be computed for some assets but not all assets, then the HA will add up the actual income from the assets, where actual income can be calculated, then calculate the imputed income for the assets where actual income could not be calculated. After the HA has calculated both the actual income and imputed income, the HA must combine both amounts to account for income on net family assets with a combined value of over $50,000.

When the family's net family assets do not exceed $50,000 (as adjusted for inflation), imputed income is not calculated. Imputed asset income is never calculated on assets that are excluded from net family assets. When actual income for an asset — which can equal $0 — can be calculated, imputed income is not calculated for that asset.

XIV. Termination of Assistance

A. Introduction

The Housing Authority may terminate assistance for a family because of the family's action or failure to act.

B. Form of Termination

Termination of assistance for a participant may include any or all of the following [24 CFR §982.552(a)(3)]:

- Refusal to enter into a HAP contract or approve a lease
- Termination of HAP under an outstanding HAP contract
- Refusal to process or provide assistance under portability procedures

C. Definitions

1. Drug-related criminal activity

a. **Drug-related criminal activity** is defined in 14 CFR Part5. 100 as the illegal manufacture sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

b. An “illegal drug” is defined as any controlled substance, in any amount, as defined by the United States Code, Title21, section 802, including but not limited to narcotics, amphetamines, hallucinogens, cocaine, marijuana, designer drugs, or other intoxicants. This definition also specifically includes over the counter medications used in the manufacture of illegal drugs or for the purposes of becoming intoxicated, and pharmaceutical medications which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a physician for the purposes of becoming intoxicated.

c. Drug-related criminal activity does not include the prior use or possession of a controlled substance if the family member had an addiction to the substance and has recovered or is recovering from the addiction and does not currently use or

possess the substance and has demonstrated successful completion of a rehabilitation program [24 CFR §982.553(b)].

In such cases the HA will require a Family member who has engaged in the illegal use of a controlled substance to submit verifiable evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the Unit.

2. Violent criminal activity

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member, their guests or invitees. Violent criminal activity also includes activity which occurs within the family, such as during domestic disputes.

3. Preponderance of Evidence

In determining whether to terminate assistance based on criminal activity, the Housing Authority may terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

The Housing Authority may consider arrests, convictions, no contest pleas, fines, city ordinance violations or other credible preponderance of evidence in determining if a violation has occurred.

“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.

D. Mandatory Termination

The Housing Authority must terminate assistance for participants under the following conditions:

1. If any member of the family fails to sign and submit to HUD or Housing Authority required consent forms for obtaining information [24 CFR §982.552(b)(3)].
2. If a member of the family has failed to submit required evidence of U.S. citizenship or eligible immigration status [24 CFR §982.552(b)(4)].
3. If 180 calendar days have elapsed since the Housing Authority's last housing assistance payment was made.
4. If any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education [24 CFR §5.612].
5. If any member of the family has been evicted from federally assisted housing for a serious violation of the lease [24 CFR §982.552 (b)(2)].
6. For illegal drug use, other criminal activity, and alcohol abuse that would threaten other residents, as pursuant to 24 CFR § 982.553.
    a. If any household member has ever been convicted of drug-related criminal activity for *manufacture* or production of methamphetamine on the premises of *federally* assisted housing; [24 CFR §982.553] The Premises includes the dwelling, common areas, and grounds.
    b. For three years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. However, the HA may admit the household if the HA determines:
    c. That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the HA; or
    d. That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).

e. If any household member is currently engaging in illegal use of a drug; Currently engaging is defined as engaging within the past 12 months which creates a rebuttable presumption of current use.

f. If the HA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

7. If there is a violation of the restrictions on net assets and property ownership when required by 24 CFR § 5.618. This is subject to Housing Authority non-enforcement policies where applicable.

8. The family does not meet the social security number disclosure, documentation and certification requirements.

E. Discretionary Grounds for Termination of Assistance

The Housing Authority may at any time terminate program assistance to a participant, for any of the following reasons:

1. The family violates any family obligation under the program as listed in 24 CFR 982.551 [24 CFR §982.552(c)(1)(i)].

2. Any member of the family has been evicted from federally assisted housing within the past 5 years [24 CFR §982.552(c)(1)(ii)].

3. A PHA has terminated assistance under the program for any member of the family. [24 CFR §982.552(c)(1)(iii)].

4. If any member of the family has committed fraud, bribery or any other corrupt or criminal act in connection with Section 8 or other public housing assistance under the 1937 act.

5. The family currently owes rent or other amounts to the Housing Authority or to another housing agency in connection with Section 8 or public housing assistance under the 1937 Act [24 CFR §982.552(c)(1)(v)].

6. The family has not reimbursed the Housing Authority or any housing agency for amounts paid under a HAP contract to an owner for rent, damages to the unit, or other amounts owed by the family under the lease [24 CFR §982.552(c)(1)(vi)].

7. The family breaches an agreement with any housing agency to pay amounts owed to any housing agency, or amounts paid to an owner by any housing agency [24 CFR §982.552(c)(1)(vii)].

8. A family participating in the family self-sufficiency (FSS) program fails to comply, without good cause, with the family's FSS contract of participation (COP) [24 CFR §982.552(c)(1)(viii)].

9. The family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel [24 CFR §982.552(c)(1)(ix)].

10. "Abusive or violent behavior" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination.

11. "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence. Actual physical abuse or violence will always be cause for termination.

12. Failure to fulfill the obligations and conditions of the Welfare to Work program is grounds for termination of assistance. [24 CFR §982.552(c)(1)(x)]

13. Any household member engages in criminal activity or alcohol abuse as described in 24 CFR §982.553. Specifically,

a. Drug Related Criminal Activity;

i. Any household member is currently engaged in any illegal use of a drug; or 982.553 (b) (1) (i) (A)

ii. A pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents, 982.553 (b) (1) (i) (B) or

iii. The HA determines that any family member has violated the family's obligation under Sec. 982.551 not to engage in any drug-related criminal activity. 982.553 (b) (i) (ii)

The HA may not terminate assistance for past use or possession of a controlled substance by a Family member if the household member can demonstrate that they have an addiction, have a record of an addiction, or is regarded as having an addiction to a controlled substance, and can demonstrate that they are in recovery from any such addiction, and do not currently use or possess a controlled substance. The HA may require a Family Member who has engaged in the illegal use of a controlled substance to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the Unit.

b. Violent Criminal Activity; [24 CFR §982.553(a)(2) and (b)(2)]

c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the Premises by other residents or persons residing in the immediate vicinity; or

d. Other criminal activity which may threaten the health or safety of the Owner, property management staff, or persons performing a contract administration function on behalf of the HA (including a HA employee or a HA contractor, subcontractor, or agent).

- The HA may terminate assistance for drug-related criminal activity that occurs on or off the premises of the assisted unit, or drug related criminal activity committed by a guest or invitee of any family member on the premises of the assisted unit.
- May terminate assistance if the family violates the lease for drug-related criminal activity.

14. Any household member engages in alcohol abuse as described in 24 CFR §982. Specifically, a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

The HA may require a Family member whose abuse or pattern of abuse of alcohol has threatened the health or safety of, or the right to peaceful enjoyment of the Premises by other residents to submit evidence of participation in, or successful completion of, a treatment program as a condition preceding being allowed to reside in the Unit.

F. Considerations in Certain Terminations

1. *Consideration of circumstances generally*. The HA has the discretion to consider all of the circumstances in each case including, but not limited to, the seriousness of the offense, the extent of the criminal history, the extent of participation by Family members, and the effects that termination will have on Family members not involved in the alleged activity.
2. *Reasonable Accommodation*. The HA shall consider a request for Reasonable Accommodation by a Participant who has a disability or handicap, has a record of a disability or handicap, or is perceived as having a disability or handicap.
3. *Mitigating Circumstances*. The HA shall consider mitigating circumstances such as active participation in, or completion of, a supervised drug treatment program.
4. *Retention of assistance by a portion of the Family*. The HA may, in its discretion, allow only a portion or certain members of the Family to remain on the HCVP, if there is sufficient evidence that the Family member who engaged in the alleged activity will not reside in the Unit or if the Head of Household certifies that the Family Member who engaged in the alleged activity will not reside in the Unit.
5. *Minors*. If the violating member is a minor, the Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.
6. *Project based vs. tenant-based assistance*. The HA may consider whether the Participant receives project-based assistance, which has as one of its components supportive services that may be appropriate for the participant.
7. *Domestic Violence.* The HA may consider an incident or incidents directly related to Domestic Violence, Dating Violence, Sexual Assault, or Stalking as mitigating circumstances when the incident or incidents of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is directly related to the reason for termination. Under 24 CFR 5.2005(b), criminal activity directly related to Domestic Violence, Dating Violence, Sexual Assault, 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 tenancy, occupancy rights, or assistance of the victim, if the tenant or immediate family member of the tenant is the victim.

G. Family Obligations

As indicated elsewhere within this within this Plan, failure to abide by any of the family obligations is grounds for termination. Family obligations are as follows:

1. Supplying Required information [24 CFR §982.551 (b) (1)]

The family must supply any *information* that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence *of* citizenship or eligible immigration status (as provided by 24 CFR part 5). ``Information'' includes any requested certification, release or other documentation.

The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

The family must disclose and verify social security numbers and must sign and submit consent forms for obtaining information

Any information supplied by the family must be true and complete.

2. NSPIRE breach caused by family

The family is responsible for an HQS breach caused by the family for:

- Failure to pay for tenant-paid utilities
- Failure to furnish required stove and or refrigerator if to be provided by family; or
- Damage to the unit or grounds by the family or its guests beyond normal wear and tear.

3. Allowing PHA inspection. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

4. Violation of lease. The family may not commit any serious or repeated violation of the lease. Under 24 CFR 5.2005(a), an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or Stalking will not be construed as a serious or repeated lease violation by the victim or threatened victim of the domestic violence, dating violence, or stalking, or as good cause to terminate the tenancy, occupancy rights, or assistance of the victim.
5. Family notice of move or lease termination. The family must notify the PHA and the owner before the family moves out of the unit or terminates the lease on notice to the owner. See Sec. 982.314(d).
6. Owner eviction notice. The family must promptly give the PHA a copy of any owner eviction notice.
7. Use and occupancy of unit—
    i. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
    ii. The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit. No other person [i.e., nobody but members of the assisted family] may reside in the unit (except for a foster child or live-in aide as provided in this Plan).
    iii. The family must promptly notify the PHA if any family member no longer resides in the unit.
    iv. If the PHA has given approval, a foster child or a live-in-aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or a live-in-aide and defining when PHA consent may be given or denied.
    v. Members of the household may engage in legal profitmaking activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family.
    vi. The family must not sublease or let the unit.
    vii. The family must not assign the lease or transfer the unit.

8. Absence from unit. The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.
9. Interest in unit. The family must not own or have any interest in the unit.
10. Fraud and other program violation. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
11. Crime by household members. The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises (see Sec. 982.553). Under 24 CFR 5.2005(b), criminal activity directly related 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 tenancy, occupancy rights, or assistance of the victim, if the tenant or immediate family member of the tenant is the victim.
12. Alcohol abuse by household members. The members of the household must not abuse 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.
13. Other housing assistance. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

H. Registered Sex Offenders

If it is brought to the attention of the Housing Authority that a participant is on the sex offender registration list, the Housing Authority will review the matter on a case-by-case basis. The

Housing Authority will consult with law enforcement and legal counsel and take appropriate actions based on findings.

I. Procedures for Non-Citizens

The Housing Authority is required to terminate assistance for participant families in which no members are U.S. citizens or eligible immigrants. If a family member does not establish citizenship or eligible immigration status as required, the Housing Authority will prorate the assistance, or if there are no eligible family members remaining, the Housing Authority will propose program termination and provide the opportunity for an informal hearing as required under HUD's Restrictions on Assistance to Noncitizens Rule.

The Housing Authority will terminate assistance for misrepresentations or submission of false information.

All Noncitizen rule matters will be governed by HUD regulations covering, Restrictions on Assistance to Noncitizens as set forth within the applicable CFR sections. Also see eligibility section of this document.

J. Zero Assistance (End of Participation)

The Housing Authority is required to automatically terminate the HAP contract 180 calendar days after the last housing assistance payment is made to the owner. A family receiving no assistance may remain in the unit for up to 180 calendar days after the last HAP payment. If the family is still in the unit after 180 calendar days, assistance is terminated. If within the 180-day period, an owner rent increase or a decrease in the TTP causes the family to be eligible for a housing assistance payment, the Housing Authority will resume assistance payments for the family.

In order for a family to move to another unit during the 180 calendar days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

K. Restriction on Leasing to Relatives

The family must not receive housing choice voucher program housing assistance while residing in a unit owned by a spouse, parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the Housing Authority has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

L. Option Not to Terminate for Misrepresentation of Income

If the family has misrepresented any facts that caused Housing Authority to overpay assistance, the Housing Authority may choose not to terminate at that time and may offer to continue assistance provided that the family agrees to pay the Housing Authority the amount owed and either pays the Housing Authority in full or executes a Repayment Agreement and makes payments in accordance with the agreement as addressed in greater detail in the section entitled, Payments by Families who Owe Money to the HA in this Administrative Plan.

M. Missed Appointments and Deadlines

It is a family obligation to supply information, documentation, and certifications as needed for the Housing Authority to complete required processes. The Housing Authority schedules appointments and sets deadlines in order to obtain the required information. Failure to supply requested information can result in termination of assistance. Examples of failing to supply requested information can include failing to sign necessary documents, failing to return documents or returning incomplete or altered documents and failing to complete all information in requested on documents.

The obligations also require that the family keep all appointments and allow the Housing Authority to inspect the assisted unit. All scheduled inspections are considered “appointments.”

Appointments are scheduled and time requirements imposed for the following events and circumstances:

1. Eligibility for Admissions;
2. Verification Procedures;
3. Voucher Issuance and Briefings;
4. Inspections;
5. Reexaminations; and
6. Appeals (Informal Hearing/Reviews)

Examples of good cause for missing appointments or failing to provide information by deadlines are medical and/or family emergencies. In such cases, the family may be requested to provide verification of such circumstances.

An applicant or participant who fails to keep appointments, including HQS inspection appointments, or to supply information required by a deadline without notifying the Housing Authority may be sent a notice of termination of assistance for failure to comply with program regulations.

The Housing Authority may grant exceptions to this policy as a reasonable accommodation.

N. Reporting Terminated Families to Enterprise Income Verification System (EIV)

If a family is terminated due to an adverse action or leaves the program owing money to the Housing Authority, the family will be reported to EIV. Additionally, if any debt is owed, the amount of the debt will be recorded in EIV.

O. Owners

Nothing in this section limits or affects PHA rights and remedies against and owner under a HAP contract.

P. Statutory and Regulatory changes and HUD Directives

Nothing in the plan serves to limit the Housing Authority from terminating assistance on grounds authorized by State, Federal or local law or other provisions applicable to the Section 8 HCV program.

XV. Administrative Matters

A. Denial of Moves Due to Insufficient Funding

1. Introduction

If the HA approves a family's request to move and then subsequently experiences a funding shortfall, the HA may only rescind the voucher if the family is allowed to remain in its current unit. If the family cannot remain in the unit (e.g. family has already vacated the unit or family has already notified the owner of their intent to vacate, and the owner has re-let the unit to another family) the HA will not rescind the voucher. And the family will be allowed to lease a new unit. This requirement applies to moves within the PHA's jurisdiction and to portability moves.

2. Definitions

Higher cost unit: is defined as a unit which requires a higher subsidy amount due to an increase in the gross rent for the new unit.

Higher cost area: is defined as an area where the HA would have to pay a higher subsidy amount due to higher payment standards or more generous subsidy standards of the receiving PHA (e.g. the receiving PHA issues a 3-bedroom voucher to a family that received a 2-bedroom voucher from the initial PHA).

3. When the HA May Deny a Move Due to Insufficient Funding

The HA may only deny a request to move due to insufficient funding if all of the following applies:

a. The move is to a higher cost unit (for moves within the HA's jurisdiction) or to a higher cost area (for portability moves).

The HA may not deny requests to move due to insufficient funding if the subsidy for the new unit is equal to or less than the current subsidy being paid for the family. PHA may not deny requests to move due to insufficient funding if the area the family has selected is not a higher cost area.

Further, the HA will not deny the move for families moving within the PHA's jurisdiction (even if the new unit is a higher cost unit) if the family must move from their current unit (e.g. the unit failed HQS, the owner failed to renew the lease, etc.). However, if the family is moving under portability, the PHA may deny the move under these circumstances if the family is moving to a higher cost area under portability and the receiving PHA is not absorbing the family into their program.

b. The receiving PHA is not absorbing the voucher (applicable only to portability moves).

The HA may not deny a family request to move under portability if the receiving PHA has confirmed that they will absorb the family into their program. In such cases, the initial PHA has no grounds to deny the portability move under 24 CFR § 982.354(e) (1).

c. The HA would be unable to avoid termination of current participants during the calendar year in order to remain within its budgetary allocation (including any available HAP reserves) for housing assistance payments.

The HA will not deny a family's request to move due to insufficient funding because it wishes to admit additional families from its waiting list into its voucher program, regardless of whether it has unit months available to do so. If the HA denies a family's request to move, it may not subsequently admit families from its waiting list to its HCV program until families with open requests to move are processed.

4. Notifying the Local PIH Field Office

The HA will provide written notification to the local PIH field office within 10 business days of the date on which the PHA determines it is necessary to deny family moves due to insufficient funding. Only one notification per calendar year will be provided and it will include the following:

- A financial analysis that demonstrates insufficient funds are projected to meet the current calendar year projection of expenses. (See Determining Whether There Is Sufficient Funding)
- A statement certifying the PHA has ceased issuing vouchers and will not admit families from their waiting list while the limitation on moves is in place.
- A copy of the PHA's policy stating how the PHA will address families who have been denied moves.

The HA does not need prior HUD approval to deny a family move for insufficient funding, subject to the section entitled Improper Denial of Requests to Move.

5. Determining Whether There Is Sufficient Funding

In projecting whether there is sufficient funding available for the remainder of the calendar year, the HA will make reasonable estimates to factor in conditions such as pending rent increases that would affect the subsidy and the attrition rate for families leaving the program. The HAs will not include projected costs for vouchers issued to families from the waiting list but not yet leased as part of this analysis. Vouchers issued to those on the waiting list will not be considered an expense for purposes of determining whether to deny a move due to insufficient funding until such time that HAP contracts are executed and the PHA is legally obligated to make HAP payments. An initial HA as may also consider any reported changes in the family's income or composition that may result in a decreased subsidy amount.

The HA may use the two-year forecasting tool is available on HUD's website to assist in determining if sufficient funding is available to support a move. However, the HAs is not required to use this tool and may choose to use other tools.

6. Specific Policies Addressing Denial of Family Moves for Insufficient Funding

a. Notice to families of the PHA's local policy regarding moves denied due to insufficient funding

At the time a family is denied a move due to insufficient finding they will be provided with a letter explaining that the move is denied for such reason. This letter will inform them that they will be contacted in writing on or before January 1st of the following calendar year with the status of the matter. Further, the letter will explain that at such time as adequate exists they family will the informed of such fact and notified that they have the right to resubmit a Request for Tenancy Approval for the higher cost unit or area.

The family will also be notified in the initial letter that they may still relocate to (1) a unit which is not of higher cost (2) to an area which is not of higher cost or (3) to a higher cost unit or areas if a receiving PHA will absorb them into their program.

b. How long the family's request to move will be open for consideration

The family's request for move to a particular higher cost unit or area will be removed from consideration at such time as it is denied for one of the reasons set forth herein. However, the family will be informed at such time as adequate funding exists that they may submit a Request for Tenancy Approval for a higher cost unit or area.

c. How the PHA will notify families with open requests when funds become available

The HA will maintain log of families denied moves due to inadequate funding. Families will be sent a letter on or before January 1st of the following calendar year with the status of the matter. Further, the family may be contacted earlier if adequate funding to support the move to a higher cost unit or area. At that time the family will

be notified that they have the right to resubmit a Request for Tenancy Approval for the higher cost unit or area. Families will be contacted in the order they were denied the move (first denied shall be the first contacted).

7. Improper Denial of Requests to Move

If HUD determines that the HA lacks grounds to deny moves due to insufficient funding, the HA will immediately inform any affected family and immediately process the family's request to move.

B. Termination of HAP Contracts Due to Insufficient Funding

1. Introduction

The Housing Authority (HA) may terminate the Housing Assistance Payments (HAP) contract if the HA determines that funding under the consolidated ACC is insufficient to support continued assistance for families in the program. (24 CFR 982.454)

In the event that the HA's Annual HAP Budget Authority is insufficient to support the number of Families currently under contract in the Section 8 program, the HA will analyze data to determine the number of Section 8 contracts that must be terminated due to the lack of sufficient funding. The HA shall employ the following guidelines when terminating assistance due to insufficient funding. Vouchers with special purpose funding will receive special attention in accordance with PIH 2012-09 and are addressed specifically within this policy.

The HA will notify the HUD field office and its financial analyst at the Financial Management Center (FMC) prior to issuing notices of termination actions due to insufficient funding. The notice will be in writing and must include all measures taken to date to reduce or eliminate the shortfall and the number and date(s) of proposed termination.

2. Ongoing Funding Analysis

On a monthly basis the HA reviews per unit costs (PUC) and leasing and attrition rates. In the event that vouchers are over leased and/or HAP funds are over-utilized, the Section 8 Department will initiate appropriate corrective action to decrease leasing or utilization as applicable.

3. Cost Containment Measures

The Housing Authority will, to the extent necessary under program circumstances, employ the following measures to ensure cost containment:

- **a.** Adjust Payment Standards;
- **b.** Adjust Utility Allowances;
- **c.** Ensure Reasonable Rents;
- **d.** Adjustment of Subsidy Standards;
- **e.** Adjustment of Minimum Rent;
- **f.** Income matching/verification Employment of Anti-Fraud Efforts;
- **g.** Adjustment of Interim Adjustment Policies and Procedures;
- **h.** Restrict the Issuance of Vouchers;
- **i.** Suspend or Cancel Vouchers in search status;
- **j.** Place Leasing Moratorium into Effect; and or
- **k.** Strengthen Enforcement of Participant Family Obligations.

Nothing in this section is intended to modify the Housing Authority's obligations under current law and the Housing Authority continues to comply with all policies and regulatory guidance in place in terms of program compliance notwithstanding its listing above. The HA will comply with these requirements, regardless of whether the HA is experiencing financial difficulties. However, HUD has issued guidance reminding the HA that there are certain proactive steps the HA may take within the context of some of these requirements to better manage HAP expenses.

4. Declaration of Insufficient Funding

Prior to the termination of HAP contracts due to insufficient funding the Housing Authority will issue a formal, "Declaration of Insufficient Funding." This Declaration will be made in writing and signed by the Executive Director. Said Declaration will only be made after the following measures have been employed:

a. The HA has taken reasonable steps to contain costs as identified above and is still of the opinion that there will be insufficient funds to support the current or projected number of assisted families; and

b. The Housing Authority has investigated possible alternative sources of funds to support the current or projected assisted families.

The Declaration shall identify the amount of the shortfall, the steps to mitigate the shortfall and assessment of fiscal impact of continued HAP assistance at the projected rate.

5. Request for Authorization to Terminate HAP Contracts

Authority to terminate HAP Contracts due to Insufficient Funding shall be vested in the Board of Directors and Approval to terminate HAP contracts shall be granted by resolution of the Board after consideration of the Housing Authority's, "Request to Terminate HAP Contracts Due to Insufficient Funding." The "Request to Terminate HAP Contracts Due to Insufficient Funding" will be made in writing to the Board of Directors and shall state,

a. The number and dollar value of HAP contracts to be terminated, and

b. The timeline for HAP contract terminations.

Nothing within this section shall be deemed to supersede and requirement to notify HUD and comply with all HUD requirements with regard to termination of HAP contracts.

6. Administration of Housing Assistance Payment Contract Terminations

a. Determining the Order of Contracts to be Terminated

The HA shall terminate HAP contracts due to insufficient funding based upon the date of the participant family's admittance to the Section 8 program. The family that was

first admitted to the program, according to the first assisted lease date, shall be the first to have assistance terminated due to insufficient funding. (i.e. those assisted longest will have HAP contract terminated first.)

For this purpose, the HA shall consider the Family's first assisted lease date under the HA's Section 8 Program to be their date of admittance to the Section 8 tenant-based program.

b. Contracts which will be Terminated Last

Contracts for a family in any of the following categories shall be terminated only after all other contracts[8] have been terminated:

i. Elderly Family,
ii. Disabled Family, or
iii. Any Family that is under an agreement in the Homeownership program or subject to a HA relocation agreement.

c. Notification of Owner

The HA will provide the owner with written notice of, "Notice of HAP Contract Termination Due to Insufficient Funding." Said Notice will comply with notice requirements under the existing HAP. The Notice will be sent to the owner via first class mail. A copy will be sent via first class mail to the participant.

Said Notice shall set forth

i. The reason for termination,
ii. Reference the regulatory grounds for termination of the HAP contract,
iii. Effective date of HAP contract termination,
iv. Rights and responsibilities of the owner, and
v. The HA representative contact person.

[8] Contracts funded through funding for special purpose vouchers (SPVs) such as VASH, NED and FUP are required by HUD to be terminated last. Contracts assisted under these SPV Programs are excluded from this group of overall HAP contracts initially terminated. Thus, it is possible that a HAP could be terminated for a family in one of these situations (Elderly, Disabled, Relocation or Homeownership with HAPs still in place for SPV families. (See HUD Notice 2012-9)

d. Notification of Participant

The HA will provide the participant with written notice of, "Notice of Termination of Assistance Due to Insufficient Funding." Said Notice will offer the family an Informal Hearing on the matter. However, the HA may terminate the HAP contract in advance of this Informal Hearing. The Notice will be sent to the tenant via first class mail. A copy will be sent to the owner via first class mail.

Said Notice shall set forth

i. The reason for termination,
ii. Reference the regulatory grounds for termination,
iii. Effective date of HAP contract termination,
iv. Rights and responsibilities of the participant including the right to an informal hearing,
v. Special assistance available from the HA,
vi. The HA representative contact person, and
vii. Participant rights regarding resumption of assistance if applicable.

7. Application for Section 8 Assistance

Participants with terminated HAP contracts may reapply for Section 8 Assistance by submission of an application for any open Section 8 waiting list. Termination of HAP due to insufficient funding is a no-fault termination on the part of the participant. Participants may be entitled to a priority on certain Section 8 Waiting lists due to the termination of HAP. However, the Housing Authority will not automatically "resume" assistance to said families.

8. Special Purpose Vouchers

The Department of Housing Urban Development is clear that HAs are required to fully lease their Special Purpose Vouchers (SPVs) and that the HA may only re-issue turnover

SPVs to the same targeted population. Turnover of these vouchers are specifically governed by Housing Authority Notices on the subject.

To the extent that finding shortfalls impact assisted families HUD requires specific policies to address SPVs.

a. Issuance after Cessation of Issuance of Vouchers

If the Housing Authority does have a funding shortfall and is not serving the required number of Family Unification (FUP), Nonelderly Disabled (NED) or Veterans Affairs Supportive Housing (VASH) families, the HA will first issue vouchers to FUP, NED and VASH families on the waiting list when it resumes issuing vouchers. This shall be the case until the HA is utilizing all its required number of SPVs. The Housing Authority shall issue to FUP, NED and VASH by date and time of application at such time as funding becomes available for reissuance of SPVs.

b. Termination of Contracts Funded for Special Purpose Vouchers

The procedures set forth within this Section entitled, Termination of HAP Contracts Due to Insufficient Funding, generally shall apply to Special Purpose Vouchers. However, to the extent that the HA experiences a shortfall, HUD VASH, NED and FUP families that comprise the required number of families served will be the last to be terminated. In the event that termination becomes necessary in accordance with the procedures outlined within this Administrative Plan and HUD VASH, NED or FUP families require termination, the termination would occur in the order outlined for the generic nonspecial purpose voucher (based upon lease date with exemptions for elderly and disabled). Further, resumption of assistance for these families would be set forth in the manner set forth in this Administrative Plan. Again, as required under PIH 2012-09, vouchers would be re-issued first to HUD VASH, NED of FUP families that comprise the required number to be served.

C. Payments by Families Who Owe Money to the HA

Grounds for denial or termination of Section 8 Assistance include situations in which the family owes money to the Housing Authority. Tenants are required to reimburse the PHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the PHA will terminate the family's assistance. HUD does not authorize any HA sponsored amnesty or debt forgiveness programs.

The Housing Authority may, in its discretion, based on the facts and circumstances of the case, offer the family the opportunity to enter into a repayment agreement.

Factors considered in determining whether a repayment agreement will be offered include, but are not limited to, the following:

- the amount of money owed;
- the reason such money is owed and the extent of culpability on the part of family members;
- the family's evidence of commitment and ability to make repayment.

All repayment agreements will be in writing, dated, signed by both the tenant and the HA, and will include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements will contain the following provisions:

- Reference to the paragraphs whereby the tenant is in non-compliance and may be subject to termination of assistance.
- The amount of monthly retroactive rent repayment payable to the HA.
- The fact that terms of the agreement may be renegotiated if there is a decrease or increase in the family's income.
- The fact that late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

The period in which the retroactive rent balance will be repaid is based on the monthly payments and original retroactive balance.

Section 8 participants shall repay the retroactive rent balance as determined by the HA as follows:

1. In a lump sum payment; or
2. One third down and monthly payments.

In the event of breach of the agreement by the family (i.e. late or missed payments), the Housing Authority shall retain the right to terminate the agreement and move forward with termination of Section 8 Assistance on grounds originally available at the time of execution of the repayment agreement and on any additional grounds which have become applicable since the execution of the repayment agreement. No move will be processed pending such proceedings on breach of agreement unless to do so is required as a reasonable accommodation or is required under VAWA.

In the event that a family makes one or more late payments which are accepted by the HA, this shall not stop the HA from terminating the agreement at a later date for failure of the family to again make payment within the time parameter set forth in the repayment agreement.

The Housing Authority reserves the right to refuse to enter into a repayment agreement with a family if the HA is of the opinion that such agreement should not be offered based upon the facts and circumstances of the case. In such cases the Housing Authority will proceed with collection action as no amnesty or debt forgiveness programs are authorized by HUD.

No move will be processed until an agreement is paid in full unless to do so is required as a reasonable accommodation or is required under VAWA.

D. Board Approval of Administrative Fee Reserves

The Housing Authority must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for an HA fiscal year. If funds in the administrative fee reserve are not needed to cover HA administrative expenses

(to the end of the last expiring funding increment under the Consolidated ACC), the HA may use these funds for other housing purposes permitted by state and local law. However, HUD may prohibit use of the funds for certain purposes.

The Housing Authority Board of Officials, or other authorized officials have determined that $600.00 may be charged against the administrative fee reserve without specific approval. All monies in excess of this sum will require approval of the HA Board of Officials or other authorized officials.

E. Lease and Housing Assistance Payments Contract Execution Timeframes

1. Lease

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

- **a.** The PHA has inspected the unit and has determined that the unit satisfies the HQS;
- **b.** The landlord and the tenant have executed the lease (including the HUD-prescribed tenancy addendum, and the lead-based paint disclosure information as required in 24 CFR § 35.92(b); and
- **c.** The PHA has approved leasing of the unit in accordance with program requirements.

2. Housing Assistance Payments Contract

a. Advance Requirements

The PHA will not execute a HAP contract until it has determined that:

i. The unit is eligible.

ii. The unit has been inspected by the PHA and passes the HQS inspection[9];

iii. The lease includes the tenancy addendum;

[9] There is an exception for PHAs that have implemented, and determined that the unit is covered by the no life-threatening deficiencies option and the alternative inspection which are the two initial HQS inspection options in paragraphs (f)(2) and (3) of 24 CFR 982.305.

iv. The rent to owner has been determined as reasonable; and

v. Where the gross rent of the unit exceeds the applicable payment standard for the family, the family share does not exceed 40 percent of the family's monthly adjusted income[10].

b. Timeframe for HAP contract execution

i. The PHA must use best efforts to execute the HAP contract before the beginning of the lease term. The HAP contract must be executed no later than 60 calendar days from the beginning of the lease term.

ii. The PHA may not pay any housing assistance payment to the owner until the HAP contract has been executed.

iii. If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, the PHA will pay housing assistance payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of 60 days)

iv. Any HAP contract executed after the 60-day period is void, and the PHA may not pay any housing assistance payment to the owner, unless there are extenuating circumstances that prevent or prevented the PHA from meeting the 60-day deadline, then the PHA may submit to the HUD field office a request for an extension. The request must be submitted no later than two weeks after the 60-day deadline and must include an explanation of the extenuating circumstances and any supporting documentation. HUD at its sole discretion will determine if the extension request is approved.

F. Signatures and Scanned Documents

1. Use of Electronic Signatures

[10]This last provision applies only at the time a family initially receives tenant-based assistance for occupancy of a dwelling unit.

Generally, the HA requires original signatures on program documents and verification forms.

At the discretion of the HA the HA may accept electronic signatures on a document unless it is precluded by HUD.

The electronic signature can take the form of a scan of the individual's handwritten signature, an electronically inserted image intended to substitute for a signature. This electronic signature shall have the same force and effect as if the individual had affixed her or his original signature to a paper copy of the document so signed.

If at any time, the HA has reason to believe that the signature referenced above was not made by the individual whose signature is on the document, the HA may request additional documentation to verify the information and or require original signatures.

The HA may also temporarily accept an electronic signature and require an original signature be provided by a certain date when circumstances warrant. In the event that the party does not provide the original signature by the date required by the HA, the Housing Authority may take appropriate action including termination of HAP Contract or Program Participation where applicable.

2. Original Documents

Generally, the HA requires original program documents and verification forms[11].

At the discretion of the HA the HA may accept a scanned document, an electronic copy, facsimile copy, photostatic copy or picture of a document sent through a cellular phone or similar device unless it is precluded by HUD.

If at any time, the HA has reason to believe that documents have been altered or contain fraudulent information, the HA may request additional documentation to verify the information and or require original documents.

[11] See VIII, Verification, for the for HUD requirements with regard to verification.

The HA may also temporarily accept a scanned document, an electronic copy, facsimile copy, photostatic copy or picture of a document sent through a cellular phone or similar device and require an original document be provided by a certain date when circumstances warrant. In the event that the party does not provide the original signature by the date required by the HA, the Housing Authority may take appropriate action including termination of HAP Contract or Program Participation where applicable.

G. De Minimis Errors

The HA will not be considered out of compliance solely due to de minimis errors in calculating family income. De minimis errors occur when the HA's determination of a family's income deviates from the correct income determination by no more than $30 per month in monthly adjusted income (or $360 in annual adjusted income). HUD may revise the threshold amount that constitutes a "de minimis error" through rulemaking.

Once the HA becomes aware of the existence of an income calculation error, the error(s) will be corrected retroactive to the effective date of the action resulting in an error regardless of the dollar amount associated with the error.

In cases of HA error, families will not be required to repay HA in instances where HA miscalculated income resulting in a family being undercharged for rent. Once HA becomes aware of the error the family will be provided with a 30-day notice of the increase to their rent portion.

HA will take corrective action to credit or repay a family if the family was overcharged tenant rent, including de minimis errors, in the income determination. A credit will be mailed to the family within 1 month of becoming aware of the error.

Method of Correction for HCV Participants. ***Effective: July 1, 2025 per PIH 2024-38***
When a family was overcharged tenant rent due to a CHA error in income determination, including a de minimis error, the family's tenant rent portion will be temporarily adjusted downward with corresponding additional HAP paid to the owner, until the credit has been fully restored. The CHA will send written notice to the family and the owner before the change in

payments, identifying the amount of the adjustment and the duration of the change. If the participant has vacated the unit, the credit will be mailed or otherwise provided directly to the family within one month of the CHA becoming aware of the error.

Exhibit A

Concord Housing Authority

PROJECT-BASED VOUCHER PROGRAM

PART I: INTRODUCTION

The principal difference between tenant based and project-based assistance is that with project-based assistance, the subsidy remains with the unit when a tenant moves. When there are vacant units, the Concord Housing Authority will refer households from its PBV waiting list to the owner for suitability screening. Once the family is approved by the owner and determined eligible by the CHA then a lease with the owner is executed.

The project-based Section 8 apartment remains subsidized for the term of the Housing Assistance Payments (HAP) contract signed by the owner and the CHA (subject to the future availability of appropriations and the availability of funding under the Annual Contributions Contract). The CHA will pay the difference between the tenant share (roughly 30%of gross income) and the approved rent for the unit directly to the owner monthly.

Annual PHA Plan and 5-Year PHA Plan PBV Requirements:

Streamlined Annual Plan: A PHA must identify its participation in the project-based assistance program in the streamlined Annual Plan Projects Awarded PBV Assistance without Competition: When the CHA intends to select one or more projects for project-based assistance without competition, the PHA must first include a statement of this intent in its 5-Year Plan to put the public on notice.

PBV Project Preferences: The Office of Fair Housing and Equal Opportunity, in consultation with the Office of General Counsel, may review proposed preferences for PBV projects as part of the PHA Plan review process.

Required HUD Notification

Before the CHA issues a Request for Proposals for PBV assistance, the CHA will must submit the following information to the HUD field office for review:

A. The total amount of units authorized under the ACC for the CHA (excluding those PBV units entirely excluded from the cap), including special purpose vouchers, as well as the number of PBV units excluded from the total, if applicable.

B. The current number of units currently committed to PBV (excluding those entirely excluded from the cap), including units currently under PBV HAP contract, under Agreement to Enter into a HAP contract (AHAP), or covered by a notice of proposal selection. The number of units excluded from the total must also be identified.

C. The number of units to which the CHA is proposing to attach project-based assistance through the new RFP or selection.

Maximum Number of PBV Units Allowed

The project-based voucher (PBV) program allows PHAs to take up to 20 percent of its authorized HCVP units and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6].

The CHA may project-base an additional 10 percent of its units above the 20 percent program limit. The units may be distributed among one, all, or a combination of the categories as long as the total number of units does not exceed the 10 percent cap. Units qualify under this exception if the units:

- Are specifically made available to house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR 578.3.
- Are specifically made available to house families that are comprised of or include a veteran. - *Veteran* means an individual who has served in the United States Armed Forces.

- Provide supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403.
- Are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year Estimates.

Units Not Subject to the PBV Program Limitation

PBV units under the RAD program and HUD-VASH PBV set-aside vouchers do not count toward the 20 percent limitation when PBV assistance is attached to them. Much of the tenant-based voucher program regulations also apply to the PBV program. Consequently, many of the CHA policies related to tenant-based assistance also apply to PBV assistance. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

PART II: OWNER PROPOSALS

Before selecting a PBV proposal, the CHA must determine that the PBV proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing [24 CFR 983.53 and 983.54], complies with the cap on the number of PBV units per project [24 CFR 983.56], and meets the site selection standards [24 CFR 983.57].

The CHA must select PBV proposals by either of the following two methods.

- CHA request for PBV Proposals. The CHA may solicit proposals by using a request for proposals to select proposals on a competitive basis in response to the CHA request. The CHA may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.
- The CHA may select proposal that were previously selected based on a competition. This may include selection of a proposal for housing assisted under a federal, state, or local government housing assistance program that was subject to a competition and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance. The CHA need not conduct another competition. For certain public housing projects where the CHA has an ownership interest or control and will spend a minimum amount per unit on rehabilitation or construction, the CHA may select a project without following one of the two processes above. The CHA will advertise its request for proposals (RFP) for rehabilitated and newly constructed housing on its website and in a newspaper of general circulation.

The CHA will rate and rank proposals for existing, rehabilitated and/or newly constructed housing using the following criteria:

- Owner experience
- Extent to which the project furthers the CHA goal of deconcentrating poverty, expanding housing and economic opportunities and the mission of the CHA ;
- Extent to which the project adheres to the parameters of the PBV program as outlined at 24 CFR 983.
- If applicable, the extent to which services for special populations are provided on site or in the immediate area for occupants of the property.

PHA-Owned Units

A PHA-owned unit may be assisted under the PBV program only if the HUD field office or HUD-approved independent entity reviews the selection process and determines that the CHA-owned units were appropriately selected based on the selection procedures specified in the CHA administrative plan. The CHA must request permission from HUD in selection of the Independent Entity. Once approved, the independent entity will review the CHA proposal selection process and perform specific functions with respect to rent determinations (rent reasonableness and calculation any rent adjustments by an OCAP (when applicable)) and inspections of the PHA-owned units among other tasks.

Existing Housing

The CHA may attach PBV assistance for units in existing housing. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of CHA selection, the units substantially comply with HQS.

Ineligible Housing Types

The CHA may not attach or pay PBV assistance to shared housing units; units on the grounds of a penal reformatory, medical, mental, or similar public or private institution; nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or

intermediate care (except that assistance may be provided in assisted living facilities); units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students; manufactured homes; and transitional housing.

A CHA may not attach or pay PBV assistance to units in any of the following types of subsidized housing:

- A public housing unit;
- A unit subsidized with any other form of Section 8 assistance;
- A unit subsidized with any governmental rent subsidy;
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- A unit subsidized with Section 236 rental assistance payments (except that a CHA may attach assistance to a unit subsidized with Section 236 interest reduction payments);
- A Section 202 project for non-elderly with disabilities;
- Section 811 project-based supportive housing for persons with disabilities;
- Section 202 supportive housing for the elderly;
- A Section 101 rent supplement project;
- A unit subsidized with any form of tenant-based rental assistance;
- A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or the CHA in accordance with HUD requirements.

Subsidy Layering Requirements

The CHA may provide PBV assistance only in accordance with HUD subsidy layering regulations and other requirements. The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits. Subsidy layering requirements do not apply to existing housing. The CHA must submit the necessary documentation to EOHLC for a subsidy layering review.

Cap On the Number of PBV Units In Each Project

In general, the CHA may not select a proposal to provide PBV assistance for units in a project or enter into an agreement to enter into a HAP or a HAP contract to provide PBV assistance for units in a project, if the total number of dwelling units in the project that will receive PBV assistance during the term of the PBV HAP contract is more than the greater of 25 units or 25 percent of the number of dwelling units (assisted or unassisted) in the project.

Exceptions to 25 units or 25% Percent per Project

Units are not counted against the 25 percent or 25-unit per project cap if:

- The units are exclusively for elderly families
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project

If the project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates, the project cap is the greater of 25 units or 40 percent (instead of 25 percent) of the units in the project. The types of services that the CHA will deem eligible to qualify a project to meet HUD's definition of families offered supportive services include, but are not limited to:

- Supportive Services for the disabled
- Household Skills Development and Training (eg: homemaking, parenting skills, money management);
- Job Training (preparation and counseling, job development and placement, follow-up assistance after job placement, completion of FSS "Contract of Family Participation);
- Services and Resources (appropriate to assist families to achieve economic independence and self-sufficiency);
- Child Care (provide sufficient hours of operation and serve an appropriate range of ages);
- Counseling for parents and other kinship relations caring for children with needs (programs for families adopting children from MA Department of Social Services (DSS), foster care programs,

- Remedial Education (education for the completion of Secondary or post-secondary education);
- Substance Abuse Treatment (counseling and treatment for substance abuse)

It is not necessary that the services be provided at or by the project, if they are approved services. Units where the family is receiving qualified supportive services are exempt from the 25 unit or 25% cap.

Projects not Subject to a Project Cap

PBV units that were previously subject to certain federal rent restrictions or receiving another type of long-term housing subsidy provided by HUD are exempt from the project cap. In other words, 100 percent of the units in these projects may receive PBV assistance.

Procedures for Owner Submission of Proposals

Owner proposals will be requested in an advertisement with a reasonable deadline. The CHA may advertise in a local newspaper of general circulation. In addition, the CHA will post the RFP on its website.

Owners will be sent an RFP application and information packet, which will contain the following:

- The advertisement will state the number of vouchers available to be project-based, the type of units that will be considered, the submission deadline, and will note how to obtain the full RFP.
- Advertisements will also contain a statement that participation in the PBV program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.
- A description of the regulations covering the PBV program at 24 CFR983

Project selection criteria

- Sample program documents including payment standard schedule, utility allowance schedule and sample HAP agreement

- An application / proposal form.
- Information about the availability of a bidder's conference

A Bidders Conference may be provided for Owners who would like additional information about the program or who need assistance in completing the proposal form.

Procedures for Selection of Proposals

Initial Review and Screening of Proposals - the CHA will review only proposals submitted in response to the Request for Proposals advertisement and submitted by the stated deadline. The CHA shall review proposals for completeness and compliance with RFP requirements. Proposals must include the following information (threshold requirements):

- Property description, including unit sizes, number of vacancies, eligible occupants.
- Evidence that property is eligible housing as defined at 24 CFR 983.53 and 983.54,
- Evidence that property complies with or is exempted from the cap on the number of PBV units per project (24 CFR 983.56)
- Evidence that property meets the site selection standards (24 CFR 983.57).
- Owner certification indicating understanding and agreement to abide by all CHA and HUD rules and regulations governing the PBV program.
- Description of previous management experience and participation in HUD subsidized housing programs.
- Written tenant selection policy and procedures.
- Proposed rent levels accompanied by rent comparables for similar unassisted units in the area.
- Information on how the site is consistent with the deconcentration goals already established in the PHA plan, and with civil rights laws and regulations, including HUD's rules on accessibility at 24 CFR 8.4 (b) 950.
- Owner's agreement to select tenants from the CHA waiting list

Also, for New Construction:

- Description of project including work plans.
- Zoning permits and evidence of site control
- Disclosure of Low-Income Tax Credit use or lien.
- Statement-of Sources and Uses for Funds to develop the project.
- Operating proforma.
- Descriptions of historic and environmental review status.
- Owner's plan to manage and maintain property.

After this initial threshold review, the following action will be taken:

- Incomplete proposals will not be processed. If the Owner fails to provide the needed information within a reasonable time, the proposal will be rejected. Proposals which would require permanent displacement of tenants will be rejected. Proposals where there is no site control will be rejected. Proposals where the property has liens attached as a result of the current Owner's negligence will be rejected.
- Owners of rejected proposals will be notified in writing of the reasons for rejection.
- The CHA will schedule initial inspections of all projects which meet the threshold requirements described above.
- Based on the initial inspection, the CHA will review the general work and cost estimate and determine that the project qualifies as a New Construction, Rehabilitation or Existing housing project. In the case of an existing project, the CHA will ensure that the minimum HQS standards are met using Article II of the State Sanitary Code and the Federal Housing Quality Standards. Included in this report will be a statement on the need for temporary relocation of tenants and an estimate of the time needed to complete construction.
- Upon receipt of the general work and cost estimate, the CHA will conduct a feasibility analysis for each project. The CHA will review the requested rents and supporting rent

reasonableness information to determine if the rents are permissible under the PBV program. The CHA will determine that the rents approved are reasonable and comparable to private unassisted units in the market.

Feasible proposals will be ranked according to the following point system:

1. Scope of Work: (New Construction and Rehabilitation projects only) (0 -25) points will be awarded for project feasibility based on scope of work and proposed period of completion.

2. Location: (0-25) points will be awarded for projects located in low poverty areas with few affordable housing opportunities and which have easy access to community services, such as markets, schools, and public transportation. Greater point value will be awarded to projects which meet more of the following deconcentration and accessibility goals: The CHA will evaluate each proposal based on whether the site is in an Enterprise Zone, Economic Community or Renewal Community (EZ/EC/RC); whether the concentration of assisted units will or has decreased as a result of public housing demolition; whether the census tract is undergoing significant revitalization; whether government funding has been invested in the area; whether new market rate units are being developed in the area which are likely to positively impact the poverty rate in the area; if the poverty rate in the area is greater than 20% whether in the past five years there has been an overall decline in the poverty rate and whether there are meaningful opportunities for educational and economic advancement in the area.

3. The CHA will only award PBV assistance to projects consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The CHA will not limit proposals to a single site or impose restrictions that explicitly or practically exclude Owners from submitting project-based proposals.

4. Readiness to proceed: (0-20) points will be awarded to projects where there are no legal encumbrances; in-place tenants have indicated their willingness to proceed with renovations; proposed rehab is consistent with existing zoning; Owner/developer has already completed development activities such as work write-ups, specifications, cost

estimates, bids, financing commitments, Historic Commission approval, and 21 (e) hazardous waste approvals.

5. Owner Experience and Written Tenant Selection Policy and Procedures (0-10) points will be awarded for projects where Owner / development team has previous experience doing similar work; Owner has demonstrated capability to self-manage or has professional management.

6. Long Term Affordability and Access to Supportive Services: (0-20) points will be awarded to projects which provide long term affordability, and which provide access to supportive services.

If the above criteria result in tie scores, the CHA will select projects based on the marketability of the proposed units. Such factors as location, amenities and housing quality will also be considered.

Notification of Owners

Owners whose proposals have been approved will be notified promptly in writing of their acceptance and the number and size of the units which will be assisted. The CHA will also publish its notice of approved PBV proposals on its web site.

In each selection phase, letters to Owners whose proposals have been selected will state that they have 30 days in which to complete or correct any incomplete or deficient aspects of the proposal. For New Construction and Rehabilitation projects, the Owners will within a reasonable time:

- Submit final specifications for construction/rehab
- Determine a contractor
- Secure general financial commitment letters
- Sign an agreement with the CHA stating willingness to participate in program and to agree to long-term leasing covenants.

Site Selection Standards

The CHA may not select a proposal for existing, newly constructed, or rehabilitated PBV housing unless the CHA has determined that PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The CHA will generally limit approval of sites for PBV housing in census tracts that have poverty concentrations of 20 percent or less. The CHA may grant exceptions to the 20 percent standard where the CHA determines that the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than 20 percent, such as sites in:

- A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
- A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition and HOPE VI redevelopment;
- A census tract in which the proposed PBV development will be located is undergoing significant revitalization as a result of state, local, or federal dollars invested in the area;
- A census tract where new market rate units are being developed where such market rate units will positively impact the poverty rate in the area;
- A census tract where there has been an overall decline in the poverty rate within the past five years; or
- A census tract where there are meaningful opportunities for educational and economic advancement.

Site and Neighborhood Standards

The site must:

- The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
- The site must have adequate utilities and streets available to service the site;
- The site must not be located in an area of minority concentration unless the CHA determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of

minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area;

- The site must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
- The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate;
- The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
- Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

Environmental Review

The CHA activities under the PBV program are subject to HUD environmental regulations in 24 CFR parts 50 and 58. The *responsible entity* is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The CHA may not enter into an Agreement to enter into a HAP contract nor enter into a HAP contract until it has complied with the environmental review requirements.

For projects or proposals that were selected in accordance with the site selection standards at § 983.55 in effect on or after June 6, 2024, no environmental review is required to be undertaken before entering into a HAP contract for **existing** housing, except to the extent a Federal environmental review is required by law or regulation relating to funding other than PBV housing assistance payments.

PART III: INSPECTIONS

This part identifies the special housing quality standards that apply to the PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections. Generally, the CHA will follow the same verification methods for inspection as the tenant-based program and will follow the same policies regarding HAP withholding and HAP abatement due to non-HQS compliance. The housing quality standards (NSPIRE) for the tenant-based program, including those for special housing types, generally apply to the PBV program.

At least biennially during the term of the HAP contract, the CHA must inspect a random sample, consisting of at least 20 percent of the contract units in each building, to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this inspection requirement. The owner must correct all life-threatening deficiencies within no more than 24 hours. For other deficiencies, the owner must correct the deficiency within no more than 30 calendar days (or any PHA-approved extension).

If more than 20 percent of the sample of inspected contract units in a building fail the initial inspection, then the PHA must reinspect 100 percent of the contract units in the building.

If a tenant reported HQS deficiency is life-threatening, the PHA must, within 24 hours, both inspect the housing unit and notify the owner if the life-threatening deficiency is confirmed. The owner must then make the repairs within 24 hours of PHA notification.

If the reported deficiency is non-life- threatening, the PHA must, within 15 days, both inspect the unit and notify the owner if the deficiency is confirmed. The owner must then make the repairs within 30 days of the notification from the PHA or within any PHA-approved extension.

For SEMAP Indicator #5, PHA supervisory quality control HQS inspections, the CHA will include a representative sample of both tenant- based and project-based units.

Lead-based Paint

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846),

the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program.

Housing Accessibility for Persons with Disabilities

The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. The CHA must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C. Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable. (24 CFR 983.102)

Inspecting Units

Pre-selection Inspection

The CHA must examine the proposed site before the proposal selection date. If the units to be assisted already exist, the CHA must inspect all the units before the proposal selection date and must determine whether the units substantially comply with HQS. To qualify as existing housing, units must substantially comply with HQS on the proposal selection date. However, the CHA may not execute the HAP contract until the units fully comply with HQS.

The CHA must inspect each contract unit before execution of the HAP contract. Before providing assistance to a new family in a contract unit, the CHA must inspect the unit.

At least once every 24 months during the term of the HAP contract, the CHA must inspect a random sample consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with NSPIRE. Turnover inspections are not counted toward meeting this inspection requirement.

PART IV REHABILITATED AND NEWLY CONSTRUCTED UNITS

There are specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing. Housing selected for this type of assistance may not at a later date be selected for PBV assistance as existing housing.

Agreement To Enter into a HAP Contract (AHAP)

All New Construction/Rehab PBV units require the Owner to enter into an AHAP contract with the CHA prior to any commencement of demolition and/or construction. Commencement of construction occurs when excavation or site preparation (including clearing of the land) begins. The CHA may not attach or pay PBV assistance for units for which construction or rehab has commenced prior to execution of the agreement to enter into a housing assistance payments contract (AHAP). (An AHAP contract will not be necessary for an Existing project).

An AHAP contract cannot be executed until the following actions are completed and approved by HUD, where applicable:

- **A subsidy layering review** (SLR) must be performed by HUD, or an agency designated by HUD. When a PHA selects a new construction or rehabilitation project, the PHA must require information regarding all HUD and/or other federal, state, or local governmental assistance to be disclosed by the project owner using Form HUD-2880. Appendix A of FR Notice 2/28/20 contains a list of all required documentation. Either HUD or a HUD-approved housing credit agency (HCA) in the PHA's jurisdiction performs the subsidy layering review. The PHA must request an SLR though their local HUD Field Office or, if eligible, through a participating HCA. If the SLR request is submitted to an approved HCA, and the proposed project-based voucher assistance meets HUD subsidy layering requirements, the HCA must submit a certification to HUD and notify the PHA.
- **An environmental review** (ER) performed by the "responsible entity" (RE) designated by the city/town or state, or, a certification by the RE that a review is not required.

Environmental Review regulations can be found at 24 CFR 983.58.

Summary of Relevant ER Information:

1. The PHA activities under the PBV program are subject to HUD environmental regulations in 24 CFR parts 50 and 58. The responsible entity is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The PHA may not enter into an agreement to enter into a HAP contract nor enter into a HAP contract until it has complied with the environmental review requirements.
2. In the case of existing housing, the responsible entity that is responsible for the environmental review under 24 CFR part 58 must determine whether or not PBV assistance is categorically excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review under the laws and authorities listed in 24 CFR 58.5.
3. The PHA may not enter into an agreement to enter into a HAP contract or a HAP contract with an owner, and the PHA, the owner, and its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities under this part, until the environmental review is completed.
4. The PHA must supply all available, relevant information necessary for the responsible entity to perform any required environmental review for any site. The PHA must require the owner to carry out mitigating measures required by the responsible entity (or HUD, if applicable) as a result of the environmental review.

PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)

Housing Assistance Payments (HAP) Contract Execution

The CHA may enter into a Housing Assistance Payments (HAP) Contract for an initial term of twenty years, contingent upon annual appropriations. Further, the CHA can extend contract periods to achieve long-term housing affordability or increased housing opportunities. Extensions will be granted within one year before HAP expiration. The CHA will pay the difference between the tenant rent (roughly 30% of gross income) and the approved rent for the PBV assisted unit directly to the Owner on a monthly basis. The Section 8 project-based contract rent may not exceed rents charged for comparable units in the private unassisted market and shall

be approved by the CHA. At the CHA's discretion, the HAP contract may state that the rent to owner shall not be decreased below the initial rent.

The CHA must inspect each contract unit before execution of the HAP contract. The CHA will not provide assistance on behalf of the family until the unit fully complies with HQS.In order to offer PBV assistance in rehabilitated or newly constructed units, the CHA must enter into an Agreement to enter into HAP contract (Agreement) with the owner of the property. The CHA may not enter into an Agreement if commencement of construction or rehabilitation has commenced after proposal submission [24 CFR 983.152(c)]. Construction begins when excavation or site preparation (including clearing of the land) begins for the housing. Rehabilitation begins with the physical commencement of rehabilitation activity on the housing.

Definition of a Project: The CHA will define a "project" based on the configuration of the development. The CHA will allow a project to be defined as multiple building on contiguous parcels of land where contiguous means adjacent to or touching along a boundary or point.

Davis Bacon Labor Standards

If an Agreement covers the development of nine or more contract units (whether or not completed in stages), the owner and the owner's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development of housing.

CHA Acceptance of Completed Units

Upon notice from the owner that the housing is completed, the CHA must inspect to determine if the housing has been completed in accordance with the Agreement, including compliance with HQS and any additional requirements imposed under the Agreement.

The CHA must enter into a HAP contract with an owner for units that are receiving PBV assistance. Housing assistance is paid for contract units leased and occupied by eligible families during the HAP contract term.

Term of HAP Contract

The CHA may enter into a HAP contract with an owner for an initial term of no less than one year and no more than 20 years for each contract unit. When determining whether or not to extend an expiring PBV contract, the CHA will consider several factors including, but not limited to:

- The cost of extending the contract and the amount of available budget authority; The condition of the contract units;
- The owner's record of compliance with obligations under the HAP contract and lease(s);
- Whether the location of the units continues to support the goals of deconcentrating poverty and expanding housing opportunities; and
- Whether the funding could be used more appropriately for tenant-based assistance.

Extension of the HAP Contract Term

The CHA and owner may agree at any time before expiration of the HAP contract to execute one or more extensions of the HAP contract term. The following conditions apply:

(1) Each extension executed must have a term that does not exceed 20 years;

(2) At no time may the total remaining term of the HAP contract, with extensions, exceed 40 years;

(3) Before agreeing to an extension, the PHA must determine that the extension is appropriate to continue providing affordable housing for low- income families or to expand housing opportunities; and

(4) Each extension must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

Termination by CHA

The HAP contract must provide that the term of the CHA's contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by the CHA in

accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, the CHA may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

Termination by Owner / Statutory Notice Requirements: Contract Termination or Expiration

Not less than one year before the HAP contract terminates, or if the owner refuses to renew the HAP contract, the owner must notify the CHA and assisted tenants of the termination. The notice must be provided in the form prescribed by HUD. If the owner does not give timely notice, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of the owner's inability to collect an increased tenant portion of rent.

Upon termination or expiration of the contract, a family living at the property is entitled to receive a tenant-based voucher. Tenant-based assistance would not begin until the owner’s required notice period ends.

Substitution of Contract Units

At the CHA’s discretion and subject to all PBV requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same project for a previously covered contract unit. Before any such substitution can take place, the CHA must inspect the proposed unit and determine the reasonable rent for the unit.

Addition of Contract Units

The CHA and owner may amend the HAP contract to add additional PBV contract units in projects that already have a HAP contract without having to fulfill the selection requirements found at 24 CFR 983.51(b) for those additional PBV units, regardless of when the HAP contract was signed. The additional PBV units, however, are still subject to the PBV program cap and individual project caps. The CHA may exercise its option to add contract units to the HAP contract in order to expand safe and sanitary housing opportunities for low-income families.

Rent Floor

During the term of the HAP contract, the rent to owner may not be decreased below the intial rent established at the beginning of the term of the contract.

Vacancy Payments

At the discretion of the CHA, the HAP contract may include a provision for vacancy payments to the owner. If the CHA opts to include this provision in the HAP contract, eligibility for vacancy loss payment will be based on the following:

a) vacancy payments to the owner for a PHA-determined vacancy period extending from the beginning of the first calendar month after the move-out month for a period not exceeding two full months following the move-out month.
b) The vacancy payment to the owner for each month of the maximum two-month period will be determined by the PHA and cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner (including amounts available from the tenant's security deposit). Any vacancy payment may cover only the period the unit remains vacant.
c) The PHA may make vacancy payments to the owner only if:

    1. The owner gives the PHA prompt, written notice certifying that the family has vacated the unit and the date when the family moved out (to the best of the owner's knowledge and belief);

    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;

3. The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and

4. The owner provides any additional information required and requested by the PHA to verify that the owner is entitled to the vacancy payment.

The PHA will take every reasonable action to minimize the likelihood and length of vacancy.

The owner must submit a request for vacancy payments in writing within 60 days of re-occupancy of the unit.

Utility Reimbursement

The PBV program will follow the same utility reimbursement policy as under the tenant-based program.

PART VI: SELECTION OF PROGRAM PARTICIPANTS

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

Eligibility For PBV Assistance

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and the CHA, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to the CHA's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230].

In-Place Families

An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by the CHA is considered an "in-place family." These families are afforded protection from displacement under the PBV rule. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on the CHA's waiting list. Once the family's continued eligibility is determined (the CHA may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family must be given an absolute selection preference, and the CHA must refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

Organization Of the Waiting List

The CHA will establish and manage a single waiting lists for all PBV projects.

Owner-Maintained Waiting List

For certain projects the PHA may allow the owner of the project to maintain the waiting list. If this option is allowed, the owner must enter into a Memorandum of Understanding with the CHA. The CHA will be responsible for oversight of owner-maintained waiting lists to ensure that they are administered properly and in accordance with program requirements, including but not limited to nondiscrimination and equal opportunity requirements under the authorities cited at 24 CFR 5.105(a). The owner is responsible for maintaining complete and accurate records as described in 24 CFR 982.158. The owner must give the PHA, HUD, and the Comptroller General full and free access to its offices and records concerning waiting list management, as described in 24 CFR 982.158(c). HUD may undertake investigation to determine whether the PHA or owner is in violation of authorities and, if unable to reach a voluntary resolution to correct the violation, take an enforcement action against either the owner or the PHA or both.

The Memorandum of Understanding with the owner to maintain the waiting list will outline the roles and responsibilities of each agency, including:

- Under an owner-maintained waiting list, the owner is responsible for carrying out responsibilities including, but not limited to, processing changes in applicant information, removing an applicant's name from the waiting list, opening and closing the waiting list. PHAs must identify in their Administrative Plans the name of the project(s), the oversight procedures the PHA will use to ensure owner- maintained waiting lists are administered properly and in accordance with program requirements, and the approval process of an owner's waiting list policy (including any preferences). Where a PHA allows for owner-maintained waiting lists, all the following apply:

  (i) The owner must develop and submit a written owner waiting list policy to the PHA for approval. The owner waiting list policy must include policies and procedures concerning waiting list management and selection of applicants from the project's waiting list, including any admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the waiting list. The owner must receive approval from the PHA of its owner waiting list policy in accordance with the process established in the PHA's Administrative Plan. The owner's waiting list policy must be incorporated in the PHA's Administrative Plan.

  (ii) The owner must receive approval from the PHA for any preferences that will be applicable to the project. The PHA will approve such preferences as part of its approval of the owner's waiting list policy. Each project may have a different set of preferences. Preferences must be consistent with the PHA Plan and listed in the owner's waiting list policy.

  (iii) The owner is responsible for opening and closing the waiting list, including providing public notice when the owner opens the waiting list in accordance with 24 CFR 982.206. If the owner-maintained waiting list is open and additional applicants are needed to fill vacant units, the owner must give public notice in accordance with the requirements of 24 CFR 982.206 and the owner waiting list policy.

(iv) The applicant may apply directly at the project, or the applicant may request that the PHA refer the applicant to the owner for placement on the project's waiting list. The PHA must disclose to the applicant all the PBV projects available to the applicant, including the projects' contact information and other basic information about the project.

(v) Applicants already on the PHA's waiting list must be permitted to place their names on the project's waiting lists.

(vi) At the discretion of the PHA, the owner may make preliminary eligibility determinations for purposes of placing the family on the waiting list, and preference eligibility determinations. The PHA may choose to make this determination rather than delegating it to the owner.

(vii) If the PHA delegated the preliminary eligibility and preference determinations to the owner, the owner is responsible for notifying the family of the owner's determination not to place the applicant on the waiting list and a determination that the family is not eligible for a preference. In such a case, the owner is responsible to provide the notice at 24 CFR 982.554(a) of this title. The PHA is then responsible for conducting the informal review.

(viii) Once an owner selects the family from the waiting list, the owner refers the family to the PHA who then determines the family's final program eligibility. The owner may not offer a unit to the family until the PHA determines that the family is eligible for the program.

Owner's Written Tenant Selection Plan

Prior to AHAP or HAP execution, each Owner must submit a tenant selection plan for approval by the CHA. Failure to present an acceptable selection plan will result in CHA's withdrawal of the offer/award to provide PBV assistance to the project.

Each tenant selection plan should address, at a minimum, the following criteria:

1. The Owner's screening criteria and methods.
2. The Owner's certification that both assisted and unassisted tenants will be screened using the same screening criteria and methods.
3. If a credit check will be part of the screening, the minimum acceptable score.
4. A statement that the Owner will return to the CHA a copy of the applicant referral list that shows the date and time that each referred applicant contacted the Owner, and the final status of the contact.
5. A statement that the Owner will provide any applicant family who the Owner has deemed unsuitable with a written determination of such status inclusive of the reason(s) for that determination, with a copy to CHA.

Timing Of Owner's Tenant Selection and CHA Verification of Tenant's Section 8 Eligibility

When the Owner selects from the list of referrals provided by the CHA in accordance with the Owner's approved written tenant selection plan, the Owner does not have to screen the referrals in the order of placement on the CHA waiting list. Instead, the Owner should screen prospective applicants based on the order in which the applicant contacts the Owner, views the unit and completes the Owner's tenant selection requirements.

CHA Notification to Applicants About the PBV Unit Selection Process

The CHA will clearly outline the admissions process in the selection/referral letter that is sent to the applicant. This information should include information about any special features in the project and tenant selection preferences, if any.

The Owner will be encouraged to offer additional information about the project, including pictures, which the CHA can include in its 'applicant mailings.

Because referrals are generally made to the Owner without the CHA first determining Section 8 eligibility, both the Owner and the applicant must be notified in writing by the CHA that among those applicants that meet the Owner's selection criteria, the first applicant who contacts and is approved by the Owner, and who is subsequently determined program eligible by the CHA (income and CORI), will be offered the unit.

Applicant Right to Appeal an Owner Denial

If an Owner denies a unit to a referred applicant, the Owner must send a written notice to the applicant clearly stating the reason(s) for denial and advising of any right to appeal that determination. The Owner must provide CHA with a copy of this denial letter. The applicant may request that the CHA review the Owner's denial to verify the Owner's compliance with the approved written tenant selection plan for the project.

Processing PBV Applications

An application form completed and signed by the head of household will be accepted from each individual and/or Family seeking admission to the Section 8 Project-Based Voucher Program. A notice informing all applicants of their rights to a reasonable accommodation and certain VAWA protections will be attached to each application form. Each completed application will be date time-stamped when received, and it shall be promptly posted to the applicable waiting list.

PBV Determination of Eligibility

After a completed PBV application is received, the CHA shall make a preliminary determination of eligibility based on current information provided by the applicant and determine whether the applicant may be entitled to a given preference for that project. The applicant shall be notified of the Authority's preliminary determination in writing and may request an informal review if found ineligible. Each applicant found eligible after a preliminary review shall be placed on the appropriate waiting lists and shall be notified in writing of:

a. waiting list position
b. control number
c. preference categories the applicant preliminarily qualified for
d. size of unit the Family is preliminarily qualified for

The Family will also be advised that a final determination of eligibility will be undertaken before occupancy. Additionally, it is the applicant's responsibility to notify the CHA in writing of any

change of address and to respond to any CHA inquiry relevant to the application within the time allowed or be removed from the waiting list.

Applications for PBV Units

Applications may be obtained in person at the CHA main office Or, by phone by calling, or by written request to the address above (attention: Section 8 Tenant Selection) or online through affordablehousing.com.

Applications will be placed on the PBV waiting list according to date and time of application receipt and according to preferences established in the Administrative Plan for the PBV waiting list. Applications are accepted electronically, by mail, in-person, and by fax.

PBV Waiting List Preference (Limited Local Preference):

For all PBV projects, seventy percent (70%) of the units will be subject to the residency preference (live, work or have been hired to work, or have children in school in Concord (example: Metco students). (*note: where the project is also a local initiatives project, the local preference will not exceed 70% of the (affordable) units in the project).

The residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant's family.

Marketing and Outreach

Prior to initial leasing, CHA will engage in the following activities:

1. Marketing and Outreach. No less than two times over a period of 60 days before initial leasing or the anticipated date of signing of the Housing Assistance Payments (“HAP”) contract for the Development (whichever is earlier), CHA will market the Development using the family outreach procedures described in the Admin Plan and the equal opportunity provisions of the TSP. Outreach and marketing materials will state that applications may be submitted by requesting and completing a PBV Application.

2. Notification Of Housing Choice Voucher (HCVP) Applicants. All families currently on the CHA's tenant-based waiting list will be provided with the opportunity to have their names placed on all/any open waiting lists that the CHA maintains for assisted housing, including project-based voucher site based lists. See 24 CFR 983.251.

3. Applicants for CHA programs (state and federal public housing and tenant based assistance) may apply for any open waiting for any programs administered by the CHA through the CHA's main administrative office. Applicants may apply for both the Tenant-Based and Project-based Section 8 program through the Massachusetts Centralized Waiting list at http://affordablehousing.com.

Informal Reviews

Applicants have the right to disagree with, and appeal, certain decisions of the CHA that may adversely affect them. The process for applicant appeals of CHA decisions is called the "informal review." An applicant is someone who has applied for admission to the program, but is not yet a participant in the program. The CHA will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes denying listing on the CHA waiting list; denying or withdrawing an offer of housing; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

Notice to the Applicant

The CHA will give an applicant prompt notice of a decision denying assistance. The notice will contain a brief statement of the reasons for the CHA decision with sufficient specificity to enable the applicant to prepare a defense and include the source of those facts, and will also state that the applicant may request an informal review of the decision. The notice will describe how to obtain the informal review.

A request for an informal review must be made in writing and delivered to the CHA either in person, first class mail, fax, or email by the close of the business day, no later than 10 business days from the date of the CHA's written denial of assistance.

The CHA will schedule and send written notice of the informal review within a reasonably expeditious manner. Postponements of the informal review will be granted for good cause at the CHA's discretion.

If the informal review will be conducted remotely, at the time the CHA notifies the family of the informal review, the family will be informed about:

- The processes to conduct a remote informal review, and if needed, the CHA will provide technical assistance prior to and during the informal review; and

- That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal review, the family may inform the CHA and the CHA will assist the family in either resolving the issues or allow the family to participate in an in-person informal review, as appropriate.

Informal Review Procedures

The informal review will be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person. This decision shall be in writing and state the grounds therefor. The applicant will be provided an opportunity to present written or oral objections to the decision of the CHA.

Preference for disabled households needing services

The CHA may support projects that require preference be given to disabled households that need services in accordance with the following HUD conditions and criteria:

1. Preference cannot be granted to persons with a specific disability;
2. The project sponsor must document that the applicant has a disability that significantly interferes with their ability to obtain and maintain themselves in housing; and,
3. Who, without appropriate services, will not be able to obtain or maintain themselves in housing; and,

4. For whom such services cannot be provided in a non-segregated setting (i.e. a tenant-based voucher for an independently selected unit would not meet the needs of the applicant).
5. Disabled residents shall not be required to accept the particular services offered at the project.
6. The Owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from the services provided.

Determination of Suitability for Projects with Supportive Services for the Disabled

The Owner must identify which professional organization and/or independent entity/individual(s) will make the assessment that a disabled applicant meets the HUD criteria listed above. Such individuals and/or entities could include licensed medical, psychological or allied mental health and/or human services professionals. Applicant suitability determination will be made by the Owner. The CHA will monitor the project sponsor's applicant selection determinations for compliance with the Owner's CHA-approved Tenant Selection plan for the project.

Procedures for Removing an Applicant from the PBV Waiting List(s) / Periodic Waiting List Purge

Periodically, the application pool shall be analyzed, and each applicant shall be contacted by mail to ensure that he/she is still interested and still qualified for the PBV program. The applicant will be allowed not less than ten days from the mailing date of the notice to respond. The notice will state the applicable time period for response and that a failure to respond will result in the removal of the applicant from the PBV project waiting list(s). If the applicant does not respond to the mailing, his application shall be immediately withdrawn from the PBV waiting list.

Other Reasons for PBV Removal

In addition to the Annual Waiting List Purge, the applicant will be removed if:

1. The applicant requests removal;

2. The applicant fails to respond to a written request to supply information;
3. The applicant fails to attend a scheduled appointment or briefing;
4. The applicant does not meet Section 8 eligibility criteria including a criminal background check or fails to provide required verification of eligibility;

Applicants shall be notified in writing of their removal from the waiting lists and shall further be advised of their right to request an informal review, if the removal was not at the request of the applicant. If an applicant was removed from the waiting list for failure to respond to a CHA letter or inquiry and such failure was the result of a disability; the CHA shall reinstate the applicant to their former position on the PBV waiting list.

Procedures for Closing and Reopening the PBV Waiting List

When the Housing Authority opens a new Section 8 Project-Based waiting list, public notice will be given to inform families that they may apply for housing assistance. Public notice will also be given to those on the tenant-based list that they may also apply to the PBV program. The public notice will be published in a newspaper of general circulation, a minority newspaper and also published on the CHA website. The CHA will also send notices and information materials to outreach agencies.

If the CHA determines that the existing waiting list contains an adequate pool, the CHA may stop accepting new applications. When the CHA closes a Section 8 Project-Based waiting list, public notice will be given again, advertising in the same papers of general and local circulation as listed above.

PBV Affirmatively Furthering Fair Housing Waiting List / Waiting List Outreach

Additional outreach and marketing of the availability of PBV waiting list opportunities will target those least likely to apply, which may include the elderly, disabled, and minority applicants.

Referrals to PBV Projects Before Final Eligibility Has Been Determined

To ensure timely filling of vacant PBV units, the CHA will refer a sufficient number of applicants from the top of the waiting list for vacant units from the PBV waiting list. This will ensure that units are filled as quickly and that the Owner has a reasonable pool of applicants. These referrals will not have been determined Section 8 eligible by the CHA until after the Owner has screened the Family for suitability and selected the Family in accordance with the project's Tenant Selection Plan.

Income Targeting

At least 75 percent of the families admitted to the CHA's tenant-based and project-based voucher programs during the CHA fiscal year from the waiting list must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

Units with Accessibility Features

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, the CHA must first refer families who require such features to the owner.

Family Briefing

All applicants selected to occupy the PBV units must be briefed on Section 8 PBV program benefits and responsibilities. The oral briefing must include a description of how the PBV program works and family and owner responsibilities. Each family must receive a briefing packet that contains:1) information on how the CHA determines the total tenant payment for the family; 2) family obligations under the program; 3) applicable fair housing information; and, 4) information about continued program eligibility.

The CHA will provide information in a way that ensures meaningful access to individuals with limited English proficiency. Additionally, the CHA will provide information on reasonable accommodation policies and procedures in the information packet. Reasonable accommodations will also be covered in the oral briefing.

Oral briefing. When the PHA selects a family to participate in a tenant-based program, the PHA will give the family an oral briefing.

The briefing will include information on the following subjects:

- A description of how the program works;
- Family and owner responsibilities;
- An explanation of the advantages of areas that do not have a high concentration of low-income families.

The PHA will take appropriate steps to ensure effective communication in accordance with 24 CFR 8.6 and 28 CFR part 35, subpart E, and must provide information on the reasonable accommodation process.

- Reasonable accommodation for persons with disabilities under Section 504, the Fair Housing Act, or the Americans with Disabilities Act;
- Information on Federal, State, and local equal opportunity laws, the contact information for the Section 504 coordinator, a copy of the housing discrimination complaint form, and information on how to request a reasonable accommodation or modification (including information on requesting exception payment standards as a reasonable accommodation) under Section 504, the Fair Housing Act, and the Americans with Disabilities Act;
- Notice that if the family includes a person with disabilities, the PHA is subject to the requirement under 24 CFR 8.28(a)(3) to provide a current listing of accessible units known to the PHA and, if necessary, other assistance in locating an available accessible dwelling unit;
- The advantages of areas that do not have a high concentration of low- income families which may include, access to accessible and high-quality housing, transit, employment opportunities, educational opportunities, recreational facilities, public safety stations, retail services, and health services; and
- A description of when the PHA is required to give a participant family the opportunity for an informal hearing and how to request a hearing.
- *Providing information for persons with limited English proficiency (LEP).* The PHA must take reasonable steps to ensure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and HUD's implementing regulations at 24 CFR part 1.d

Owner Selection of Tenants

The owner is responsible for developing a written tenant selection plan that is consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection [24 CFR 983.253(a)(2) and (a)(3)].

New Projects

In-Place Families: The Owner-sponsor must send all in-place tenants a letter explaining that the Owner's units have been selected for PBV assistance and that if the tenants are determined program eligible (including being appropriately housed according to CHA's occupancy standards), they will be eligible to receive PBV assistance. The Owner's letter must emphasize that any tenant found ineligible will not be displaced. The CHA will provide the Owner with the details about HCV program eligibility and relocation requirements.

CHA responsibility*:* Upon receipt of the Owner's certification that the requisite letter has been sent to all in-place tenant families, the CHA will send those families a HCVP pre-application that seeks information about each tenant's household composition. This information will assist the CHA in determining whether or not the household is occupying the appropriate bedroom-size unit. Once the family completes and returns the pre-application to CHA, the CHA will advise the Owner about specific unit size determinations.

The CHA will not perform the final tenant eligibility determination for any in-place tenant until the unit(s) has been otherwise approved for PBV assistance (e.g. passed HQS, met all other HUD requirements). Final eligibility includes the determination that the in-place household is appropriately housed in a unit with the correct number of bedrooms

Leasing

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by the CHA from the CHA's waiting list. The contract unit leased to the

family must be the appropriate size unit for the size of the family, based on the CHA's subsidy standards.

Filling Vacancies

The owner must promptly notify the CHA of any vacancy or expected vacancy in a contract unit. After receiving such notice, the CHA must make every reasonable effort to promptly refer a sufficient number of families for the owner to fill such vacancies. The CHA and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy.

Reduction in HAP Contract Units Due to Vacancies

If any contract units have been vacant for 120 or more days since owner notice of the vacancy, the CHA may give notice to the owner amending the HAP contract to reduce the number of contract units by subtracting the number of contract units (according to the bedroom size) that have been vacant for this period.

Owner Screening for Suitability

The owner is responsible for screening and selection of the family to occupy the owner's unit. When screening families the owner may consider a family's background with respect to the following factors:

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and
- Compliance with other essential conditions of tenancy.

The CHA will not screen the family for suitability. The CHA only determines eligibility for the PBV program.

PART VII: OCCUPANCY

After an applicant has been selected from the waiting list, referred to an owner for suitability screening and then determined eligible by the CHA, the family will sign the lease and occupancy of the unit will begin.

Lease

The tenant must have legal capacity to enter a lease under state and local law. *Legal capacity* means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner. The tenant and the owner must enter into a written lease agreement that is signed by both parties. If an owner uses a standard lease form for rental units to unassisted tenants in the locality or premises, the same lease must be used for assisted tenants, except that the lease must include a HUD-required tenancy addendum. The tenancy addendum must include, word-for-word, all provisions required by HUD.

Lease Requirements

The lease for a PBV unit must specify all of the following information:

- The names of the owner and the tenant;
- The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- The term of the lease (initial term and any provision for renewal);
- The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements;
- A specification of the services, maintenance, equipment, and utilities that will be provide by the owner; and
- The amount of any charges for food, furniture, or supportive services.

Required HUD PBV Tenancy Addendum

The HUD PBV tenancy addendum must state:

- The program tenancy requirements;

- The composition of the household as approved by the CHA (the names of family members and any CHA-approved live-in aide);
- All provisions in the HUD-required PBV tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

Required HUD PBV Statement of Family Responsibilities

Each family must sign the HUD PBV statement of Responsibilities in addition to the PBV Tenancy Addendum.

Initial Term and Lease Renewal

The initial lease term must be for at least one year. The lease must provide for automatic renewal after the initial term of the lease in either successive definitive terms (e.g. month-to-month or year-to-year) or an automatic indefinite extension of the lease term. For automatic indefinite extension of the lease term, the lease terminates if any of the following occur:

- The owner terminates the lease for good cause
- The tenant terminates the lease
- The owner and tenant agree to terminate the lease
- The CHA terminates the HAP contract
- The CHA terminates assistance for the family

Changes in the Lease

If the tenant and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give the CHA a copy of all changes.

Owner Termination of Tenancy

With two exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program In the PBV program, terminating tenancy for "good cause" does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

Tenant Absence from the Unit

The lease may specify a maximum period of family absence from the unit that may be shorter than the maximum period permitted by CHA policy. According to program requirements, the family's assistance must be terminated if they are absent from the unit for more than 180 consecutive days. CHA termination of assistance actions due to family absence from the unit are subject to 24 CFR 981.312, except that the unit is not terminated from the HAP contract if the family is absent for longer than the maximum period permitted.

Continuation of Housing Assistance Payments

Housing assistance payments shall continue until the tenant rent equals the rent to owner. The cessation of housing assistance payments at such point will not affect the family's other rights

Continued Occupancy if Family Status Changes after Change in Family Composition or Unit no Longer Qualifies for Excepted Status or Increased Program Cap

If the family composition changes during the tenancy and the family no longer qualifies as an elderly family or disabled family, the remaining family shall be allowed to remain in place. If the unit no longer qualifies for excepted status or the increased program cap, the family will be allowed to remain in place.

The CHA will allow a family that initially qualified for occupancy of an excepted unit based on elderly family status to continue to reside in a unit, where through circumstances beyond the control of the family (e.g., death of the elderly family member or long term or permanent hospitalization or nursing care), the elderly family member no longer resides in the unit. In this case, the unit may continue to count as an excepted unit for as long as the family resides in that unit. However, the requirements of § 983.260, concerning wrong-sized units, apply.

Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.260]

If the CHA determines that a family is occupying a wrong size unit, based on the CHA's subsidy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that does require the features, the CHA must promptly notify the family and

the owner of this determination, and the CHA must offer the family the opportunity to receive continued housing assistance in another PBV unit or if the family has been in the unit for at least 12 months the family may request tenant based assistance if the CHA has a tenant-based subsidy available.

Family Right to Move

The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice of their intention to move to the owner in accordance with the lease and provide a copy of such notice to the CHA. If the family wishes to move with continued tenant-based assistance, the family must be in good standing with the Section 8 program as per the Statement of Family Responsibilities and must contact the CHA in writing to request the next available tenant-based voucher. The CHA will keep an internal "PBV Opt-Out Request" list by date and time of all written requests received by the CHA of PBV families who are eligible to move and have requested the next available tenant-based voucher. When a tenant-based voucher is available and provided to the family, the family will have an initial search period of 120 days. After 120 days, the family will be returned to the bottom of the internal waiting list and the voucher will be provided to the next family on the internal waiting list. Exception may be granted as a reasonable accommodation and tolling of the voucher will occur if the housing search is delayed by inspection related delays.

When a voucher becomes available, families will be selected from this list in chronological order **after** all inappropriately housed or wrong-size unit families have been provided with the opportunity to move with assistance. Opt-out families must be given the next available HCVP vouchers before any other HCVP waiting list applicants.

If a voucher not immediately available upon termination of the family's lease in the PBV unit, the CHA must give the family priority to receive the next available opportunity for continued tenant-based assistance.

Termination Of Assisted Lease Before One Year.

If the family terminates the assisted lease before one year of PBV assistance, the family relinquishes the opportunity for continued tenant-based assistance under this section.

(e) Notice exclusion. When the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member, the family is not required to give the owner advance written notice or contact the PHA under paragraph (a) and (c), respectively, of this section before moving from the unit. Additionally, when any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move, the family is not required to give the owner advance written notice or contact the PHA under paragraph (a) and (c), respectively, of this section before moving from the unit. A PHA may not terminate the assistance of a family due to a move occurring under the circumstances in this paragraph (e) and must offer the family the opportunity for continued tenant-based assistance if the family had received at least one year of PBV assistance prior to moving.

Emergency Transfers under VAWA

Except where special consideration is needed for the project-based voucher program, the CHA will follow its HCVP VAWA policies.

The CHA will first try to transfer the participant to another PBV unit in the same development or transfer to a different development where the CHA has PBV units.

If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through tenant-based rental assistance (HCV) if the participant has been in the PBV unit for at least 12 months.

PART VIII: DETERMINING RENT TO OWNER / OCAF

The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP contract term. By agreement of the parties, the HAP contract may provide for rent adjustments using an operating cost adjustment factor (OCAF) established by the

Secretary pursuant to Section 524(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 at each annual anniversary of the HAP contract. OCAFs are established by the Secretary and published annually in the Federal Register. The provisions in the following paragraphs apply to a contract that provides for rent adjustments using an OCAF:

(i) The contract may require an additional increase up to an amount determined by the PHA pursuant to § 983.301(b) or (c), as applicable, if requested by the owner in writing, periodically during the term of the contract.

(ii) The contract shall require an additional increase up to an amount determined by the PHA pursuant to
§ 983.301(b) or (c), as applicable, at the point of contract extension, if requested by the owner in writing.

If the HAP contract does not provide for automatic adjustment by an OCAF, then an owner who wishes to receive an increase in the rent to owner must request such an increase at the annual anniversary of the HAP contract by written notice to the PHA.

Except for certain tax credit units (discussed below), the rent to owner must not exceed the lowest of the following amounts:

- An amount determined by the CHA, not to exceed 110 percent of the applicable fair market rent (or any HUD-approved exception payment standard) for the unit bedroom size minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

During the term of the HAP contract, the CHA will not reduce rents below the initial rent to owner. The rent to owner shall not be reduced below the initial rent to owner, except:

(i) To correct errors in calculations in accordance with HUD requirements;

(ii) If additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to § 983.153(b); or

(iii) If a decrease in rent to owner is required based on changes in the allocation of responsibility for utilities between the owner and the tenant.

SAFMR-Based Exception Payment Standard (24 CFR §982.503(b)(1)(iii))

The Concord Housing Authority Board voted on 8/2/2023 to voluntarily adopt Small Area Fair Market Rent (SAFMR) based Exception Payments Standards for the town of Concord, (zip code 01742). The CHA made this decision in order to expand housing opportunities in Concord and to assist current Section 8 participants leased in Concord to continue to afford the units they have selected. The change was effective on 9/1/2023. The Concord Housing Authority provided the HUD Boston Field Office with the required notification by email from the Executive Director on 8/3/2023. The CHA will operate both its tenant-based program and project-based program under the Small Area FMRs. This SAFMR policy allows the CHA to apply the Small Area FMRs to current PBV projects, provided the owner is willing to agree to do so mutually.

Rent Increase

If an owner wishes to request an increase in the rent to owner from the CHA, it must make the request in writing at least 60 days before the annual anniversary of the HAP contract. If the HAP contract does not provide for an automatic adjustment by an OCAF (operating cost adjustment factor published by HUD) then an owner must request such an increase at the annual anniversary of the HAP contract by written notice to the CHA at least 60 days before the anniversary date.

IX. PAYMENTS TO OWNER

During the term of the HAP contract, the CHA must make housing assistance payments to the owner in accordance with the terms of the HAP contract. During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to

and occupied by an eligible family. The housing assistance payment must be paid to the owner on or about the first day of the month for which payment is due, unless the owner and the CHA agree on a later date.

Except for discretionary vacancy payments, the CHA may not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

Tenant Rent to Owner

The tenant rent is the portion of the rent to owner paid by the family and is generally no more than 30% of income for rent and utilities. The amount of tenant rent is determined by the CHA in accordance with HUD requirements. Any changes in the amount of tenant rent will be effective on the date stated in the CHA notice to the family and owner.

Special Provisions Applying to TPVs Awarded as Part of a Voluntary Conversion of Public Housing Units in Projects that Include RAD PBV Unitpre

Under certain circumstances, HUD allows small PHAs to reposition a public housing project (or portion of a project) by voluntarily converting units to tenant-based housing choice voucher assistance. In order to preserve affordable housing for residents of the project, the PHA is given priority to receive replacement tenant protection vouchers (TPVs). As part of the voluntary conversion, the PHA has the option to continue to operate it as rental housing. If so, the PHA or subsequent owner must allow existing families to remain in their units using the TPV in the form of tenant-based assistance. In this situation, however, the PHA may choose to project-base these TPVs in the former public housing project. Families must still be provided with the option to remain in their unit using tenant-based assistance.

In order for the PHA to project-base the assistance and include these units on the PBV HAP contract, the family must voluntarily consent in writing to PBV assistance following the requirements in Appendix A of Notice PIH 2019-05. If the family fails to consent to PBV assistance and chooses to remain using tenant-based assistance, the family's unit is excluded from the PBV HAP contract until the family moves out or consents to switching to PBV

assistance. In general, all applicable program regulations and guidance for the standard PBV program apply to these units.

The PHA may also convert units in the same former public housing project to the PBV program under the rental assistance demonstration (RAD) program. The RAD statute authorizes HUD to waive certain statutory and regulatory provisions governing the standard PBV program and specify alternative requirements. In order to facilitate the uniform treatment of residents and units at the project, Notice PIH 2019-23 extended some of the alternative requirements to non-RAD PBV units in the converted project (i.e., the TPV units in the project).

The number and location of the PBV units is as follows:

145-155 Powder Mill Rd.

2-2 bedroom

4-3 bedroom

102 Upland Rd.

3 bedroom HC

14-16 Bedford Court

1-2 bedroom

1-3 bedroom

23 Cottage St.

2 bedroom

156 Peter Spring Rd.

3 bedroom

277 and 279 Commonwealth Ave.

2- 3 bedroom

405 Bedford St.

4 bedroom

1031 Main St.

3 bedroom

199-205 Conant St.

1-1 bedroom

1-2 bedroom

1-3 bedroom

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78 Ridge Road, Unit 204 1-2 bedroom

_____

_____

406 Old Marlboro Road, 2-1 bedroom

Exhibit B

Administrative Plan Amendment

Relating to the Concord Housing Authority's

Application Process and Use of a

Centralized Housing Choice Voucher Waiting List

PART I: INTRODUCTION

The Concord Housing Authority has elected to utilize the Centralized Application and Waiting List process. The Department of Housing and Urban Development has encouraged the use of a Centralized Waiting List by Public Housing Authorities (PHAs). In the Commonwealth of Massachusetts, the PHA Centralized Waiting list is administered by the Massachusetts Chapter of the National Association of Housing and Redevelopment Officials (MassNAHRO) and its subcontractor GoSection8.

The Centralized Section 8 Housing Choice Voucher (HCV) Waiting List affords the Concord Housing Authority and its clients the following benefits:

1. Ease of application process for applicants who may apply at the office of any Housing Authority participating in the Centralized Waiting List option or online at www.gosection8.com/MassCWL.
2. Elimination of the procedural hardship on families and administrative burden to the Housing Authority of closing and opening of the Section 8 HCV Waiting List. The Centralized Section 8 HCV Waiting List is maintained as an open waiting list.
3. Increase of housing opportunities for families who now have the option of placement at a number of locations throughout the Commonwealth through the submission of a single Preliminary Application.

PART II: OPENING AND CLOSING OF THE WAITING LIST AND MARKETING

The Centralized Waiting List was opened in January of 2013 and at that time notice of the opening of the Waiting List was published in a local newspaper of general circulation as well as within minority media.

The list has remained open since that date. As individual PHAs join the Centralized Waiting List the individual PHA gives notice by publication in a local newspaper of general circulation and by minority media and/or other suitable means.

Ongoing marketing of the Section 8 HCV Program to those least likely to apply is a combined effort between the participating PHAs, MassNAHRO and GoSection8. Specifically, publication of the initial participation in the Centralized Waiting List is the responsibility of the PHA. GoSection8 maintains an up to date website which includes the following information: a description of the Centralized Waiting List and how it operates; a list of participating PHAs; instructions as to how to apply; program eligibility information; the online Preliminary Application and printable paper Preliminary Application which are available in multiple languages; manner in which to perform a status check and modify a Preliminary Application as well as responses to frequently asked questions.

Further GoSection8 performs outreach and education to advocates and community service agencies by providing free training sessions as to the application process. In addition, GoSection8 provides informational postcards as to the application process and where to obtain additional information as well as toll-free live telephone support.

Individual PHAs and/or other parties as applicable may also perform marketing on an as needed basis with regard to their specific programs.

PART III: ACCEPTANCE OF APPLICATIONS

A single, standardized Preliminary Application is available at each participating Housing Authority and online at www.gosection8.com/MassCWL. A master list of all participating PHAs is maintained at the office of MassNAHRO, at each participating Housing Authority and online at www.gosection8.com/MassCWL. Only one Preliminary Application is accepted for each Family[12].

[12] There is an exception when an application has been rejected by a participating PHA for a reason which may not make the family ineligible at another participating PHA. The family may then reapply to the PHA where the application was rejected to be placed on the Waiting List for that participating PHA according to a new date and time. The original application will remain in the system for all other PHAs where the family could potentially be eligible.

The Preliminary Application requests information as required to administer the Section 8 HCV Program such as: name and city or town (where Head of Household and spouse/partner live and work), telephone number, total number of family members, Head of Household's social security number, if client is 62 years of age or older or disabled, total gross family income, race, and ethnicity. Information regarding preferences adopted by participating Housing Authorities is also elicited on this Preliminary Application. MassNAHRO reserves the right to modify the Preliminary Application to Change or include other information required or useful to administer the Section 8 HCV Program.

Preliminary Applications are available for completion at the Concord Housing Authority in person between the hours of 8:30 and 4:00 on the following days of the week Monday to Friday. Blank Preliminary Applications may be mailed or faxed to a family by a Participating PHA for completion by the family.

Upon completion of the Preliminary Application, it shall be marked by the PHA staff with date and the time of submission, and the family shall be provided with a standard receipt evidencing submission of the Preliminary Application. The Concord Housing Authority will then enter the information from the Preliminary Application into the Centralized Waiting List.

Preliminary Applications may also be submitted online anytime at www.gosection8.com/MassCWL at which time an online receipt is generated.

Families are notified at time of application that PHA's may have open waiting lists for the public housing program, project-based voucher program or moderate rehabilitation program and often other State funded programs and if the other program includes units suitable for the applicant, the family should contact the PHA directly for placement its waiting list for the other program(s). Information as to availability of many of these program(s) is online on the website. Upon completion of a Preliminary Application, if there is another open waitlist for any other program administered by any participating PHA for which applicant may be eligible which is operated through Gosection8.com, the family will receive automatic notification on the website and by email and may elect to apply instantly online. In this instance there is no need to fill out an additional Preliminary Application.

PART IV: UPDATING THE APPLICATIONS

A family may update its Preliminary Application (i.e. Change of address) for Section 8 HCV Assistance online at www.gosection8.com/MassCWL or at the office of any PHA participating in the Centralized Waiting List Application process regardless of where the original Preliminary Application was submitted. To update the Preliminary Application through a PHA, a written request must be submitted to the PHA by the family.

In the event of a family break up into two otherwise eligible families, only one family will retain the original Preliminary Application. The second family may submit a new Preliminary Application for assistance which will have a new date and time.

In the absence of a judicial determination with regard to who should retain the original application, the family will generally determine who retains the original Preliminary Application. The PHA will allow the Head of Household to report who remains on the original Preliminary Application to reflect this family decision. However, if MassNAHRO or the PHA is informed that the matter is in dispute they shall make the decision as to who will retain the original Preliminary Application taking into consideration the following factors: (1) The interest of minor children including custody arrangements. (2) The interest of ill, elderly, or disabled family members. (3) The interest of a victim of an occurrence of domestic violence, dating violence, sexual assault, or stalking[13]. (4) The relevant recommendations of social service professionals involved with the family. (5) The Head of Household who is listed on the original application.

PART V: SELECTION FROM THE WAITING LIST

Except for special admissions (See 24 CFR 982.203 (2018)), HCV participants will be selected from the Waiting List. The selection criteria set forth in the Concord Housing Authority's Administrative Plan shall govern the manner in which individuals and families are selected by the Concord Housing Authority from the Centralized Section 8 HCV Waiting List. Further, when HUD awards a Housing Authority program funding for a specified category of families on the

[13] To the extent that the provisions set forth in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking apply the PHA will adhere to such requirements.

Waiting List (See 24 CFR 982.204 (e) (2018)), the PHA must select applicant families in the specified category. This is further described in the PHA's Administrative Plan, HUD award and/or Notice of Funding Availability for said funding.

PHA policies which dictate the order of selection are described within the PHA's Housing Choice Voucher Administrative Plan at Part II. C.

Pursuant to 24 CFR 982.201(b)(2) (2018), not less than 75 percent of the families admitted to a PHA's HCV program (tenant based and project based where applicable) during the PHA fiscal year from the PHA waiting list shall be extremely low-income families. The PHA may skip a family with an income above the extremely low-income limit on the waiting list in order to select an extremely low-income family to meet this requirement.

PART VI: DETERMINATION OF ELIGIBILITY

Once a family has been selected from the Centralized Section 8 HCV Waiting List in the manner set forth in the Concord Housing Authority's Administrative Plan from the Section 8 HCV Program, eligibility determination shall be made according to federal law, regulations governing State law and any applicable procedures set forth in the Concord Housing Authority's Administrative Plan for the Section 8 HCV Program.

PART VII: DETERMINATION OF INELIGIBILITY

If a family is denied assistance by the Concord Housing Authority, they will have the right to the appeal procedures set forth in the Concord Housing Authority's Administrative Plan and federal regulations.

The removal shall not occur until the appeal procedure[14] when requested or time period for the family to request this appeal has expired. Appeal rights and procedures are governed by the applicable code of federal regulations and the contents of the Administrative Plan for the Housing Authority making the denial. Further to the extent that a denial is based upon CORI or

[14] Informal Review or Informal Hearing as applicable

Immigration Status information, regulations and PHA Plan procedures governing denials on such basis including any appeal rights related thereto shall apply.

a. A. Ineligibility for Assistance Based upon PHA Policy - Removal from the Centralized Waiting List for a Particular PHA Only

If the family could be eligible under another participating PHA's policies, the family's name will not be removed by the Concord Housing Authority from the Centralized Section 8 HCV Waiting List. However, the family will not again be selected by the Concord Housing Authority unless a new Preliminary Application has been submitted to the Concord Housing Authority.

Certain items which are considered mandatory denial categories still result within a removal from the particular PHA only because there is some component of PHA Policy associated with such denial (i.e. the family does not qualify on the basis of citizenship or the eligible immigrant status of family members as required in 24 CFR Part 5 Subpart E, Restrictions on Assistance to Noncitizens insofar as PHAs may *elect* to require documentation to verify Citizenship or when the family does not meet the Social Security Number disclosure and documentation requirements as set forth in in 24 CFR 5.216 insofar as for pending disclosure and documentation of social security numbers, the HA may allow the family to retain its place on the Waiting List for differing times based upon PHA policy.)

b. B. Mandatory Ineligibility for Assistance - Removal from Centralized Waiting List for All PHAs

If the family is removed from the Waiting List because it is deemed ineligible for reason which is mandatory the name shall be removed from the Waiting List for all PHAs. Mandatory grounds for all PHAs are as follows:

1. The family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F [24 CFR 982.552(b)(3)].

2. Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing as set forth in 24 CFR 982.553 (a) (1) (ii) (C) (i).

3. Any household member is subject to a lifetime registration requirement under a state sex offender registration program as set forth in 982.553 (a) (2) (i).

c. C. Mandatory Ineligibility for Assistance due to Income Limits - Removal from Centralized Waiting List Dependent on Location for Income Limit Determination

When the family income limit exceeds that required for participation in the HCV program pursuant to 24 CFR 982.201, they shall be denied participation in the HCV program. If the family is denied participation in the HCV Program because it is over the applicable income limits for the program, the family's name will be removed from the Centralized Section 8 HCV Waiting List for the Housing Authority making the determination and all other PHA's in the area with income limits at or below the level of the PHA making the determination. The family's name shall remain on the list for other participating PHAs in areas with income limits above that of the PHA making the denial. If the family later reapplies it shall be provided with a new (later) Preliminary Application date for the PHAs from which the family's name was previously removed due to the over income denial.

PHA's which have adopted specific policies to admit a low-income family that meets additional eligibility criteria specified in the PHA Administrative Plan which could impact their particular PHA income limits will notify GoSection8 to make certain a different level should not be on file for the particular PHA in relation to denials under this section.

PART VIII: NO RESPONSE TO PHA- REMOVAL FROM CENTRALIZED WAITING LIST FOR A PARTICULAR PHA ONLY

If the family does not respond to a letter sent by a participating Housing Authority to attend an eligibility determination appointment or to otherwise respond to the Housing Authority, the Housing Authority who requested said response may remove the family's name from the Centralized Section 8 HCV Waiting List for their particular PHA only. The manner for said removal and any applicable appeal procedure shall be governed by the Administrative Plan for the Housing Authority making said removal.

The family's name will not be removed by the Concord Housing Authority from the entire Centralized Section 8 HCV Waiting List. However, the family will not again be selected by the Concord Housing Authority unless a new Preliminary Application has been submitted to the Concord Housing Authority.

PART IX: WAITING LIST UPDATES; PURGING OF WAITING LIST

While the family is on the waiting list, within 10 business days of the occurrence of a change, the family must inform the PHA of changes in contact information (including current residence, mailing address and phone number) household composition, preferences and total household income. The changes must be submitted in writing to a participating PHA or online via the GoSection8 application portal within 10 business days of said change.

In order to make certain the Waiting List remains up to date GoSection8 will send e mail reminders for families to keep their mailing addresses up to date. Families may also elect to receive optional text reminders.

MassNAHRO will, on a biennial basis, send a letter to each applicant on the Centralized Section 8 HCV Waiting List. This letter will be sent to the address on the Section 8 HCV Preliminary Application or on any written Change of status request that was completed and sent to a participating Housing Authority. Applicants will be requested to respond to the mailing, either online at www.gosection8.com/MassCWL or by mailing back the response card, within a time parameter set forth in the letter and the letter shall indicate that failure to respond will result in the removal of his/her name from the Centralized Section 8 HCV Waiting List. In the event that the applicant does not respond within the applicable time parameter, his/her name shall be removed from the Centralized Section 8 HCV Waiting List.

Applicants removed by MassNAHRO due to no response to the update mailing may appeal to MassNAHRO during the posted reinstatement period. After the reinstatement period MassNAHRO will consider appeals which are requested as a reasonable accommodation for a person with a disability.

PART X: JURISDICTION REGARDING CERTAIN DECISIONS

When a family expresses a problem with a decision made by a Housing Authority involved in the Centralized Section 8 HCV Waiting List, that family shall be referred to the Housing Authority who made the determination in question. This includes when a family is removed from the Centralized Waiting List for failure to reply to the PHA.

When a family expresses a problem with a decision made by MassNAHRO, that family shall be instructed to send a written request for reinstatement along with supporting documentation to MassNAHRO's Centralized Waiting List Administrator at: Massachusetts Centralized Waiting List, PO Box 308, Dedham, MA 02027.

PART XI: NONDISCRIMINATION AND PROGRAM ACCESSABILITY

Preliminary Applications will be accepted without regard to race, color, sex, religion, familial status, age, disability, national origin, marital status, gender identity, sexual orientation, receipt of public assistance or housing subsidies, ancestry, military or veteran status, or genetic information.

PHA's will provide reasonable accommodations as required under the law to assist individuals with disabilities. Upon request, this may include provision of appropriate auxiliary aids and services necessary to ensure effective communication *e.g.*, Braille, audio, large type, assistive listening devices, and sign language interpreters. Reasonable accommodations may also include a change in policy or procedure to make the program accessible. Such requests will be considered and made as required according to applicable law. Applicants are advised of their right to request a reasonable accommodation both on the website and the hard copy of the Preliminary Application.

Persons with hearing and/or speech impairments may access the GoSection8 telephone number via text telephone (TTY) using Massachusetts Relay at 711 for English and (866) 930-9252 for Spanish.

PHAs, MassNAHRO and GoSection8 will take reasonable steps to ensure meaningful access by persons with limited English proficiency (LEP). Such steps will include translation of common written materials into those languages frequently spoken by Applicants. Further on an as needed basis GoSection8 or the participating PHA (depending upon the point of contact) may arrange for

telephonic or in person interpretation. The online Preliminary Applications queries the "preferred language" and once selected the computerized Preliminary Applications process is in that language. There are multiple languages on the site which are those most commonly encountered in Massachusetts with regard to LEP individuals. GoSection8 has bilingual staff that speak English, Spanish, French and Hattian Creole. Further, telephonic interpretation is available in any other needed languages.

PART XII: CONFLICT AND GRANT OF AUTHORITY

To the extent that the contents of this Amendment conflicts with the PHA's Section 8 HCV Administrative Plan with regard to Waiting list administration, this Amendment shall prevail. The PHA Executive Director, MassNAHRO and GoSection8 are authorized by the Board of Commissioners to modify and implement procedures to meet the requirements of this Amendment. The PHA Executive Director, MassNAHRO and GoSection8 are authorized by the Board of Commissioners to institute other changes as long as such changes are consistent with the authorizations granted herein.

PART XIII: HEADINGS

The headings in this Amendment are for reference. The body of the document should be used for interpretation of the document.

PART XIV: EFFECTIVE DATE

This amendment became effective July 1, 2019.

Exhibit C

Administrative Plan Amendment Relating to the Concord Housing Authority's Application Process for the Project Based Voucher Program

I. INTRODUCTION TO THE PROJECT BASED VOUCHER WAITING LIST

The Concord Housing Authority has elected to utilize MA NAHRO to administer its Section 8 Project Based Voucher (PBV) Waiting List. The Preliminary Application process is generally described in the Administrative Plan Amendment entitled, Administrative Plan Amendment Relating to the Concord Housing Authority's Application Process and Use of a Centralized Housing Choice Voucher Waiting List (HCV Amendment) which has been adopted by the Concord Housing Authority for use with the Section 8 Housing Choice Voucher (HCV) waiting list. The contents of that Amendment are expressly incorporated herein and shall govern unless it is a matter addressed herein, it is a matter specific to tenant based HCVs or applicable law requires otherwise.

This Amendment will address areas in which the PBV and HCV waiting list administration differ and where the PBV program has additional waiting list obligations. PBV regulations can be found at 24 CFR 983 (1998). This Amendment is intended to address the PHA's maintenance of the Waiting List and order of selection from said list for referral to PBV owners.

The PHA's Administrative Plan also addresses these policies at the Section entitled, Exhibit A Project Based Voucher Program, attached to the Concord Housing Authority Administrative Plan.

This Amendment does not address the procedures after such time as the family is referred to the owner. These policies are set for the within the PHA's Administrative Plan and Owner's Tenant Selection Plan.

Further to the extent that this is PBV under the Rental Assistance Demonstration (RAD) program, any special provisions inconsistent with what is set forth herein or in the HCV Amendment if applicable are set forth in the PHAs Administrative Plan and/or within applicable RAD Notices and guidance.

II. TYPE OF PROJECT BASED VOUCHER WAITING LIST

The CHA has elected the following option for the PBV Waiting List(s):

A Single PBV Waiting List as specifically described in the PHA's Section 8 Administrative Plan in the Section entitled, "Project Based Voucher Program", Exhibit A of the Concord Housing Authority Administrative Plan.

When the CHA is not using the Existing HCV list, the CHA offers to place applicants who are listed on the waiting list for tenant-based assistance also on the waiting list for PBV assistance. The manner of such offer may be contacting such applicants by text message or email or notification in newspaper of general circulation and minority media and/or general notification on the GoSection8 web site.

III. OPENING AND CLOSING OF THE PROJECT BASED VOUCHER WAITING LIST

A. Public Notice of Opening

Where new PBV projects enter the PHA's portfolio the individual PHA gives the public notice by publication in a local newspaper of general circulation, and also by minority media and/or other suitable means. GoSection8 may also provide notice by notifying families on the HCV Centralized Waiting List and any other waiting lists administered by GoSection8 for the participating PHAs via text message, and/or e mail and/or notification on the website.

B. For PHAs with Site Based Waiting Lists

To the extent that the CHA determines that the existing PBV waiting list contains an adequate pool it may close a particular Site Based Waiting List.

C. For PHAS with a Single PBV Waiting List

To the extent that the CHA determines that the existing PBV waiting list contains an adequate pool it may close the PBV Waiting List. Further, the CHA may accept only preliminary applications meeting specific criteria or preferences for a particular PBV project(s). If the PBV Site Based or PBV Waiting List remains open to only certain categories of families, this information will be contained in a public notice of closure.

D. Public Notice of Closure

In advance of closing of the PBV waiting the CHA will give the public notice by publication in a local newspaper of general circulation, and also by minority media and other suitable means. GoSection8 may also provide notice of the CHA's closure of a PBV waiting list by notifying families on the HCV Centralized Waiting List and any other waiting lists administered by GoSection8 for the participating PHAs via text message, e mail and/or notification on the GoSection8 website.

E. For PHAS that use the Existing HCV Waiting List for PBV

PHAs that use the existing HCV Waiting List cannot close the waiting list as this list is maintained as an open waiting list.

IV. ACCEPTANCE OF PROJECT BASED VOUCHER APPLICATIONS

The PBV Preliminary Application, which is separate and distinct, will self-populate with information from the HCV Preliminary Application and elicit supplemental information as required by the particular PHA. The manner for acceptance of PBV Preliminary Applications shall be the same as that set forth in the HCV Administrative Plan Amendment.

V. SELECTION FROM THE PROJECT BASED VOUCHER WAITING LIST

Preliminary PBV Applications are selected in the same manner as set forth in the HCV Administrative Plan Amendment with the following additions:

A. Need for Accessibility Features

In selecting families to occupy PBV units with special accessibility features for persons with disabilities, the CHA will first refer families who require such accessibility features to the owner. See 24 CFR 983.251 (c)(7) (2018).

B. In Place Families

In order to minimize displacement of in-place families, if the PHA awards assistance to an existing unit or one requiring rehabilitation and that unit is occupied by an eligible family on the proposal selection date, the in-place family must be placed on the PHA's waiting list (if the family is not already on the list) and, once its continued eligibility is determined, given an absolute selection

preference. (The PHA may deny assistance for the grounds specified in 24 CFR 982.552 and 982.553.) Admission of such families is not subject to income-targeting under 24 CFR 982.201(b)(2)(i), and although such families have an absolute preference, they must nevertheless be referred to the owner from the PHA's waiting list. A PHA must give such families priority for admission to the PBV program. This protection does not apply to families that are not eligible to participate in the program on the proposal selection date. See 24 CFR 983.251 (b)(2) (2018)

Other specific PHA policies which dictate the order of selection are described within the PHA's Section 8 Administrative Plan governing the PBV program at the Section entitled, "Project Based Vouchers", within the body of the Concord Housing Authority Administrative Plan.

VI. DETERMINATION OF PROJECT BASED VOUCHER ELIGIBILITY

Once a family has been selected from the PBV Waiting List in the manner set forth in the Concord Housing Authority's Administrative Plan for the PBV Program, eligibility determination shall be made according to federal law, regulations governing State law and any applicable procedures set forth in the Concord Housing Authority's Administrative Plan addressing the PBV Program.

If a family refuses the CHA's offer of PBV assistance, such refusal does not affect the family's position on the HCV Centralized waiting list for tenant-based assistance or placement on the PBV waiting list for other PBV projects.

Owner or CHA determinations relative to the PBV program including the family's acceptance or refusal of PBV assistance will not change the Centralized HCV waiting placement (date and time of HCV Preliminary Application).

VII. DETERMINATION OF PROJECT BASED VOUCHER INELIGIBILITY

The procedures set forth in the HCV Administrative Plan Amendment shall apply with CHA ineligibility determinations for the PBV program. However, in the case of a removal from a waiting list said removal shall only apply to the PBV Preliminary Application and it shall only result in the removal of the application from the individual PHA's PBV Waiting List.

VIII. WAITING LIST PLACEMENT AND OWNER REJECTION

If a PBV owner rejects a family for admission to the owner's PBV units, such rejection by the owner does not affect the family's position on the HCV's Centralized waiting list for tenant-based assistance or placement upon the PBV waiting list for other PBV projects.

IX. CONFLICT AND GRANT OF AUTHORITY

To the extent that the contents of this Amendment conflicts with the PHA's Section 8 HCV Administrative Plan and/or another PHA PBV Amendment or the PHA's PBV Administrative Plan as applicable, with regard to Waiting List administration this PBV Amendment shall prevail. The PHA Executive Director, MassNAHRO and GoSection8 are authorized by the Board of Commissioners to modify and implement procedures to meet the requirements of this Amendment. The PHA Executive Director, MassNAHRO and GoSection8 are authorized by the Board of Commissioners to institute other changes as long as such changes are consistent with the authorizations granted herein.

X. HEADINGS

The headings in this Amendment are for reference. The body of the document should be used for interpretation of the document.

XI. EFFECTIVE DATE

This amendment became effective when originally adopted. by the Board of Commissioners

Exhibit D

Updated List of Federally Mandated Exclusions From Income

Issued by HUD January 31, 2024

The exclusions listed below apply to income only, except where HUD states that the exclusion also applies to assets. Actual income earned from an excluded asset may be included in income if it is not deposited into an account that is disregarded and excluded under one of the below authorities. If an amount is in an excluded account, like an Independent Development Account or an ABLE account, then the statute or the regulations associated with that income/asset exclusion will dictate what portion of the income earned off the amount, if any, is to be included in the family's income. Please note that exclusions (13) and (23) have provisions that apply only to specific HUD programs):

2. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b)). This exclusion also applies to assets;

3. Payments, including for supportive services and reimbursement of out-of-pocket expenses, for volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(f)(1), 42 U.S.C. 5058), are excluded from income except that the exclusion shall not apply in the case of such payments when the Chief Executive Officer of the Corporation for National and Community Service appointed under 42 U.S.C. 12651c determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 *et seq.*) or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater (42 U.S.C. 5044(f)(1)). This exclusion also applies to assets;

4. Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)). This exclusion also applies to assets;

5. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 5506). This exclusion also applies to assets;

6. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f)(1)). This exclusion also applies to assets;
7. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, section 6). This exclusion also applies to assets;
8. The first $2000 of per capita shares received from judgment funds awarded by the National Indian Gaming Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, and the first $2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands. This exclusion does not include proceeds of gaming operations regulated by the Commission (25 U.S.C. 1407-1408). This exclusion also applies to assets;
9. Amounts of student financial assistance funded under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070), including awards under Federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For section 8 programs only (42 U.S.C. 1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and HArges under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall not be considered income to that individual if the individual is over the age of 23 with dependent children (Pub. L. 109-115, section 327) (as amended)
10. Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. 3056g);
11. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101-201) or any other fund established pursuant to the settlement in *In Re Agent Orange Product Liability Litigation,* M.D.L. No. 381 (E.D.N.Y.). This exclusion also applies to assets;
12. Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420 section 9(c)). This exclusion also applies to assets;

13. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);

14. Earned income tax credit (EITC) refund payments [1] received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221(d)(3), 235, and 236 of the National Housing Act (26 U.S.C. 32(l)). This exclusion also applies to assets;

15. The amount of any refund (or advance payment with respect to a refundable credit) issued under the Internal Revenue Code is excluded from income and assets for a period of 12 months from receipt (26 U.S.C. 6409);

16. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (Pub. L. 95-433 section 2). This exclusion also applies to assets;

17. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

18. Any allowance paid to children of Vietnam veterans born with spina bifida (38 U.S.C. 1802-05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811-16), and children of certain Korean and Thailand service veterans born with spina bifida (38 U.S.C. 1821-22) is excluded from income and assets (38 U.S.C. 1833(c)).

19. Any amount of crime victim compensation that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) under the Victims of Crime Act of 1984 received through a crime victim assistance program, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime (34 U.S.C. 20102(c)). This exclusion also applies to assets;

20. Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 reauthorized as the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3241(a)(2));

21. Any amount received under the RiHArd B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC). This exclusion also applies to assets;

22. Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (Pub. L. 101-503 section 8(b)). This exclusion also applies to assets;

23. Payments from any deferred U.S. Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts (42 U.S.C. 1437a(b)(4));

24. Any amounts (i) not actually received by the family, (ii) that would be eligible for exclusion under 42 U.S.C. 1382b(a)(7), and (iii) received for service-connected disability under 38 U.S.C. Chapter 11 or dependency and indemnity compensation under 38 U.S.C. Chapter 13 (25 U.S.C. 4103(9)(C)) as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269 section 2) to the definition of income applicable to programs under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25 U.S.C. 4101 *et seq.*);

25. A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al.* v. *Ken Salazar et al.,* 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291 section 101(f)(2)). This exclusion also applies to assets;

26. Any amounts in an "individual development account" are excluded from assets and any assistance, benefit, or amounts earned by or provided to the individual development account are excluded from income, as provided by the Assets for Independence Act, as amended (42 U.S.C. 604(h)(4));

27. Per capita payments made from the proceeds of Indian Tribal Trust Settlements listed in IRS Notice 2013-1 and 2013-55 must be excluded from annual income unless the per capita payments exceed the amount of the original Tribal Trust Settlement proceeds and are made from a Tribe's private bank account in which the Tribe has deposited the settlement proceeds. Such amounts received in excess of the Tribal

Trust Settlement are included in the gross income of the members of the Tribe receiving the per capita payments as described in IRS Notice 2013-1. The first $2,000 of per capita payments are also excluded from assets unless the per capita payments exceed the amount of the original Tribal Trust Settlement proceeds and are made from a Tribe's private bank account in which the Tribe has deposited the settlement proceeds (25 U.S.C. 117b(a), 25 U.S.C. 1407);

28. Federal assistance for a major disaster or emergency received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)). This exclusion also applies to assets;

29. Any amount in an Achieving Better Life Experience (ABLE) account, distributions from and certain contributions to an ABLE account established under the ABLE Act of 2014 (Pub. L. 113-295.), as described in Notice PIH 2019-09/H 2019-06 or subsequent or superseding notice is excluded from income and assets; and

30. Assistance received by a household under the Emergency Rental Assistance Program pursuant to the Consolidated Appropriations Act, 2021 (Pub. L. 116-260, section 501(j)), and the American Rescue Plan Act of 2021 (Pub. L. 117-2, section 3201). This exclusion also applies to assets.

Glossary

1937 Act means the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.)

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

ADA means the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

Affiliated individual, for purposes of VAWA, with respect to an individual means:

(1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or

(2) Any individual, tenant, or lawful occupant living in the household of that individual.

Annual contributions contract (ACC) means the written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

Applicant means a person or a family that has applied for housing assistance.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Broadband infrastructure means cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure, including wireless infrastructure, that is capable of providing access to Internet connections in individual housing units, and that meets the definition of "advanced telecommunications capability" determined by the Federal Communications Commission under section 706 of the Telecommunications Act of 1996 (47 U.S.C. 1302).

Building shall mean a structure with a roof and walls that contains one or more dwelling units.

Child means a member of the family other than the family head or spouse who is under 18 years of age.

Childcare expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable HArges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen means a citizen or national of the United States.

Covered housing program for purposes of VAWA consists of the following HUD programs:

(1) Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.

(2) Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.

(3) Housing Opportunities for Persons With AIDS (HOPWA) program (42 U.S.C. 12901 et seq.), with implementing regulations at 24 CFR part 574.

(4) HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et seq.), with implementing regulations at 24 CFR part 92.

(5) Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming).

(6) Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221.

(7) Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1), with implementing regulations at 24 CFR part 236.

(8) HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under

section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR Chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at 24 CFR part 882, subpart H).

(9) The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93).

Covered housing provider refers to the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.

Covered person, for purposes of 24 CFR 5, subpart I, and parts 966 and 982, means a tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Covered families, for purposes of 24 CFR part 5.615 Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Dating violence means violence committed by a person:

(1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

Day laborer. An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future. Income earned as a day laborer is not considered nonrecurring income under 24 CFR § 5.609(b)(24) and must be included, unless

specifically excluded in 24 CFR § 5.609(b) (i.e. such as earnings of full-time students in excess of the dependent deduction).

Department means the Department of Housing and Urban Development.

Dependent is a member of the family (which excludes foster children and foster adults) other than the family head or spouse who is under 18 years of age, or is a person with a disability, or is a full-time student.

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

Disabled family means a family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

Displaced family means 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

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner 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 or intimate partner, 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. The term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

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

Economic self-sufficiency program. Any program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

Elderly Person means an individual who is at least 62 years of age.

Eligible families. Low-income families who are eligible for admission to the public housing program.

Evidence of citizenship or eligible status means the documents which must be submitted to evidence citizenship or eligible immigration status. (See § 5.508(b).)

Extremely low-income family. A very low-income family whose annual income does not exceed the higher of:

(1) The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States); or

(2) Thirty (30) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Fair Housing Act means title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).

Fair Market Rent (FMR) means the rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe and sanitary rental housing of

modest (non-luxury) nature with suitable amenities. This Fair Market Rent includes utilities (except telephone). Separate Fair Market Rents will be established by HUD for dwelling units of varying sizes (number of bedrooms) and will be published in the Federal Register in accordance with part 888 of this title.

Family. Includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

A single person, who may be:

> An elderly person, displaced person, disabled person, near-elderly person, or any other single person;
>
> An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or

A group of persons residing together, and such group includes, but is not limited to:

- A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
- An elderly family;
- A near-elderly family;
- A disabled family;
- A displaced family; and
- The remaining member of a tenant family.

To the extent that the HA has any additional legal nondiscriminatory criteria in the existing administrative plan (i.e. stable relationship test) that is not impacted by this amendment that additional criteria shall also still apply when relevant and is not superseded by this definition.

Federally assisted housing (for purposes of subparts I and J of this part) means housing assisted under any of the following programs:

(1) Public housing;

(2) Housing receiving project-based or tenant-based assistance under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f);

(3) Housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the National Affordable Housing Act (12 U.S.C. 1701q);

(4) Housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the National Affordable Housing Act;

(5) Housing that is assisted under section 811 of the National Affordable Housing Act (42 U.S.C. 8013);

(6) Housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act (12 U.S.C. 1715l(d)(3)) that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act (12 U.S.C. 1715l(d)(5));

(7) Housing insured, assisted, or held by HUD or by a State or local agency under section 236 of the National Housing Act (12 U.S.C. 1715z-1); or

(8) Housing assisted by the Rural Development Administration under section 514 or section 515 of the Housing Act of 1949 (42 U.S.C. 1483, 1484).

Foster adult is a member of the household who is 18 years of age or older and meets the definition of a foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction. The HA will generally request a court order from a court of component jurisdiction in the Commonwealth setting forth Guardianship of the person. This definition includes young adults age 19-22 pursuant to M.G.L ch. 119, § 21 who are under the custody, care, or responsibility of the department of Children and Families including, but not limited to, those who meet the eligibility criteria set forth in M.G.L. ch. 119, § 23(f).

Foster child is a member of the household who meets the definition of a foster child under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction. In Massachusetts this is generally children under the care of the Department of Children and Families pursuant to M.G.L ch. 119. The HA will generally request a court order from a court of component jurisdiction in the Commonwealth or placement letter issued by the Massachusetts Department of Children and Families for verification.

Full-time student. A person who is attending school or vocational training on a full-time basis.

General Counsel means the General Counsel of HUD.

Grantee means the person or legal entity to which a grant is awarded and that is accountable for the use of the funds provided.

Guest, only for purposes of 24 CFR part 5, subparts A and I, and parts 882, 960, 966, and 982, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of parts 966 and 982 apply to a guest as so defined.

Head of household means the adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed. Health and medical care expenses may be deducted from annual income only if they are eligible under this definition and not otherwise reimbursed and may only be deducted for elderly or disabled families.

The HA will review each expense to determine whether it is eligible in accordance with this definition. The HA does not specifically align with IRS Publication 502 but will use it as a standard for determining allowable expenses provided that they conform with the above definition of allowable expenses. (Examples of allowable expenses are set forth in Chart 2).

Homeownership counseling means housing counseling related to homeownership and residential mortgage loans when provided in connection with HUD's Housing Counseling Program, or required by or provided in connection with HUD Programs as defined in § 5.111. Homeownership counseling is housing counseling that covers the decision to purHAse a home, the selection and purHAse of a home, issues arising during or affecting the period of ownership of a home (including financing, refinancing, default, and foreclosure, and other financial decisions) and the sale or other disposition of a home.

Household, for purposes of 24 CFR part 5, subpart I, and parts 960, 966, 882, and 982 of this title, means the family, foster children and adults, and PHA-approved live-in aide.

Housing Quality Standards refers to the standards prescribed by HUD under Section 8(o)(8)(B)(i) or variations approved by HUD under section 8(o)(8)(B)(ii) of the United States Housing Act of 1937.

HUD means the same as Department.

Imputed welfare income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Independent contractor is an individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done. "Gig workers," such as babysitters, landscapers, rideshare drivers, and house cleaners, typically fall into the category of independent contractor.

Independent Entity is the unit of general local government; however, if the HA itself is the unit of general local government or an agency of such government, then only the next level of general local government or an agency of such government, then only the next level of general local government (or an agency of such government) or higher may serve as the independent entity; or

A HUD-approved entity that is autonomous and recognized under State law as a separate legal entity from the HA. The entity must not be connected financially (except regarding compensation for services performed for HA-owned units) or in any other manner that could result in the HA improperly influencing the entity.

INS means the U.S. Immigration and Naturalization Service. This agency is now known as the Department of Homeland Security.

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

(1) Is determined to be essential to the care and well-being of the persons;

(2) Is not obligated for the support of the persons; and

(3) Would not be living in the unit except to provide the necessary supportive services.

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, except that HUD may establish income ceilings higher or lower than 80 percent of the median income for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low family incomes.

Minor is a member of the family, other than the head of family or spouse, who is under 18 years of age.

Mixed family means a family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Monthly adjusted income. One twelfth of adjusted income.

Monthly income. One twelfth of annual income.

MSA means a metropolitan statistical area.

NAHA means the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et seq.).

National means a person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

Near-elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

NEPA means the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Net family assets (after effective date)

(1) Net family assets is the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment.

(2) In determining net family assets, PHAs or owners, as applicable, must include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives consideration not measurable in dollar terms. Negative equity in real property or other investments does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

(3) Excluded from the calculation of net family assets are:

(i) The value of necessary items of personal property;

(ii) The combined value of all non-necessary items of personal property if the combined total value does not exceed $50,000 (which amount will be adjusted by HUD in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers);

(iii) The value of any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals;

(iv) The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located;

(v) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability;

(vi) The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986, the value of any qualified tuition program under section 529 of such Code, the value of any Achieving a Better Life Experience (ABLE) account authorized under Section 529A of such Code, and the value of any "baby bond" account created, authorized, or funded by Federal, State, or local government.

(vii) Interests in Indian trust land;

(viii) Equity in a manufactured home where the family receives assistance under 24 CFR part 982;

(ix) Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982;

(x) Family Self-Sufficiency Accounts; and

(xi) Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family.

(4) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the trust fund is not a family asset and the value of the trust is not included in the calculation of net family assets, so long as the fund continues to be held in a trust that is not revocable by, or under the control of, any member of the family or household.

NOFA means Notice of Funding Availability.

Noncitizen means a person who is neither a citizen nor national of the United States.

Non-public housing over-income family. A family whose income exceeds the over-income limit for 24 consecutive months and is paying the alternative non-public housing rent. See subpart E of this part.

OMB means the Office of Management and Budget.

Organizational Unit means the jurisdictional area of each Assistant Secretary, and each office head or field administrator reporting directly to the Secretary.

Other person under the tenant's control, for the purposes of the definition of covered person and for parts 5, 882, 966, and 982 means that the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control.

Owner has the meaning provided in the relevant program regulations. As used in this subpart, where appropriate, the term “owner” shall also include a “borrower” as defined in 24 CFR part 891.

Person with disabilities, for purposes of deductions and program eligibility where applicable

(1) Means a person who:

(i) Has a disability, as defined in 42 U.S.C. 423;

(ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

(A) Is expected to be of long-continued and indefinite duration;

(B) Substantially impedes his or her ability to live independently, and

(C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

(iii) Has a developmental disability as defined in 42 U.S.C. 6001.

(2) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;

(3) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and

(4) Means "individual with handicaps", as defined in § 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

Premises, for purposes of 24 CFR part 5, subpart I, and parts 960 and 966, means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Project owner means the person or entity that owns the housing project containing the assisted dwelling unit.

Public housing means housing assisted under the 1937 Act, other than under Section 8. "Public housing" includes dwelling units in a mixed finance project that are assisted by a PHA with capital or operating assistance.

Public Housing Agency (PHA) means any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Public Housing covered programs means the public housing programs administered by the Assistant Secretary for Public and Indian Housing under title I of the 1937 Act. This definition does not encompass HUD's Indian Housing programs administered under title II of the 1937 Act. Further, this term does not include those programs providing assistance under section 8 of the 1937 Act. (See definition of "Section 8 Covered Programs" in this section.)

Real property as used in this part has the same meaning as that provided under the law of the State in which the property is located. In Massachusetts, Real property for the purpose of taxation includes all land and all buildings and other things thereon or affixed thereto. See MGL HApter59 Section2A.

Rental housing counseling means counseling related to the rental of residential property, which may include counseling regarding future homeownership opportunities when provided in connection with HUD's Housing Counseling Program, or required under or provided in connection with HUD Programs as defined in § 5.111. Rental housing counseling may also include the decision to rent, responsibilities of tenancy, affordability of renting and eviction prevention.

Requests for Tenancy Approval (RFTA) are a form (form HUD-52517) submitted by or on behalf of a family to a HA once the family has identified a unit that it wishes to rent using tenant-based voucher assistance.

Residency preference. A preference for admission of persons who reside or work in a specified geographic area.

Responsible Entity means the person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigrations status. The entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status under the various covered programs is as follows:

(1) For the Section 235 Program, the mortgagee.

(2) For Public Housing, the Section 8 Rental Voucher, and the Section 8 Moderate Rehabilitation programs, the HA administering the program under an ACC with HUD.

Responsible Entity means the person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigrations status. The entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status under the various covered programs is as follows:

(1) For the Section 235 Program, the mortgagee.

(2) For Public Housing, the Section 8 Rental Voucher, and the Section 8 Moderate Rehabilitation programs, the HA administering the program under an ACC with HUD.

Seasonal worker is an individual who is (1) hired into a short-term position (i.e., for which the customary employment period for the position is 6 months or fewer) and (2) the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.

Some examples of seasonal work include employment limited to holidays or agricultural seasons. Seasonal work may include but is not limited to employment as a lifeguard, ballpark vendor, or snowplow driver. Income earned as a seasonal worker is not considered nonrecurring income and must be included unless specifically excluded in 24 CFR § 5.609(b).

Secretary means the Secretary of Housing and Urban Development.

Section 214 means section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a).

Section 214 covered programs is the collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in § 5.500.

Section 8 means section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

Section 8 covered programs for purposes of 24 CFR 4.504 means all HUD programs which assist housing under Section 8 of the 1937 Act, including Section 8-assisted housing for which loans are made under section 202 of the Housing Act of 1959.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Sexual orientation means one's emotional or physical attraction to the same and/or opposite sex (e.g., homosexuality, heterosexuality, or bisexuality).

Small Area Fair Market Rents 24 CFR 888.113(d)(2) are FMRs established for U.S. Postal Service ZIP code areas and are calculated in accordance with 24 CFR 888.113(a) and (b).

Specified welfare benefit reduction.

(1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) “Specified welfare benefit reduction” does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

(iii) because a family member has not complied with other welfare agency requirements.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) Fear for the person's individual safety or the safety of others; or

(2) Suffer substantial emotional distress.

Substantial rehabilitation, for the purposes of determining when installation of broadband infrastructure is required as part of substantial rehabilitation of multifamily rental housing, unless otherwise defined by a program means work that involves:

(1) Significant work on the electrical system of the multifamily rental housing. "Significant work" means complete replacement of the electrical system or other work for which the pre-construction cost estimate is equal to or greater than 75 percent of the cost of replacing the entire electrical system. In the case of multifamily rental housing with multiple buildings with more than 4 units, "entire system" refers to the electrical system of the building undergoing rehabilitation; or

(2) Rehabilitation of the multifamily rental housing in which the pre-construction estimated cost of the rehabilitation is equal to or greater than 75 percent of the total estimated cost of replacing the multifamily rental housing after the rehabilitation is complete. In the case of multifamily rental housing with multiple buildings with more than 4 units, the replacement cost must be the replacement cost of the building undergoing rehabilitation.

Tenant means an individual or a family renting or occupying an assisted dwelling unit. For purposes of 24 CFR § 5.504 subpart E, the term tenant will also be used to include a homebuyer, where appropriate.

Tenant Paid Utilities are utilities and services that are not included in the rent to owner and are the responsibility of the assisted family, regardless of whether the payment goes to the utility company or the owner. The utilities and services are those necessary in the locality to provide housing that complies with HQS. The utilities and services may also include those required by HUD through a Federal Register notice after providing opportunity for public comment.

Tenant Rent. The amount payable monthly by the family as rent to the unit owner (HCV owner or PHA in public housing). (This term is not used in the HCV program.)

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

URA means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4201-4655).

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant 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 the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative

household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. The amount, if any, by which the utility allowance for a unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (This definition is not used in the Section 8 voucher program, or for a public housing family that is paying a flat rent.)

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

Very low-income family. A family whose annual income does not exceed 50 percent of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Violent criminal activity means 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.

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 (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31).

Work activities. See definition at section 407(d) of the Social Security Act (42 U.S.C. 607(d)).

Note: This glossary has been prepared to assist the reader. For full definitions they may be required to review the program regulations associated with the specific rule in question. Certain definitions are specific to a section of rules or regulations and applicable in that context. Updated definitions can be located in the code of federal regulations.