

# Administrative Plan for the Housing Choice Voucher Program

The Orlando Housing Authority

Revised: January 31, 2024

**PROPOSED RESOLUTION NO.:** 3523  
**APPROVAL AND AUTHORIZATION TO AMEND**  
**THE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN**  
**TO OPERATE ACCORDING TO THE MOVING TO WORK PLAN**

**WHEREAS**, the Housing Authority of the City of Orlando (OHA), Florida’s Board of Commissioners and staff are committed to its mission, “To offer a choice of safe and affordable housing options and opportunities for economic independence for residents of Orlando and Orange County,” and

**WHEREAS**, on January 29, 2010, U.S. Housing and Urban Development (HUD) Assistant Secretary, Sandra B. Henriquez, announced that the Housing Authority of the City of Orlando, FL was selected for the Moving To Work (MTW) Demonstration Program, and

**WHEREAS**, HUD authorized public housing authorities (PHA) to administer a Housing Choice Voucher Program through the use of its Housing Choice Voucher Administrative Plan, and

**WHEREAS**, the Housing Choice Voucher Administrative Plan outlines policies on matters in which OHA has discretion and to establish local policies, and

**WHEREAS**, MTW is a demonstration program for PHAs that provides them the opportunity to design and test innovative, locally-designed strategies that accomplish at least one of three statutory objectives: (1) use Federal dollars more efficiently, (2) help residents find employment and become self-sufficient, and (3) increase housing choices for low-income families, and

**WHEREAS**, the MTW demonstration program gives PHAs exemptions from many existing public housing and voucher rules and provides flexibility in the use of Federal funds, and

**WHEREAS**, the MTW demonstration requires PHAs to submit an annual plan that outlines proposed strategies that utilize MTW flexibilities in order to accomplish one of the three statutory objectives, and

**WHEREAS**, the OHA has submitted the following plans to HUD outlining changes that may affect certain policies in the Housing Choice Voucher Administrative Plan:

Year 1	FY12	January 1, 2011 to March 31, 2012
Year 2	FY 13	April 1, 2012 to March 31, 2013
Year 3	FY 14	April 1, 2013 to March 31, 2014
Year 4	FY 15	April 1, 2014 to March 31, 2015
Year 5	FY 16	April 1, 2015 to March 31, 2016
Year 6	FY 17	April 1, 2016 to March 31, 2017



**WHEREAS**, the Orlando Housing Authority’s Moving to Work Plan for years one through six and any plans submitted in the future are incorporated into the Housing Choice Voucher Program Administrative Plan by reference, and

**WHEREAS**, the OHA MTW Plans are available for review on the OHA website, [www.orl-oha.org](http://www.orl-oha.org), and

**WHEREAS**, it is in the best interest of the Orlando Housing Authority to operate according to its Housing Choice Voucher Program Administrative Plan and its Moving to Work Plan. In the case of a conflict, the MTW Plan governs.

**NOW, THEREFORE, BE IT RESOLVED** that the Housing Authority of the City of Orlando, Florida’s Board of Commissioners approve and authorize Amendment to the Housing Choice Voucher Administrative Plan to operate according to the Moving to Work Plan and authorizes the President/CEO to negotiate, execute agreements and make changes that are not substantial.



**VIVIAN BRYANT, ESQ.**  
**PRESIDENT/CEO**



**ED CARSON**  
**CHAIR**

**February 4, 2016**  
**DATE**



## TABLE OF CONTENTS

	<b>Page Numbers</b>
<b>Chapter 1</b>	<b>9-11</b>
<b>PURPOSE AND GENERAL POLICIES</b>	
A. Purpose of the Administrative Plan	
B. Background	
C. Required Contents of the Administrative Plan	
D. Special Housing Types – Homeownership	
E. Intent to Administer Section 8 Project-Based Voucher Program	
F. Organization of this Administrative Plan	
G. Hours of Operation	
<b>Chapter 2</b>	<b>12-15</b>
<b>ELIGIBILITY FOR ADMISSION</b>	
A. Key Terminology	
B. Discretionary Policies Affecting Admission to the Program	
C. Denial of Admission	
D. OHA Discretion to Consider Circumstances	
E. Informal Review Procedures for Applicants	
F. Denials Based on Immigration Status	
<b>Chapter 3</b>	<b>16-30</b>
<b>APPLYING FOR ADMISSION</b>	
A. Two-Phase Application Process	
B. Opening/Closing of Section 8 Waiting Lists	
C. Completion of Pre-Application	
D. Administration of Waiting List	
E. Full Application	
F. Final Determination and Notification of Eligibility/Ineligibility	
G. Selection for Voucher Issuance	
<b>Chapter 4</b>	<b>31-32</b>
<b>PREFERENCES</b>	
A. Local Preferences	
B. Ranking Preferences	
<b>Chapter 5</b>	<b>33-36</b>
<b>SUBSIDY STANDARDS</b>	
A. Determining Voucher Size	
B. Changes in Voucher Size	
C. Unit Size Selected	



**Chapter 6**  
**VOUCHER ISSUANCE AND BRIEFINGS**

**37-39**

- A. Issuance of Vouchers
- B. Briefing Types
- C. Term of Voucher
- D. Family Breakup and Voucher Issuance
- E. Remaining Member of Tenant Family and Voucher Issuance

**Chapter 7**  
**FACTORS RELATED TO CALCULATION OF TOTAL TENANT PAYMENT**

**40-47**

- A. Total Tenant Payment
- B. Minimum Rent for Section 8
- C. Financial Hardship Exemption from Minimum Rent
- D. Absence of Family Members
- E. Unauthorized Family Members
- F. Reporting Changes in Family Composition
- G. Averaging Income
- H. Zero Income Families
- I. Income of Person Permanently Confined to Nursing Home
- J. Regular Contributions or Gifts
- K. Alimony and Child Support Payments
- L. Lump Sum Receipts
- M. Contributions to Retirement Funds-Assets
- N. Assets Disposed of for Less than Fair Market Value
- O. Child Care Expenses
- P. Medical Expenses
- Q. Attendant Care and Auxiliary Apparatus Expenses of Persons with Disabilities
- R. Pro-ration of Assistance for “Mixed” Families
- S. Changes in TANF Income
- T. Utility Allowance and Utility Reimbursement Payments

**Chapter 8**  
**VERIFICATION PROCEDURES**

**48-67**

- Acceptable Methods of Verification
- Types of Verification
- Verification of Citizenship or Eligible Non-Citizen Status
- Verification of Social Security Numbers
- Timing of Verification
- A. Frequency of Obtaining Verification
- B. Release of Information



- C. Computer Matching
- D. Items to be Verified
- E. Verification of Income
- F. Income from Assets
- G. Verification of Assets
- H. Verification of Allowable Deductions from Income
- I. Verifying Non-Financial Factors
- J. Verification of Local and Ranking Preferences

**Chapter 9** **68-71**  
**REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION**

- A. OHA Review of Request for Tenancy Approval and Lease
- B. OHA Action Upon Receipt of Request for Tenancy Approval and Lease
- C. Disapproval of Request for Tenancy Approval
- D. Eligible Types of Housing
- E. Separate Agreements
- F. Disapproval of Proposed Rent
- G. Information to Owners
- H. Change in Ownership
- I. Execution of Housing Assistance Payments Contracts

**Chapter 10** **72-74**  
**HOUSING QUALITY STANDARDS AND INSPECTIONS**

- A. Types of Inspections
- B. Scheduling Inspections
- C. Time Standards for Repairs
- D. Consequences if Repairs Are Not Made Within Time-Frames Specified

**Chapter 11** **75-77**  
**RENT REASONABLENESS, PAYMENT STANDARDS AND RENT ADJUSTMENTS**

- A. Reasonable Rents
- B. Payment Standards
- C. Rent Adjustments

**Chapter 12** **77-79**  
**RE-CERTIFICATIONS**

- A. Annual Re-Certification of Family Income and Composition
- B. Failure to Attend Scheduled Interview
- C. Failure to Provide Requested Information



- D. Payment Adjustment Notice
- E. Reporting Changes in Family Income
- F. Interim Re-Certification of Family Income and Composition
- G. Effective Date of Interim Re-Certification

**Chapter 13** **80-82**  
**MOVES WITH CONTINUED ASSISTANCE/PORTABILITY**

- A. Restrictions
- B. Notice Requirements
- C. HAP Payments
- D. Outgoing Portability
- E. Incoming Portability

**Chapter 14** **83-84**  
**HAP CONTRACT TERMINATIONS**

- A. Automatic Termination of the HAP Contract
- B. Termination of the HAP Contract by OHA

**Chapter 15** **85-93**  
**TERMINATION OF ASSISTANCE TO THE FAMILY BY OHA**

- A. Grounds for Termination
- B. Family Obligations
- C. Procedures for Non-Citizens
- D. Option Not to Terminate for Misrepresentation
- E. Misrepresentation in Collusion with Owner
- F. Missed Appointments and Deadlines

**Chapter 16** **94-95**  
**OWNER DISAPPROVAL AND RESTRICTIONS**

- A. Disapproval of Owner
- B. Owner Restrictions and Penalties
- C. Other Remedies for Owner Violations

**Chapter 17** **96**  
A. Reserved

**Chapter 18** **97-99**  
**OWNER OR FAMILY DEBTS TO THE OHA**

- A. Repayment Agreement for Families
- B. Debts Owed for Claims
- C. Debts Due to Fraud/Non-Reporting of Information



D. Owner Debts to the OHA

**Chapter 19**

**100-106**

**COMPLAINTS AND APPEALS**

- A. Complaints to the OHA
- B. Informal Review Procedures for Applicants
- C. Informal Hearing Procedures
- D. Hearing and Appeal Provisions for “Restrictions on Assistance to Non-Citizens”
- E. Mitigating Circumstances for Applicants/Participants with Disabilities

**Chapter 20**

**107-108**

**SPECIAL HOUSING TYPES**

- A. Section 8 Housing Choice Voucher Homeownership Program





<b>Appendices</b>		
<b>Appendix A-1:</b>	<b>Definitions</b>	<b>109 – 130</b>
<b>Appendix A-2:</b>	<b>Reasonable Accommodation Policy</b>	<b>131 – 142</b>
<b>Appendix A-3:</b>	<b>Limited English Proficiency (LEP) Plan</b>	<b>143 – 147</b>
<b>Appendix A-4:</b>	<b>Effective Communication Policy</b>	<b>148</b>
<b>Appendix A-5:</b>	<b>Violence Against Women Act (VAWA) Policy</b>	<b>149 – 157</b>
	<b>Emergency Transfer Plan</b>	
	<b>Emergency Transfer Request Form</b>	
<b>Appendix A-6:</b>	<b>Encouraging Participation by Owners of Units Located Outside Areas of Low-Income or Minority Concentration</b>	<b>158 – 159</b>
<b>Appendix A-7:</b>	<b>Administration of Ninety (90) HCV Transferred from Sanford Housing Authority (SHA)</b>	<b>160</b>
<b>Appendix A-8:</b>	<b>Project Based Vouchers</b>	<b>161 – 172</b>
<b>Appendix A-9:</b>	<b>Policies on Use of Administrative Fee Reserve</b>	<b>173</b>
<b>Appendix A-10:</b>	<b>Special Provisions Affecting Rental Assistance Demonstration (RAD) Program – Project-Based Vouchers (PBVs) Pursuant to PIH Notice 2012-32, REV-2</b>	<b>174 – 181</b>
<b>Appendix A-11:</b>	<b>Special Provisions Affecting Project-Based Vouchers at Georgetown Square</b>	<b>182 – 184</b>
<b>Appendix A-12:</b>	<b>Project-based Voucher Program To include HOTMA and NSPIRE Regulations as Amended</b>	<b>185 – 199</b>



## Chapter 1

### **PURPOSE AND GENERAL POLICIES**

#### **A. Purpose of the Administrative Plan**

The United States Department of Housing and Urban Development (HUD) requires each Public Housing Agency (PHA) administering tenant-based housing assistance programs under Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. I 437f), to adopt a written Administrative Plan that establishes local policies for administration of the programs in accordance with HUD requirements.

The purpose of an Administrative Plan is to state PHA policy on matters for which the PHA has discretion to establish local policies. It is not meant to repeat, nor can it amend, non-discretionary HUD requirements. Such requirements are established by regulations appearing in the Code of Federal Regulations (CFR) and *Federal Register* Notices or other binding program directives.

The principal regulations affecting the Section 8 tenant-based programs are contained in 24 CFR Parts 5, 8, 35, 92, 882, 887, 888, 903,908,982, 983, 984, and 985. For the most part, these regulations carefully and unambiguously define terms, and state what applicants, participants, PHA's, and landlords "must" or "shall" do in order to participate in the programs.

In recent years, HUD has provided PHA's an increasing opportunity to develop local approaches to meet certain requirements and to exercise choice as to whether or not to take a specified action. In addition, since HUD regulations and notices do not always specify or provide guidance on "how to" meet each requirement; PHA's have to develop their own implementing instructions for some subjects.

#### **B. Background**

Currently, there is one active Section 8 tenant-based program—the Certificate Program has been replaced by the Housing Choice Voucher Program (Voucher Program). Unless specifically stated in this Administrative Plan, the eligibility requirements remain the same.

The Quality Housing and Work Responsibility Act of 1998 (QHWRA, also referred to as the Public Housing Reform Act or PHRA) consolidated the Section 8 certificate and voucher programs into a single tenant-based program — the Housing Choice Voucher Program. In 1999, and 2000, HUD promulgated implementing regulations for the consolidated program, which provide, in part, that subsequent to the merger date (October 1, 1999), PHA's may only enter into Housing Assistance Payments (HAP) Contracts under the Housing Choice Voucher Program. As a result, a Section 8 certificate participant will automatically become a participant in the Housing Choice Voucher Program when a PHA executes a new HAP contract on their behalf. In addition, PHA's must terminate assistance under any regular certificate HAP contract (entered into before the merger date) at the effective date of the second regular reexamination of family income and composition on or after the merger date.



### **C. Required Contents of the Administrative Plan**

HUD requires a PHA to include in its Administrative Plan policies on 22 subjects. These subjects are described in 24 CFR 982.54 (d), and repeated in the table below, which cites the chapter(s) in the Administrative Plan where the OHA policy on the subject is contained.

<b>Subject Location</b>	<b>Chapter</b>
1 Selection and admission of applicants from the PHA waiting list including any PHA admission preferences. Procedures for removing applicant names from the waiting list and procedures for closing and reopening the PHA waiting list	3,4
2 Issuing or denying vouchers, including PHA policy governing the voucher term and any extensions or suspensions of the voucher term. "Suspension" means stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy. If the PHA decides to allow extensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions or suspensions, and how the PHA determines the length of any extension or suspension	3,4,6
3 Any special rules for use of available finds when HUD provides finding to the PHA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families	3
4 Occupancy policies, including: (i) Definition of what group of persons may qualify as a "family" (ii) Definition of when a family is considered to be "continuously assisted"	2
5 Encouraging participation by owners of suitable units located outside areas of low income or minority concentration	Appendix A
6 Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit	Appendix A
7 Providing information about a family to prospective owners	9
8 Disapproval of owners	9
9 Subsidy standards	5
10 Family absence from the dwelling unit	7
11 How to determine who remains in the program if the family breaks up	6
12 Informal review procedures for applicants	19
13 Informal hearing procedures for participants	19
14 The process for establishing and revising voucher payment standards	11
15 The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract)	11



16	Special policies concerning special housing types in the program (e.g., use of shared housing)	20
17	Policies concerning payment by a family to the PHA of amounts the family owes the PHA	18
18	Interim re-determinations of family income and composition	12
19	Restrictions, if any, on the number of moves by a participant family (see Section 982.314(c))	13
20	(NOTE: Error in regulations-item 20 repeats item 19 verbatim)	
21	Approval by the Board of Commissioners or other authorized officials to charge the administrative fee reserve	Appendix B
22	Procedural guidelines and performance standards for conducting required HQS Inspections	10
23	PHA screening of applicants for family behavior or suitability for tenancy	2

**D. Special Housing Types —Homeownership Option**

On September 12, 2000, HUD published in the *Federal Register* its Final Rule on the Section 8 Homeownership Program. This rule added a homeownership option to the list of special housing types that a PHA has the discretion to permit a family to use that is contained in subpart M of 24 CFR 982. The OHA has decided to implement a Section 8 Homeownership Program. The OHA policies for this program are contained in Chapter 20.

**E. Intent to Administer Section 8 Project-Based Voucher Program,**

HUD has indicated that it will replace the Section 8 Project- Based Certificate Program with a Project-Based Voucher Program. It is the intent of OHA to implement a Section 8 Project-Based Program subsequent to HUD’s issuance of its Project-Based Voucher rule.

**F. Organization of this Administrative Plan**

This Administrative Plan is organized to reflect the process flow for the Section 8 Housing Choice Voucher programs. Where a requirement or procedure is non-discretionary, generally, it is not repeated in this Administrative Plan. In lieu, the appropriate CFR citation is provided. The exception is when a repeat of a non-discretionary requirement is necessary in order to clarify an OHA discretionary policy or procedure.

**G. Hours of Operation**

The hours of operation for the Orlando Housing Authority Section 8 office are 8:30am-5:00pm, Monday-Wednesday. Thursday the office close at 12:00 noon. The Section 8 office will service Participants by appointment only. The last appointment is 4:00pm. The Section 8 office is closed on Thursday at 12:01pm and all day on Fridays. Phone inquiries are handled on Fridays.

Emergency situations (fire, flood, domestic violence) will receive same-day appointments.



## Chapter 2

### ELIGIBILITY FOR ADMISSION

OHA will only admit an eligible family to the program. To be eligible, the applicant must be a “family”, must be income-eligible, must be 18 yrs or older (unless the individual is an emancipated minor and has court documentation to prove that status) and must be a citizen or a non-citizen who has eligible immigration status as determined in accordance with 24 CFR Part 5. The definition of a family will be as described in 24 CFR 982.201 (c).

#### A. Key Terminology

“Admission to the program” means that OHA has executed a HAP Contract on behalf of a family. When this occurs, a family moves from “applicant” status to that of “participant”. The requirements pertaining to a program participant differ from those pertaining to an applicant. Denial of admission can occur at any stage, depending on circumstances. OHA may determine, for example, that a family that has completed a pre-application has too high an income to be eligible for the Section 8 program and not place the family on the PHA waiting list. When verifying information provided by an applicant who is on the waiting list who has been invited to complete a full application, denial of admission to the program would occur when, for example, OHA determines not to issue the family a voucher because the applicant would not sign the release form enabling OHA to verify income, or that the applicant provided false information. At a later stage, OHA may deny an applicant admission to the program because even though issued a voucher, the family failed to locate an approvable unit within the time period permitted.

#### B. Discretionary Policies Affecting Admission to the Program

**(1) Low-income Eligibility.** In addition to the HUD-required income-eligibility factors set forth in 24 CFR 982.201(b), OHA, pursuant to the authority granted by Section 982.201(b)(iii), has determined that a low-income family will be considered income-eligible if the head, spouse, or sole member has been continually employed for six (6) months.

**(2) Expanded Definition Of Family.** Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:

- (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or
- (2) A group of persons residing together, and such group includes, but is not limited to:
  - (a) 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);
  - (b) An elderly family;
  - (c) A near-elderly family;
  - (d) A disabled family;
  - (e) A displaced family; and
  - (f) The remaining member of a tenant family.



**(3) Continuously Assisted.** In addition to the definition of “continuously assisted” contained in 24 CFR 982.201 (d) (1), OHA, pursuant to the requirement contained in Section 982.201 (d) (2), has determined that a brief interruption of 90-days or less will not be considered a break in continuity of assistance under the 1937 Housing Act.

**(4) Live-in Aide.** A live-in aide may only reside in the unit with the approval of OHA. Written verification will be required from a professional, such as a medical doctor, psychologist, or social worker that the live-in aide is essential to the care and well being of the Section 8 recipient.

**(5) Live-in Aide Family Member.** Family members of a “live-in aide” as defined in 24 CFR 5.403 may reside in a unit occupied by one or more elderly persons, or near elderly persons, or persons with disabilities provided that this does not increase the subsidy by the cost of an additional bedroom and that the presence of the live-in aide’s family members does not overcrowd the unit.

**(6) Joint Custody of Children.** Children who are subject to a joint custody agreement will be considered a member of the household of the parent they live with at least 51% of the time (183 days of the year, which do not have to run consecutively).

**(7) Split households.** When a family on the waiting list splits into two otherwise eligible families due to a divorce or legal separation and the new families both claim the same placement on the waiting list and there is no court determination, the Authority will make the decision regarding who will retain the place on the waiting list, taking into consideration the following factors:

1. Which family member applied as head of household;
2. Which family unit retains the children or any disabled or elderly members;
3. Restrictions that were in place at the time the family applied;
4. Role of verified domestic violence in the split.

**(8) Violence Against Women and Department of Justice Reauthorization Act of 2005.** A victim of domestic violence, dating violence, or stalking, as these terms are defined in the law, is not a basis for denial of assistance or admission to the section 8 housing choice voucher program if the applicant otherwise qualifies for assistance or admission.

### **C. Denial of Admission.**

In addition to HUD-mandated reasons for denial of admission set forth in 24 CFR 982.552 (b), OHA has determined to utilize the authority provided by Section 982.552 (c) including the requirements of the Proposed Rule (FR 7/23/99) 24 CFR 5 Subparts I and J, to deny admission to an applicant who:

- (1) **Violates Family Obligations.** OHA will deny admission if the family fails to supply information. (“Information” includes any requested certification, release or other documentation.) that OHA or HUD determines is necessary in the administration of the program, including (a) submission of required evidence of citizenship or eligible immigration status (as required by 24 CFR Part 5) and (b) provision of social security numbers (as required by 24 CFR part 5, subpart B). Any



information supplied by the family must be true and complete.

- (2) **Engages in Crime.** OHA will deny admission if any member of the household has a history of criminal activity involving crimes to persons or property and/or other criminal acts that affect the health, safety, or the right to peaceful enjoyment of the premises by other residents commits drug related or violent criminal activity within the last five (5) years, as provided by Section 982.553. (ii) B
- (3) **Has Been Evicted from Federally Assisted Housing.** OHA will deny participation if any member of the family has been evicted from Federally assisted housing within the last five (5) years.
- (4) **Has Been Evicted from any property owned and/or managed by the Orlando Housing Authority.** . OHA will deny participation if any member of the family has been evicted from any property that is owned and/or managed by the Orlando Housing Authority within the last five (5) years..
- (5) **Committed Corrupt or Criminal Acts.** OHA will deny participation if any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the last five (5) years of processing their paperwork.
- (6) **Owes Rent to PHA.** OHA will deny participation if the family currently owes rent or other amounts to OHA or another PHA in connection with Section 8 or public housing assistance with in the last five (years) after the outstanding balance has been paid in full.
- (7) **Engages in Abusive Behavior.** OHA will deny participation if ~~the~~ any member of the family has engaged in or threatened, verbally abusive or violent behavior towards OHA personnel and/or property owners within the last five (5) years.
- (8) **Sex Offenders** will be permanently denied admission.
- (9) **Producers of Amphetamine on OHA Premises or any Federally Assisted Housing** will be permanently denied admission or will be terminated from program participation.
- (10) **Persons with a Current or Recent History and Pattern of Drug and/or Alcohol Abuse** will be permanently denied admission.

#### **D. OHA Discretion to Consider Circumstances.**

In determining whether to deny admission because of action or failure to act by members of the applicant family, OHA will consider of the circumstances in each case. This includes considering the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member and the effects of denial of assistance on other family members who were not involved in the action or failure.

#### **Discretion Limitations**

Such discretion does not apply to persons evicted from Federally assisted housing within the last five (5) years for drug related or criminal activity, sex offenders subject to a lifetime registration requirement, persons convicted of producing amphetamine on the premises of assisted housing.

#### **E. Informal Review Procedures for Applicants.**

OHA provides an applicant that is denied admission an opportunity to request an informal review of the decision. It is OHA policy that a request for an informal review must be received in writing by the close of the business day, no later than ten business days from the date of OHA's written notice denying admission. Within ten business days from the date the request is received, OHA will schedule the informal review.

Generally, the hearing officer or other designee will conduct the review. In the event that either of these persons made or approved the decision under review, a senior OHA staff member not responsible for making or approving the decision will conduct the review.

The applicant will be given the option of presenting oral or written objections to the decision. Both OHA and the family may present evidence and witnesses. The family may use *an* attorney or other representative to assist them at their own expense.

OHA will provide the applicant a written notice of its final decision within ten business days following the review. This notice will include a brief statement of the reasons for the final decision.

#### **F. Denials Based on Immigration Status**

If an applicant is denied participation on the basis of ineligible immigration status, the applicant will be provided the opportunity to have an informal "hearing" as described in 24 CFR Part 5, in lieu of the informal review process discussed above that is applicable to denials for other reasons.

**Up-dated: 01/05/2012**





## **Chapter 3**

### **APPLYING FOR ADMISSION**

This chapter describes the application process, procedures for opening, closing, and removing applicant names from the waiting list, selecting and admitting applicants and local preferences. The OHA will implement an on-line process for accepting applications for the Housing Choice Voucher program to replenish the Housing Choice Voucher waiting list.

#### **A. Two-Phase Application Process**

Families who wish to obtain tenant-based Housing Choice Voucher rental assistance must provide information to enable OHA to determine whether the family meets the eligibility requirements for admission to the program.

OHA uses a two-phase application process when the waiting list is open. (see B. below).

The first phase consists of OHA receiving an “initial” application for assistance. This initial application is referred to as a “pre-application”. Based on the information provided in the pre-application, OHA determines whether the family is apparently eligible for admission and determines the apparent preference category, if any, of the family. Pre-applications will be submitted on-line, and will be maintained in the computer data base.

The second phase consists of OHA receiving a “full application” which provides current information on the family’s composition, income and eligibility for any preferences to enable OHA to make a final determination of eligibility for issuance of a voucher. Applicants with an on-line pre-application will be ranked according to preferences (see chapter 4) and given computer generated numbers; this process must be verified by an independent auditor. The computer will select pre-applicants from the data base according to the preferences selected at the time the application was submitted.

It is at the full application stage that OHA verifies information provided by the applicant. A full application is requested when applicants reach the top of the waiting list (see E. below) or their pre-application is selected from the computer data base.

#### **B. Opening/Closing of Section 8 Waiting List**

##### **(1) Opening the Waiting List.**

###### **Determination of Need**

OHA will open the waiting list at such times when the Admissions Department and the Section 8 Department mutually agree that the pool of applicants is insufficient to meet the general demand for vouchers, the specific demand for a special program set-aside such as Family Reunification or specific regulatory and other requirements such as targeting and de-concentration. (See Section G below).

It is the policy of the Authority to conduct outreach as needed to maintain an adequate application pool of eligible households which meet the priorities of the agency. Marketing efforts will include outreach to those least likely to apply. Outreach efforts will take into consideration:

- The number of vouchers available or anticipated to be available in the next 12 months by specified program types
- Progress of the PHA in meeting HUD targeting and de-concentration requirements
- Progress of the PHA in meeting its program priorities and preferences
- The characteristics of applicants already on the waiting list and the likelihood that the PHA can meet its targeting requirements, de-concentration and program priorities and preferences

The Authority will periodically assess the factors in order to determine the need for and scope of any marketing efforts.

Marketing efforts by the PHA shall occur whenever the waiting list is less than the number of applicants anticipated to be placed in the next 12 months by program.

### Marketing Strategies

Based on interviews with unsuccessful and successful applicants, Housing Choice-Section 8 and Admissions will review the factors which need to be addressed such as the briefing and assistance provided in locating a suitable unit, the suitability of the tenant for the program or such other factors, which might need to be addressed.

In addition, Housing Choice-Section 8 and Admissions will work together with other experts in real estate marketing to determine the most effective way to attract applicants, which meet the needs of the agency in terms of its priorities and preferences.

Based on such regular analysis, when new applicants are needed on the waiting lists in general or to meet specific targeting and priority goals, Admissions will develop a marketing program acceptable to Housing Choice-Section 8 and approved by the Executive Director. This program will require a specific delineation of the target populations to be reached, the characteristics of such a population for ‘sales’ purposes and the chosen methods to reach and ‘sell’ those population segments.

In the case of targeting needs, Admissions will take into account the possibility that suitable applicants may be on an existing waiting list (i.e., extremely low income families needed for HC-S 8 may be on the LRPH waiting list) and that a marketing program to those families may take precedence over one to families outside of the agency.

### All marketing and informational materials will:

1. Comply with the Fair Housing Act requirements with respect to the Equal Housing Opportunity logo and use of nondiscriminatory language; (24 CFR 109.30 (a))
2. Describe the housing units, application process, waiting list, priority system and eligibility accurately;
3. Be written in plain language and will use more than strictly English language print media;
4. Target all agencies, which serve and advocate for potential applicants;
5. Make clear who is eligible: low income individuals and families, including the elderly and persons with disabilities; working and non-working people;
6. Make clear that it is the Authority’s responsibility to provide reasonable access to



accommodations for people with disabilities.

A Fair Housing Poster bearing the Equal Opportunity Housing Logo and emblem will be prominently displayed at the main entrance lobby where applications for housing are filed.

## **OHA Procedures**

OHA will use the following procedures when opening the waiting list:

### **(1) Opening the Waiting list**

It will advertise the opening of the waiting list through public notice in newspapers, minority publications and media entities, including, but not limited to: The Orlando Sentinel, La Prensa, The Orlando Times, and the Internet.

The notice will contain: the dates, times, and locations where families may obtain application forms and apply, a brief description of the program, eligibility requirements, local preferences, and limitations, if any, on who may apply (see D below).

OHA will provide the notice in an accessible format if requested by a person with a disability. Upon request from a person with a disability, additional time after the closing deadline may be permitted as a reasonable accommodation to enable the person to submit an application.

### **(2) Closing the Waiting List**

OHA may close the waiting list when there are a sufficient number of applicants claiming local preferences to enable OHA to fill the anticipated openings over the next 12 months resulting from turnover and anticipated new allocations of funds, and enable OHA to meet HUD targeting requirements (currently requiring that at least 75 % of new admissions from the waiting list be Extremely Low Income).

When a decision is made to close the waiting list, a public notice will be published in the same newspapers and media used to announce the opening of the waiting list.

### **(3) Limitations on Who May Apply**

If OHA receives funds for a specified category of waiting list families, and there are not a sufficient number of families on the waiting list with the specified characteristics, OHA may limit new applications to families with these characteristics.

If the waiting list does not adequately represent all categories of families (e.g. large families, elderly families, and persons with disabilities) with housing needs and priorities identified in OHA's PHA Plan, new applications may be limited to such families.

## **C. Completion of Pre-Application**

### **1. General Conditions**

Under no circumstances will anyone be denied the right to request or submit a pre-application for



housing, unless the Authority has publicly announced the temporary closing of all or part of the waiting lists. Closing of part of the waiting lists means that the PHA has sufficient applicants whose characteristics meet the preferences, the program priorities, or the specific requirements of a PHA program. In the same way, the PHA may open a waiting list to accept pre-applications from families with those characteristics needed to meet preferences, program priorities or specific program requirements.

Even if the Authority is not accepting applications because of the length of the waiting list, the Authority will not refuse to place an eligible applicant on the Waiting List **if** the applicant claims he/she qualifies for and meets PHA program priorities or a specific program requirement, unless the Authority determines, on the basis of applicants already on the list who claim a preference and the number of anticipated project admissions, that:

1. There is an adequate pool of applicants likely to qualify for a Preference and meet PHA program priorities or to meet a specific program requirement.
2. It is unlikely that, based on the Authority's system of applying preferences and the preference claimed that the applicant would qualify for assistance before other applicants on the waiting lists or specific programs within the waiting lists.

Pre-applications will be entered in to the computer based upon date and time the application is received, and factors of preference or priority. If the waiting list is opened for a period of less than two weeks, applicants in each preference category who submit applications within the two-week period will be assigned the same date and time, and will be ranked randomly (within each preference category). Pre-applications received after the random ranking will be given a date and time ranking within preference categories. Pre-applications taken on-line will be maintained in the computer data base, within preference categories, with computer generated numbers.

Applicants may choose which program waiting lists they wish to be placed on which normally will be LRPH and/or S 8 but may include specific sub-lists such as homeownership, family reunification, mainstream and others providing the waiting list is opened.

## **2. The Pre-application Procedure**

### Pre-application

Pre-applications will be accepted during specified days and times when the waiting list is open. To complete a pre-application, the Head and/or Spouse/Co-head must have a current/valid photo I.D. and Social Security card.

To complete a pre-application on-line a computer will be made available at the OHA for applicants who do not have access to a computer and/or for applicants who need reasonableness accommodations to complete an application.

### Purpose and Authority of Pre-application Information

HUD requires the PHA to collect and maintain the following information in a waiting list (24 CFR 982.204 (b)):

1. Applicant name;



2. Family unit size (number of bedrooms for which family qualifies under PHA occupancy standards);
3. Date and time of application;
4. Qualification for preference. Any such claims will require a Preference Claim form to be completed; and
5. Racial or ethnic designation of the head of household.

In addition to this required information the OHA will obtain and maintain additional information including the following:

- The address and telephone number of the applicant
- The relationship of household members to the head of the household
- Sex and dates of birth of household members
- Social security cards for the applicant and all family members. Refusal or failure to provide the social security cards (or the application for such) of any person will be cause for a determination of non-eligible
- The marital status of members of the household
- Any member of the household who have been involved in criminal activity-within the last ten (10) years, as provided by the “one strike rule” in the 1998 Quality Housing and Work Responsibility Act (QHWRA), as amended.
- Questions the applicant and family members who will occupy the unit as follows:
  - i. Are you or any member of your family a current illegal abuser or otherwise addicted to a controlled substance (drugs/alcohol)?
  - ii. Have you or any member of your family been convicted of the illegal manufacture or distribution of a controlled substance (drugs/alcohol)?
  - iii. Would you pose a direct threat to the health or safety of other residents or staff in any way?
  - iv. Are you able and willing to pay your rent in full when it is due?
  - v. Are you and all members of your family able and willing to comply with all rules, regulations and policies regarding occupancy if you are accepted by the OHA?
  - vi. Are you or any member of your family a registered sex offender?

*If applicant refuses to answer all of the questions on this form, their application will be considered incomplete and they will be found not eligible.*

*If applicant does not answer questions truthfully and their answer constitutes a material misrepresentation in that if they had answered, truthfully they would have been found not eligible, the application will be considered fraudulent and the applicant will be found not eligible.*

- Birth certificates and/or Citizenship/eligible immigration status of all household members
- Special housing needs such as accessible unit, special service needs and other information helpful in providing appropriate housing
- Any special language needs for any household members
- Disability status for any and all household members
- Income of all household members
- Permission to access criminal, credit and drug treatment center information



The PHA will make a preliminary assessment of the family's eligibility, its family composition and its preference and priority status for any and all programs. The application and related documents are designed to accomplish this.

## **Post Application and Pre-Selection Procedures**

### **1. Applicant Responsibility and Procedures**

The notice will state that it is the responsibility of the applicant to notify OHA in writing within 30 days of changes in family composition, income, preference status, telephone and mailing address. The notice will state further, that failure to report such changes will be cause for removal from the waiting list. In addition, the family has the responsibility of responding promptly to any mailing received from the OHA in order to maintain their status on the waiting list/s.

### **2. PHA Responsibility and Procedures**

The pre-applicant's file will be reviewed to make a final determination of preliminary eligibility or ineligibility. Such a review will be of:

1. Statements made; and
2. The Authority's internal records to determine if a applicant has participated in any of the programs administered by this Authority or any other Housing Authority and has a record of a prior eviction from public housing; or left a program owing rent, damages, vacancy loss, or other charge. (Such a pre-applicant will not be determined eligible until all funds are repaid in full).
3. If an applicant has been evicted from housing assisted under the United States Housing Act (Public, Indian, Section 8, Section 23, HODAG or RRP housing) because of drug-related criminal activity (drug use or drug distribution) by any member of the applicant family, the applicant will be deemed not eligible for five (5) years from the date of that eviction. The Housing Authority may waive this restriction for a particular applicant if the Housing Authority determines by documented verification that the evicted person:
  - 1) Has successfully completed a rehabilitation program approved by the PHA;
  - 2) Clearly, did not participate in or know about the drug-related criminal activity;
  - 3) No longer participates in any drug-related criminal activity.
4. If an applicant has been evicted from any assisted property for the manufacture of Methamphetamine, the application will be denied.
5. If an applicant has a serious and recent pattern of drug or alcohol abuse they may be denied admissions.
6. If an applicant is a sex offender they will be denied admissions.
7. An applicant and/or any member of the household, who have been involved in any criminal activity within the last five (5) years, will be denied admission.
8. An applicant who has been released from prison and/or completed probation within the last five (5) years will be denied admissions.
9. If an applicant has been evicted from any property owned and/or managed by the Orlando Housing Authority within the last five (5) years;



- 10..If any member of an applicant’s household has used or possessed an illegal substance for personal use, the OHA may notify the applicant of denial of admissions, if the use or possession occurred within the 24 months period prior to the date of this notification. If the person/s are able to show that they have an addiction to this substance and show evidence that they are participating in or have completed successfully a treatment program and do not possess or use such substances currently, they will be admitted.

Eligibility Specialist will run a criminal, credit and other relevant checks. If based on this additional research, a pre-applicant is determined ineligible; he/she will be notified in writing within twenty five (25) working days of the date of the revocation of pre-application acceptance or change in preference status, and the notice will:

1. Specify the reason(s) for ineligibility or change in preference status;
2. Inform pre-applicant that she/he has thirty (30) calendar days from the date of the notice to request an informal review.

If, as a result of information presented by the applicant at the informal hearing, the hearing officer reverses the Authority’s decision to deny the applicant, no new application is required and the applicant will be returned to the appropriate spot on the waiting list.

If no hearing or informal review is requested in accordance with this Policy, or the hearing officer upholds the decision of the Authority, the pre-applicant is removed from the waiting list. The pre-application will be filed and kept for three years.

Each applicant is required to complete the OHA provided initial application form (pre-application) and consent forms and meet with OHA staff who will obtain any necessary documentation to complete the interview, and collect information on the forms into OHA’s computerized waiting list, in those cases where the applicant is apparently eligible for admission to the program.

#### **D. Administration Of Waiting List**

The Authority will administer its waiting list as required by *(24 CFR Part 982.204 through 982.207, Part 5, Subparts E and F, Part 945 and 960.201 through 960.215)*.

The waiting list will reflect, for each application, the following information and will be consistent with Title VI objectives and other requirements:

- The date and time of receipt
- Race and ethnicity of head of household
- Local preference priority status
- Date determined eligible or ineligible
- The appropriate voucher size(s) for the applicant
- The pre-application form
- Computer assigned numbers and default date for on-line applicants, only.



All pre-applications will be filed by date and time of receipt. The waiting list will be divided into two segments. Those pre-applications that apparently (verification does not occur at the pre-application stage) qualify for one or more of the local preferences will be filed in the “Preference-Holder” segment, and those that apparently do not qualify for a preference will be filed in the “Non-Preference-Holder” segment.

Non-Preference Applications submitted on-line will remain in the non-preference segment of the computer data base.

In filling an actual or expected vacancy, the Authority will offer the voucher to an applicant in the appropriate sequence, with the goal of accomplishing the mission and objectives of the agency and meeting other requirements such as targeting and de-concentration.

The application will be a permanent record and relevant information from the application will be maintained on the computer.

Applications equal in preference will be ordered by date and time sequence or by lottery assignment, as appropriate.

All applicants must meet applicable income eligibility and preference requirements as established by HUD and OHA. Any change in preference or eligibility information for the family must be to the agency within 30 days. Failure to update information on this timely basis may result in removal from the waiting list.

Based on an analysis of the availability of vouchers from turnover and new funds, and analysis of the success and failure rates of families issued vouchers, the OHA will process a sufficient number of applicants to enable leasing goals to be met. Applicants who have successfully completed processing will be placed in a “Process Pool”. They will then be drawn out of the pool in verified order to be issued vouchers as they become available.

#### Removal of applications from the waiting list.

The Authority will remove an applicant’s name from the waiting list under the following circumstances:

- The applicant may submit a written request to have their name removed from the waiting list. The Admissions & Occupancy Manager must approve the request, or other person(s) designated by the Executive Director, prior to removal.
- The applicant has failed to advise the Authority of his/her continued interest in being on the waiting list by failing to respond to a ‘still interested’ letter sent by the Authority. If a letter is returned by the Post Office without a forwarding address, the applicant’s name will be removed from the waiting list without further notice, and the envelope and letter will be maintained in the file. If a letter is returned with a forwarding address, it will be re-mailed to the address indicated. The waiting list will be purged at least annually. The mailing will ask for current information and confirmation of continued interest through the completion of a pre-application form. Responses to this mailing may also result in OHA determining that an applicant’s preference status has changed.
- The Authority has made reasonable efforts to contact the applicant to schedule interviews





or obtain information necessary to complete the application process and the applicant has failed to respond.

- The applicant has failed to pay an outstanding balance owed to the Authority and the Authority has notified the applicant of its intention to remove the applicant's name because the applicant was determined ineligible based on preliminary information on the application or pursuant to the verification process. In this case, the applicant may request an Informal review for Denials, if he/she responds within ten (10) calendar days of the date of the written notification including proof of action taken to remove or remedy the problems.
- However, the Authority may consider mitigating circumstances such as disabilities, health problems or lack of transportation in determining if any application should be withdrawn.

#### Closing the waiting list

Decisions about closing the waiting list will be based on the number of applications available for a particular size and type of unit (LRPH) and the ability of the Authority to house an applicant in an appropriate unit within a reasonable period of time and will be made only by the Executive Director and/or the Board of Commissioners. The Authority may close the waiting list if there are enough local preference holders to fill anticipated openings for the next twelve months. The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws. Suspension of application taking is announced in the same way as opening the waiting list. During the period when the waiting list is closed, the Authority will not maintain a list of individuals who wish to be notified when the waiting list is re-opened.

#### Reopening the waiting list

When the list has been closed and the Authority reopens the waiting list, a sign will be placed in the lobby (office), and the Authority will advertise through public notice in newspapers, minority publications and media entities such as The Orlando Sentinel, La Prensa and The Orlando Times.

The Authority may also contact service organizations, which assist persons with disabilities. The notice (which will be made in an accessible format, if requested) will contain:

1. The Authority address and telephone number.
2. The dates, times, and the locations where families may apply.
3. How to submit an application, and information on eligibility requirements.
4. Any system of site-based waiting list offered by the Authority.
5. The programs for which applications will be taken.
6. A brief description of the program.
7. Limitations, if any, on who may apply.

Depending upon the composition of the waiting list with regard to income, family types and preferences and to better serve the needs of the community, at times the Authority may only accept applications from households claiming local preferences or who fit a unit type with a short waiting time or which are necessary to meet targeting and de-concentration requirements. At no time will such selective opening of the list create any violations of Title VI.

When OHA determines that, as a result of turnover or the receipt of additional voucher funds, new



vouchers may be issued, OHA will invite an appropriate number of applicants that are apparent preference holders to submit full applications. The invitation process will begin with the applicant that is on the waiting list the longest period of time (as determined by the actual date and time of application, or by lottery position for a lottery closing period assigned date and time), followed by the applications in the preference segment of the data base and so on until an adequate pool of applicants have been invited to submit full applications. However, skipping may occur to meet targeting and de-concentration requirements. (See Section G below).

In the event that some or all of the available funds for the vouchers was provided to OHA for a specified category of waiting list families and there are not a sufficient number of apparent preference-holders with the necessary qualifications and no preference holders in the preference, the non-preference holder segment of the waiting list will be searched and the applicants longest on the waiting list (as determined by actual date and time of application or by lottery position for a lottery closing period assigned date and time) with the specified characteristics will be invited to submit full applications.

When an applicant notifies OHA of a change in preference status, or OHA otherwise obtains information that an applicant's preference status has changed, the application will be re-filed in the appropriate waiting list segment by date of original application. Applications taken on-line with a preference change will be returned back to the data base in the appropriate waiting list segment.

### **E. Full Application**

In order for the applicant to be found eligible for admission, the applicant will receive a letter with the day and time an interview to complete a full application with an employee from the Admissions staff.

OHA utilizes the full application interview to discuss the family's circumstances in greater detail, to clarify information provided by the family in its initial application and to ensure that the information is complete. The applicant may be requested to complete an entirely new application form. The interview is also used as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other OHA services or programs that may be available.

As the applicant name approaches the top of the waiting list and it is likely that the applicant will be offered a voucher within the next 90 days as a result of turnover or issuance of new vouchers or to meet special needs of the agency such as targeting or de-concentration, the Admissions Manager will select the next appropriate applicant and assign that family to an Eligibility Specialist. The Eligibility Specialist will schedule an interview and will send a letter to the family along with a list of documents required for the interview. The applicant will be advised in that letter of what other information will be necessary in order to make a final eligibility determination.

The family must come in person to the Admissions office or such other location, as the letter will designate, to make the final application. However, when there is a disability or other extenuating



circumstance, which would prevent her/him from coming into the office to fill out the application, special arrangements may be requested and approved by the Authority.

At the time the applicant comes to the office to make a final application, the Admissions staff will:

1. Provide a Full Application Package which consists of:
  - a. Full Application Form and Applicant Certification
  - b. Information Concerning Citizenship Verification
  - c. Citizenship Declaration 214 Form/Certification of Non-eligible Immigrant Status (if applicable)
  - d. Authorization for Release of Information/Privacy Act Notice: This will allow the Authority to request information from third party sources (i.e., parole officers, social worker, physicians, landlords, police departments) who may be able to offer specific information about the applicant's habits, criminal records and character. This will include a consent form to access information from any drug treatment center.
  - e. Criminal History Check Acknowledgment Form. Applicants for housing who have been determined, through documentation, to have engaged in criminal activity will have their admittance to housing delayed until such time as the applicant's case has been settled and the applicant has been exonerated of all charges. At the time the applicant's case has been settled, the applicant file will be reactivated and he/she will be offered a unit in accordance with their waiting list position.
2. If an applicant has been evicted from housing assisted under the United States Housing Act of 1937, as amended (Public, Indian, Section 8, Section 23, HODAG or RRP housing) because of drug-related criminal activity (drug use or drug distribution) by any member of the applicant family, the applicant will be deemed not eligible for three years from the date of that eviction. The Housing Authority may waive this restriction for a particular applicant if the Housing Authority determines by documented verification that the evicted person:
  - has successfully completed a rehabilitation program approved by the PHA;
  - clearly did not participate in or know about the drug-related criminal activity;
  - no longer participates in any drug-related criminal activity.
3. If any member of an applicant's household has used or possessed an illegal substance for personal use, the OHA may notify the applicant of denial of admissions, if the use or possession occurred within the 12 months period prior to the date of this notification. If the person/s are able to show that they have an addiction to this substance and show evidence that they are participating in or have completed successfully a treatment program and do not possess or use such substances currently, they will be admitted.
4. Eligibility Verification Information. The Eligibility Specialist will review the standard form included in the full application package, outlining the proof or documentation, which will be necessary to determine eligibility. If the necessary information required for verification is not complete, the applicant will be given 30 days to respond and provide the necessary information. During the 30 day period, the application will be held in a screening location



after which it will be closed if the information required has not been provided and a notice of such closure will be mailed to the applicant.

5. The family will sign the full application form printed from and sign all certifications and release documents.

The Authority will work on the assumption that the facts certified to by the applicant in the application are correct, although all are subject to verification later in the application process. The Authority ensures that verification of all HUD and Authority eligibility factors are current in order to determine the family's eligibility for an offer of a voucher.

### Persons with Disabilities

The Authority may not compel any applicant to reveal information about the nature of an applicant's disability as a routine part of the application process. However, the Authority may

1. Ask all applicants whether they need any special locations for their unit, special features in their units or any special processing (reasonable accommodation) because of a disability.
2. Ask all applicants whether the head or spouse is a person with a disability for the purposes of qualifying the family for the \$400 disabled family deduction from income and if an elderly or disabled family, the deduction of non-reimbursed medical expenses above 3% of the household annual income.
3. Ask all applicants claiming a deduction of non-reimbursed medical expenses above 3% of the household annual income for the assistance of a disabled person in the household to permit that person or any other household member, to work, to provide documentation of the presence of a person with such a disability and the work related relevance of those expenses.
4. Require all applicants claiming disability status to verify this by any of the following:
  1. Proof from the SSA or VA.
  2. Doctor certification on an approved authority form (which will contain language from *24 CFR 5.403*) even in the case where an SSA or VA application is pending. (*24 CFR 5.403*) defines a person with disabilities. This definition will be supplied to anyone claiming disability status.

### Other:

If misrepresentations at any time during the application process result in housing an ineligible or unsuitable family, the family may be required to be terminated even though currently eligible.

If misrepresentation or failure to provide facts has resulted in payment of a lower rent than should have been paid, the family will be required to pay the difference between the TTP paid and the amount which should have been paid.

In justifiable cases, the Authority may take such other action as deemed reasonable.

Income, household composition, citizenship/eligible immigrant status, and eligibility for preferences will be verified subsequent to this interview. OHA must find that the applicant currently qualifies for a preference in order to continue to treat the applicant as a preference-holder.



Applicants must attend the full application interview at the scheduled time, except that where special circumstances exist, or where necessary as accommodations for persons with disabilities, OHA may agree to alternate arrangements to obtain the required information.

If an applicant is unable to make a scheduled appointment, it is the applicant's responsibility to notify the staff person who scheduled the appointment no later than two (2) business days before the original appointment date. This requirement will be communicated to the applicant when the original appointment is scheduled.

An applicant failing to appear for a scheduled interview without such prior notification of OHA will not receive approval of his/her application and will not be given another appointment unless he/she provides documentation acceptable to OHA that an emergency prevented the applicant from making the appointment.

## **F. Final Determination And Notification Of Eligibility/Ineligibility**

### Eligible Applicants

If the family is determined eligible, the file will be sent to the Section 8 Department. This Department will mail the family a notification of the date, time, and place of the required voucher issuance briefing. The Director of Section 8 may return to the Admissions Department applications, which could result in failure to meet special funding or other targets.

### Ineligible Applicants

The Admissions & Occupancy Manager will notify an applicant found ineligible or unqualified:

1. The specific reason(s) for the determination.
2. The source(s) of any information and specific facts on which the determination is based.
3. The right to request reconsideration in writing within twenty (20) days if there is any new and relevant information not previously considered by the OHA.
4. The right to request in writing an informal review of a finding of ineligibility.
5. The right to be represented by counsel or other person of choice.
6. The right to examine his/her files prior to reconsideration or review.

On-line applicants who are found ineligible or unqualified applications will be placed back into the data base.

The Admissions & Occupancy Manager will record the appeal and send it to the senior staff person not involved in the decision and designated by the Executive Director to conduct such informal reviews.

The informal review will be conducted within ten (10) days of receipt of the request, and notice of date, time, and place of will be given promptly in writing to the applicant.

The purpose of the informal review is to discuss the reasons for the OHA's decision and to permit the applicant, or his or her representative, to present a rebuttal or additional information, ask

questions of those present and offer documentation, testimony or argument.

Within ten (10) working days after such informal review, the OHA will notify the applicant in writing of its decision with an explanation of its reasons and specify any change, if appropriate, in the applicant's eligibility, qualification, priority, or preference status.

### **G. Selection For Voucher Issuance**

It is mandatory for an applicant to remain in the Section 8 Housing Choice Voucher Program for two (2) years before changing to the Low Rent Public Housing that is also administered by the Housing Authority of the City of Orlando, Florida.

### **Policies on Selection and Admission of Applicants from Waiting List**

Subsequent to verification of the information provided in the full application, OHA will group the applications into two tiers.

**Tier 1** will include all applicants with incomes that do not exceed 30 % of median income for the Orlando area (NOTE: Families in this income category are termed Extremely Low-Income (ELI) families).

**Tier 2** will include all applicants with incomes that exceed 30 % of median income but do not exceed 50 % of median income for the area (Such families are termed Very low-Income Families).

Within each tier, families with local preferences will be listed first. Those preference-holders meeting the ranking preference described in Chapter 4. B. will be filed first by earliest date and time of pre-application, followed by preference-holders not meeting the ranking preference ordered by earliest date of pre-application.

In order to assure that the statutory income-targeting requirement that “not less than 75 % of the families admitted to a PHA’s tenant-based voucher program during the PHA fiscal year from the PHA waiting list be ELI families”, 9 of the initial 12 vouchers issued to families on the waiting list will be to Tier I families and 3 of the initial 12 vouchers issued will be to Tier 2 families that are preference-holders. If there is not a sufficient number of Tier 2 preference-holders, one or more of the vouchers which were to be initially issued to Tier 2 families will be issued to Tier I preference-holders.

If Tier I voucher-holders are unsuccessful in locating acceptable dwelling units for which OHA is able to execute Housing Assistance Payments Contracts, OHA will not issue new vouchers to Tier 2 families until the targeting requirements are met.

Applicants with income that exceeds 50% of the median income will be determined ineligible applicants. The application will remain on the waiting list in a withdrawn status not to exceed 12 months, before being permanently removed. They will be notified of this determination according to letter ‘F’ of this section.



**Issuance of vouchers when funding is provided for a specified category of waiting list families.**

From time to time, HUD may conduct competitions for incremental vouchers for special purposes. Only applicants eligible for special purpose vouchers will be issued these vouchers. For example, in the case of Family Unification Program (FUP) vouchers, the public agency responsible for determining that a child is at imminent risk of placement in out-of-home care or that a child in out-of-home care may be returned to his or her family must certify families as eligible for FUP. When OHA is provided with such list of certified families, OHA will compare the names with those already on the waiting list and will provide a special purpose voucher to waiting list families certified as eligible in order of position on the waiting list. Any family certified as eligible must be placed on the waiting list—even when the waiting list is closed. To the extent feasible, the 2-tier approach noted above will be followed. In the event that there are an insufficient number of eligible families to enable OHA to meet the targeting requirement applicable to selection from the waiting list, but there are sufficient eligible families to utilize the funds provided for the special purpose, OHA will issue vouchers to the eligible families.

**(1) Special Admission (non-waiting list)**

When HUD awards funding which is targeted for families living in specified units, OHA will use the assistance for families living in these units. Consistent with HUD guidance, if the funds cannot be used immediately for families in the targeted units, OHA may issue vouchers to waiting list families, provided OHA determines that a sufficient number of replacement vouchers will be available when needed. Such determination will be based upon an analysis of the number of turnover vouchers, and new fair-share vouchers, likely to be available when needed by the targeted families.

**(2) Absorption of Incoming Portable Families (non-waiting list)**

From time-to-time OHA will absorb incoming Portable families into its Housing Choice Voucher Program. This will occur when it is necessary to meet lease-up and funding utilization goals, or as a result of consideration of: (1) the low amount of administrative fee that will be earned if OHA administers a Portable voucher on behalf of certain initial PHA's; or (2) previous experience indicating that an initial PHA did not make timely or correct payments to OHA for administering assistance for a Portable family.

**(3) Special Circumstances**

The Section 8 Director or the Executive Director may determine that the extreme urgency of need of a holder of a preference (described in Chapter 4. A.) is such that a voucher must be issued immediately, without regard to dates of pre-application or tier. In such event, the Director will document the reasons for selecting such family for immediate issuance of vouchers.



## Chapter 4

### PREFERENCES

The need for tenant-based rental assistance in the greater Orlando, Florida, area exceeds the number of Housing Choice Vouchers that are available. It is necessary to create an order for the issuance of the Housing Choice Vouchers based on local preferences and priorities. The OHA's local preferences and priorities are described below.

#### 4.1 PREFERENCES

- Disabled Individuals/Families – a family whose head of household and/or spouse is a disabled individual; or

Employed – The OHA is a Moving to Work agency therefore, emphasis will be placed upon admitting families that are employed. The head of household, spouse, or co-head must be employed full-time for at least six (6) continuous months for a minimum of 28 hours or more per week. An interruption of four (4) weeks or less is not considered a break in continuity. Consideration will be given for longer breaks in employment if the adult family members were working an average of twenty (20) hours per week and attending school or job training for ten (10) or more hours per week. If the head of household, spouse, or co-head is unable to work because they are at least age 62 and/or have a disability they will qualify under this preference.

- Former OHA Homeownership Program Participant – Former public housing resident or Section 8 Housing Choice Voucher tenant participant, who acquired a home, met the requirements of the OHA homeownership program (including homeownership training, and lost that home due to insufficient income.
- Graduates of Verified Transitional Housing Programs – Graduates of Transitional Housing Programs, defined as homeless individuals or families that enter into a lease or occupancy agreement solely for the purpose of participating in a program whose terms include program activities for a specified amount of time. Once the individual or family has met all program requirements, they would be eligible to graduate and transition to permanent housing.
- Orange County – Preference will be given to applicants and pre-applicants that live, work, or have a verified offer for employment in Orange County;
- Seminole County – Preference will be given to applicants and pre-applicants that live, work, or have a verified offer for employment in Sanford or Seminole County.
- Honorably Discharged Veteran – Preference will be given to applicants who can verify that they have been honorably discharged from any branch of the military.





- Graduates of Verified Transitional Housing Programs – Graduates of Transitional Housing Programs, defined as homeless individuals or families that enter into a lease or occupancy agreement solely for the purpose of participating in a program whose terms include program activities for a specified amount of time. Once the individual or family has met all program requirements, they would be eligible to graduate and transition to permanent housing. Preference will also be given to persons with disabilities who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless or at risk of becoming homeless.

#### **4.2 SPECIAL PREFERENCES**

- Special preference will be given to an individual/family in a Federal/State Witness Protection program. The family must be part of a Witness Protection program, or the HUD Office or law enforcement agency must have informed the OHA that the family is part of a similar program.

#### **4.3 RANKING PREFERENCES**

The OHA computer system will rate and rank initial applications based upon the preferences selected by each applicant. An applicant’s position on the waiting list is in part determined by the selected preferences and may fluctuate depending upon various factors affecting the applicant pool.

When OHA conducts a draw, applications are selected from the top of the waiting list by preference, date and time (applications are also sorted by bedroom size for public housing only). The OHA then reviews the applicant’s preference claim to determine eligibility and takes the following actions:

- If the applicant is eligible for the preferences selected, the OHA will continue to process the application for placement on the program.
- If the applicant does not qualify for any preferences, they will be returned to the waiting list in a no preference status.
- If the applicant only qualifies for some of the selected preferences, they will be returned to the appropriate position on the waiting list as determined by the OHA’s computer system.



## Chapter 5

### OCCUPANCY/SUBSIDY STANDARDS

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

#### A. Determining Voucher Size

The OHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. The OHA's subsidy standards for determining voucher size will be applied in a manner consistent with Fair Housing guidelines.

For subsidy standards; an adult is a person 18 years or older and an infant is a child under the age of three years (3)..

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements.

The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

Generally, the OHA issues vouchers according to the following standards:

1. Two people may be issued a one bedroom voucher.
2. Husband and wife may be issued a one bedroom voucher.
3. Persons of different generations, persons of opposite sex (other than spouses), and unrelated adults will have separate bedrooms.
4. Children of the same sex are expected to share a bedroom.
5. Children, with the possible exception of infants, would not be required to share a bedroom with persons of different generations, including their parents.
6. Persons with verifiable medical needs, or other extenuating circumstances, could be issued a larger voucher size.
7. Separate bedrooms will be allocated to minors of the opposite sex when one child is over the age of five years.
8. Single parent with one child age 3 and over will be issued a two (2) bedroom voucher.

9. Foster children will be included in determining unit size only if they will be in the unit on a permanent basis, as verified by the placement agency.
10. Single person families shall be allocated a one bedroom voucher.

Live-in aides will generally be provided a separate bedroom. No additional bedrooms are provided for the aide’s family.

Space will not be provided for a family member who will be absent most of the time, such as a member who is away in the military.

**Guidelines For Determining Voucher Size**

<b>Voucher Size</b> (Minimum #)	<b>Persons in Household</b> (Minimum #)	<b>Persons in Household</b> (Maximum #)
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	4
3 Bedrooms	3	6
4 Bedrooms	4	8
5 Bedrooms	6	10
6 Bedrooms	8	12

**B. Changes in Voucher Size**

**1. Changes for Applicants**

The voucher size is determined prior to the briefing by comparing the family composition to the OHA subsidy standards. If an applicant requires a change in the voucher size, the following guidelines will apply:

Requests for Exception to Subsidy Standards for Applicants

The OHA will not issue a larger size voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody (including foster children placed on a permanent basis).

OHA will grant exceptions from the standards if the family requests and the OHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

Circumstances may dictate a larger size than the Subsidy Standards permit when persons cannot share a bedroom because of an accommodation which has been requested, such as persons who cannot share a bedroom because of a verified medical or health reason.



## **2. Changes for Participants**

The members of the family residing in the unit must be approved by the OHA. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody (including foster children placed on a permanent basis).

### **a. Requests for Exception to Subsidy Standards for Participants**

The OHA will grant an exception upon request as an accommodation for persons with disabilities.

The OHA will not issue a larger size voucher due to additions to the family other than by birth, adoption, marriage or court-awarded custody.

### **b. Under-housed and Over-housed Families**

If a unit does not meet HQS space standards due to an increase in family size, (unit too small), the OHA will issue a new voucher and assist the family in locating a suitable unit.

If a voucher family is occupying a unit, which has more bedrooms than allocated under the OHA's subsidy standards, and the gross rent exceeds the Payment Standard rent for the family size under the OHA's subsidy standards, the OHA may issue the family a new voucher and assist the family in finding a suitable unit.

If the OHA makes an error in the clients favor while assigning the appropriate bedroom size, the OHA will issue the family a voucher with the correct size at the time of triennial re-exam and/or annual update so that the family is not penalized. If the error is not in our clients' favor, the OHA will issue a voucher immediately, as not to create under-housed living arrangements.

## **C. Unit Size Selected**

The family may select a unit one bedroom size higher than the bedroom size listed on the voucher. There are three criteria to consider:

1. **Rent Limitation**: For the Voucher Program, the OHA uses the Payment Standard for the Voucher specified unit size or the unit size selected by the family, *whichever is less*.
2. **Utility Allowance**: The utility allowance used to calculate the gross rent is based on the actual size of the unit the family selects, regardless of the size authorized on the family's Voucher.
3. **Housing Quality Standards**: The standards allow two persons per living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a living/sleeping area) as shown in the table below. The levels may be exceeded if a room, in addition to bedrooms and living room, is used for sleeping.

**HQS Guidelines For Unit Size Selected**

Maximum # of Persons in Household:

0 Bedroom	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

Revised 07/16/2015



## Chapter 6

### VOUCHER ISSUANCE AND BRIEFINGS

#### A. Issuance Of Vouchers

OHA will issue vouchers as described in Chapter 3.1. The number of vouchers issued will reflect recent voucher-holder success rates in order to assure that the funds available will be utilized.

#### B. Briefing Types

- (1) Section 8 Briefing- Applicants will receive their vouchers at the HUD required oral briefing. This briefing will be conducted in English and in other languages when necessary. At this briefing, OHA will provide information on the subjects specified by HUD in 24 CFR 982.301 (a), and provide applicants with a briefing packet that includes information on the subjects specified in 24 CFR 982.301 (b).

OHA generally conducts these briefings at group meetings. Applicants who provide prior notice of inability to attend a group briefing will automatically be scheduled for the next briefing. Applicants who fail to attend a scheduled briefing without prior notification and approval by OHA may be denied the issuance of a voucher, if OHA determines that the circumstances were such that prior notification could have been made. Families who attend group briefings and still have the need for further explanation will be requested to contact the Eligibility Specialist assigned to the family. Where special circumstances exist, OHA may provide individual briefings in lieu of group meetings. If necessary because of an applicant's disability, OHA will conduct individual briefings at the applicant's home.

- (2) Move Briefing- Participants who have notified OHA that they have given proper notice to their landlords of their intent to vacate, consistent with the terms of their lease, and wish to continue to receive Section 8 rental assistance in another unit, will be required to attend a briefing prior to the issuance of a voucher. As in (1) above, failure to attend a scheduled briefing without prior notification and approval by OHA may result in the denial of the issuance of a voucher to the family.
- (3) Port Briefing- Applicants or Participants, who have exercised the Portability feature of the Housing Choice Voucher program, are also required to attend an oral briefing conducted by OHA staff. These briefings are generally group briefings and will be performed on a weekly basis or as needed.

#### C. Term Of Voucher

- (1) Initial Term

The initial term of the voucher will be 60 calendar days from the date of issuance, and may be extended up to 180 days from issuance date. It is in the best interest of the Orlando Housing



Authority's program participants, property owners and staff to change the time limit on the Housing Choice Voucher to 180 days for persons without disabilities and an additional 15 days for persons with disabilities, with the search time not to exceed 210 days.

A Request for Tenancy Approval and a copy of the proposed lease, including the HUD prescribed tenancy addendum, must be submitted during the initial term of the voucher, or any Orlando Housing Authority (OHA) approved extensions. All requests for extensions must be in writing at least five (5) days prior to the expiration date of the voucher.

(2) Extensions of Term

(a) Special Circumstances

If the family needs and requests an extension of the initial voucher term as a reasonable accommodation in accordance with part 8 of 24 CFR, in order to make the program accessible to a family member who is a person with disabilities, OHA will extend the voucher term up to the term reasonably required for this purpose but not to exceed 210 days.

OHA may extend a voucher beyond a single 180 day extension where special circumstances clearly beyond the control of the voucher-holder exist. This would include disasters such as hurricanes, earthquakes, fires, and floods, or explosions resulting in a significant loss of acceptable housing or an inability of voucher-holders to search for housing. It would also include an unforeseen and significant tightening of the vacancy rate for housing renting within the Payment Standards established by OHA, resulting from such events as major plant closings or an influx of refugees.

(b) Suspensions of the voucher term

OHA will stop the clock on the term of a family's voucher when the family submits a Request for Tenancy Approval and proposed lease with HUD-prescribed tenancy addendum within the term of the voucher, including any OHA-approved extension. The duration of the suspension will be measured from the date of receipt of the Request for Tenancy Approval to the date of the letter notifying an owner that the unit passed or failed its Housing Quality Standards (HQS) inspection.

**D. Family Breakup and Voucher Issuance**

In those instances when a family assisted under the Section 8 program becomes divided into otherwise eligible families due to divorce, legal separation or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, OHA will consider the following factors to determine which of the families will continue to be assisted:

1. Which of the two new family units has custody of dependent children.
2. Which family member was the head of household when the Certificate or Voucher was initially issued (listed on the initial application).
3. The composition of the new family units, and which unit contains elderly or disabled



- members, and minor children.
4. Whether domestic violence was involved in the breakup.
  5. Which family members remain in the unit.
  6. Recommendations of social service professionals.

Where the breakup of the family also results in a reduction in the unit size for which the household is eligible, the Payment Standard applicable to the reduced unit size shall apply. The family may remain and pay a higher percentage of income for rent, or consistent with the terms of the lease, the family may give notice to the owner of intent to vacate, and be issued another voucher to search for a smaller unit. In special circumstances, the Section 8 Director or the Executive Director may approve the issuance of an additional new voucher to a member of the household, where both parties are eligible.

#### **E. Remaining Member of Tenant Family and Voucher Issuance**

To be considered the remaining member of the tenant family, the person must have been previously approved by OHA to be living in the unit. In order for a minor child to continue to receive assistance as a remaining member of a tenant family: (1) emancipated minor status must be awarded by a court, or (2) OHA must verify that a social service agency and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child (ren) for an indefinite period.

As above, where the reduction in family size also results in a reduction in the unit size for which the household is eligible, the Payment Standard applicable to the reduced unit size shall apply. The family may remain and pay a higher percentage of income for rent, or consistent with the terms of the lease, the family may give notice to the owner of intent to vacate, and be issued another voucher to search for a unit.





## Chapter 7

### **FACTORS RELATED TO CALCULATION OF TOTAL TENANT PAYMENT**

Accurate calculation of Annual Income is necessary to assure that families are within the eligibility income limits for the program *and* are not paying more or less money for rent and utilities than their obligation under the program regulations (see 24 CFR Parts 5 and 982). Section 5.609 provides a detailed explanation of what is included in Annual Income and what is excluded. Additional exclusions are contained in the HUD Notice in *58 Federal Register 41287, August 3, 1993*, and PIH Notice 2000-I. The regulations and Notices do not provide explicit guidance on how to” make all of the required determinations, and allow PHA’s discretion to define certain terms and develop standards. This Chapter addresses those areas where PHA’s have such discretion.

#### **A. Total Tenant Payment**

**\*Refer to the MTW Plan Summary dated 1/27/2016 ‘Activity 1’ \$225.00 Rent Floor.\***

Total Tenant Payment (TTP)(see 24 CFR 5.628) is the term describing the minimum amount a participant in the Section 8 housing choice voucher program must pay towards the gross rent for the unit the participant is occupying. Gross rent consists of the Contract Rent —the rent an owner is entitled to get under the lease and HAP Contract, and the amount of the OHA-established utility allowance for tenant —paid utilities. TTP is the higher of: 10 % of monthly income, 30 % of monthly-adjusted income, welfare rent, or PHA minimum rent.

The TTP amount is critical in determining the HAP subsidy in the housing choice voucher program, since the amount of subsidy is the lower of: (1) the payment standard minus the TTP, or (2) the gross rent (rent to the owner plus utility allowance) minus the TTP.

#### **B. Minimum Rent for Section 8**

**\*Refer to the MTW Plan Summary dated 1/27/2016 ‘Activity 9’ \$100.00 minimum rent.**

The regulations permit a PHA to establish a minimum rent up to \$50.00. OHA has determined that the minimum rent for the Section 8 housing choice voucher program will be \$100.00. (*Referenced in the MTW Plan*) The term minimum rent includes the combined amount a family is required to pay toward rent to an owner and utilities, if tenant paid.

The regulations permit a PHA to establish a minimum rent up to \$50.00. OHA has determined that the minimum rent for the Housing and Urban Development and The Department of Veterans Affairs program will be zero dollars (\$0). The term minimum rent includes the combined amount a family is required to pay toward rent to an owner and utilities, if tenant paid. Effective June 1, 2012 the minimum rent for Veteran families with no income zero (0).

#### **C. Financial Hardship Exemption from Minimum Rent**

**\*Refer to the MTW Plan Summary dated 1/27/2016.**

Section 5.630(b) requires PHA’s to grant an exemption from the payment of minimum rent if the family is unable to pay the minimum rent because of financial hardship. OHA will use the definitions of financial hardship contained in 5.630 (b)(i),(ii),(iii), and (iv). OHA will not consider additional circumstances as permitted by 51630 (b)(v).

#### **D. Absence of Family Members**

Income of family members, who are on the lease, including those who are temporarily absent, will be counted unless excluded by HUD regulations or notices (for example, the earned income of minors who are underage 18, except for the head of household or spouse, are not considered in determining annual income). Income of a spouse or head of household who is temporarily absent will be counted, even if such person is not on the lease. Income of persons permanently absent

from the household will not be counted.

### 1. Absence of entire household

OHA requires families to notify OHA if the entire household will be absent from a unit for more than 30 consecutive days.

As required by 24 CFR 982.312, if the entire family is absent from the unit for more than 180 consecutive calendar days, housing assistance payments will terminate. In order to determine if the family is absent from the unit, OHA may: (1) write and/or telephone the family at the unit; (2) interview neighbors and/or the landlord; and/or (3) verify dates utilities were disconnected.

### 2. Absence of any member

Any member of the household will be considered permanently absent if he/she is away from the unit for more than 180 days in a year, except as provided below. A finding that a family member is permanently absent will result in OHA no longer including the income of the family member in the annual income of the family, and may result in the elimination of an allowable deduction from income. In addition, it may result in the issuance of a voucher for a reduced number of bedrooms and/or result in a different Payment Standard for the family.

### 3. Full-time students

Full-time students who attend school away from the home and live with the family during school recess will not be considered permanently absent from the household.

### 4. Absence due to medical reasons

If any member leaves the household to enter a facility such as a hospital, nursing home, or rehabilitation center, OHA will seek advice from a reliable, qualified source as to the likelihood and timing of his/her return. If the information available to OHA indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the information indicates that the family member will return in less than 90 consecutive days the family member will not be considered permanently absent, even if he/she has been confined in such facility more than 180 days in a year.

### 5. Foster care and absences of children

If the family includes a child or children absent from the home due to placement in foster care, OHA will obtain information from the appropriate agency as to when the child/children will be returned to the home. If the agency indicates that the children have been removed permanently from the home, promptly upon examining the court order or other appropriate documentation attesting to this action, OHA will notify the family that it will no longer be able to claim deductions for the children, re-compute the TTP for the family and reduce the voucher size and Payment Standard applicable to the family.

### 6. Absence of Adult

If neither parent remains in a household with minor children nor the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, OHA will treat that adult as a visitor for the first 30 days. If, by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the voucher will be transferred to the caretaker. If the appropriate agency cannot confirm the

guardianship status of the caretaker, OHA will review the status at 30-day intervals. If custody or legal guardianship has not been awarded by the court, but the action is in process, OHA will secure verification from social services staff or the attorneys to the status.

OHA will transfer the voucher to the caretaker, in the absence of a court order, if the caretaker has been in the unit for more than six months and it is reasonable to expect that custody will be granted.

When OHA approves a person to reside in the unit as caretaker for the child/children, his/her income will be counted pending a final disposition. OHA will work with the appropriate service agencies and the landlord to facilitate a smooth transition in cases where neither parent remains in the household.

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

If an adult family member moves out of the household, the family must notify OHA in writing of this change in family composition within 10 days of the household member's departure, if he/she is expected to be permanently absent. If an adult family member goes into the military and leaves the household, he/she will be considered permanently absent.

### **E. Unauthorized Family Members**

Any adult not included on the HUD 50058 form who has been residing in the Section 8 assisted unit more than 30 consecutive days will be considered to be living in the unit as an unauthorized family member. In a joint custody arrangement, however, if the minor is in the household less than 180 days per year, the minor will be considered to be an eligible visitor and not an unauthorized family member.

OHA will investigate when there are allegations concerning the presence of an unauthorized family member. If OHA finds that the visitor is using the unit address as the visitor's current residence, or the visitor does not provide evidence of another address, OHA will consider the visitor to be unauthorized, and will terminate assistance for the family. Even if the visitor provides evidence of another address, OHA will investigate to determine whether, in fact, the visitor continues to reside at this address. If the investigation finds that the visitor does not continue to reside at the other address, assistance will also be terminated for the family.

### **F. Reporting Changes in Family Composition**

It is the responsibility of the participant family to notify OHA, in writing, of any change in family composition. A participant family must report changes in household composition and receive OHA approval to add any additional family member as an occupant of the unit and to inform OHA of the birth, adoption, or court-awarded custody of a child. The family must present a birth certificate from a municipality, and a Social Security card.

The family must request OHA approval, in writing, at least 10-days in advance of move-in, to add any additional adult members to the household. OHA must approve or deny admission to the proposed new household member. If admission is approved, OHA will re-compute TTP and make appropriate modifications in the voucher size and payment standards to reflect the increased household size. If admission is denied, and the proposed new adult family member moves into the unit, assistance will be terminated for the family. If the family does not obtain prior written approval from OHA, and the person moves in, OHA will terminate assistance for the family if the person resides in the unit for 30 consecutive days (unauthorized family member), or if OHA determines that the person does not meet the admission criteria.

Participants must notify OHA in writing of any reductions in family size within 10-days of the



move-out or death of a household member. If the family member that moves from the unit was earning income, the OHA must have proof that the income is no longer being received at that household. Ex. Individual in household receives SSI and they are moving out of the house. The OHA will need to obtain a copy of the award letter showing that the income is no longer going to that household in order for us to remove the income and adjust the family's rent. OHA will then conduct an interim reexamination of income and eligibility.

### **G. Averaging Income**

When Annual Income cannot be anticipated for a full 12 months, OHA may average known sources or income that vary to compute an annual income, or, annualize current income and conduct an interim reexamination if income changes.

If there are bonuses or overtime that the employer cannot anticipate for the next 12 months, bonuses and overtime received during the previous year will be used.

Income from the previous year may be analyzed to determine the amount to anticipate when third party or check-stub verification is not available.

If by averaging, an estimate can be made for those families whose income fluctuate from month to month, this estimate will be used so that the housing payment will not change from month to month.

The method used will depend upon the regularity, source and type of income.

### **H. Zero Income families**

Families who report zero income are required to complete a written certification of income at least every ninety (90) days.

### **I. Income of Person Permanently Confined to Nursing Home**

If a family member is permanently confined to a hospital or nursing home and there is a family member(s) left in the household, in determining TTP for the member(s) remaining in the assisted unit, OHA will exclude the income of the person permanently confined to the nursing home, and will give the family no deductions for medical expenses of the confined family member.

### **J. Regular Contributions or Gifts**

Regular contributions or gifts received from organizations or from persons not residing in the unit are required to be included in Annual Income. OHA considers any contribution or gift received every month, or more frequently, a "regular" contribution or gift unless the total amount is less than \$300 per year. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis, it does not include casual contributions or sporadic gifts.

### **K. Alimony and Child Support Payments**

Regular alimony and child support payments are required to be included in Annual Income. OHA will count the amount awarded by the court, unless the family can provide documentation verifying that this amount is not being regularly provided. Acceptable documentation will be written verification from the agency responsible for enforcement or collection, or documentation that the family filed a child support or alimony collection action through a child support enforcement/collection agency, or filed an enforcement or collection action through an attorney.

## **L. Lump Sum Receipts**

Lump-sum payments caused by delays in processing periodic payments (unemployment or TANF assistance) or caused by deferral of periodic payments due to a dispute are included in Annual Income.

In order to determine the amount of retroactive tenant rent that the family owes as a result of the lump sum receipt, OHA will calculate Annual Income retroactively to date of receipt.

### **1. Prospective Calculation Methodology**

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

- a. The entire lump-sum payment will be added to the annual income at the time of the interim.
- b. OHA will determine the percent of the year remaining until the next annual re-certification as of the date of the interim (e.g. three months would be 25 % of the year).
- c. At the next annual re-certification, OHA will apply the percentage balance (75% in this example) to the lump sum and add it to the rest of the annual income.
- d. The lump sum will be added in the same way for any interim that occurs prior to the next annual re-certification.

### **2. Retroactive Calculation Methodology**

- a. OHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.
- b. OHA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification to determine the amount due OHA.

The family must pay the “retroactive” amount to OHA in a lump sum or periodic payments as set forth in a repayment agreement. The amount owed by the family is a collectible debt even if the family becomes unassisted.

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

## **M. Contributions To Retirement Funds-Assets**

While an individual is employed in a company where he/she earns a pension, OHA will treat as assets the amount the family can withdraw without retiring or terminating employment. After retirement or termination of employment, the income derived from any amount the employee elects to receive as a lump sum will be treated as asset income.

## **N. Assets Disposed of for Less than Fair Market Value**

OHA requires applicants and participants to declare whether an asset has been disposed of for less than fair market value during the two years preceding initial certification or re-certification. Assets are considered to be disposed of for less than fair market value if the cash value of the disposed asset exceeds the gross amount the family received by more than \$1,000.

Assets disposed of as a result of foreclosure or bankruptcy, or divorce or separation, are not considered to be assets disposed of for less than fair market value.

### **O. Child Care Expenses**

One of the mandatory adjustments OHA must deduct in determining Adjusted Income is “any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education” (24 CFR 5.611(a) (4)). Childcare expense must not exceed the employment income.

For the purposes of this deduction, OHA limits its applicability to children age 13 and under, exceptions may be made for minor children with special needs.

If the childcare is for the purpose of enabling a family member to work, allowable childcare expenses cannot exceed the income derived from the work. If the family member goes to work and goes to school, OHA will pro-rate the childcare expense for each activity to assure that the limitation contained in the preceding sentence is met.

In the case of a child attending private school, only the costs of after normal school hour care will be eligible to be considered for this deduction.

OHA will not allow childcare expenses if there is an adult household member capable of caring for the child.

Child support payments for children who do not reside with the family will not be deducted.

When the purpose of the childcare is to enable a member of the family to further his or her education, the number of hours claimed for childcare may not exceed the number of hours the family member is attending school (plus one hour travel time to and from school).

### **P. Medical Expenses**

Another mandatory deduction in determining Adjusted Income is “un-reimbursed medical expenses of any elderly family or disabled family” (24 CFR 5.611(a) (3) (i))-- to the extent that this sum exceeds 3 % of annual income. In the event that a family member also qualifies for the deduction described in Q. below, the 3 % test applies to the sum of both sets of expenses.

When it is unclear as to whether or not to allow a claimed medical expense, OHA will use IRS Publication 502 as a guide. Nonprescription medicines will not be considered medical expenses unless recommended by a doctor. The costs of services or procedures that are not medically necessary will not be considered eligible expenses.

Acupuncture and chiropractic services will only be considered a medical expense if recommended by a medical doctor.

### **Q. Attendant Care and Auxiliary Apparatus Expenses of Persons with Disabilities**

A mandatory deduction in determining Annual Income is “un-reimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed, but this allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus” (24 CFR 5.611(a) (3) (ii))—to the extent that this



sum exceeds 3% of annual income).

Attendant care includes, but is not limited to, home medical care, nursing services, housekeeping and errand services, interpreter for persons who are deaf or hard of hearing, and reader for persons with visual disabilities.

Auxiliary apparatus includes, but is not limited to, wheelchairs, reading devices for persons with visual disabilities and equipment added to cars and vans to permit their use by the family member with a disability, hearing aids, TDD's and assistive or service animals (seeing eye dogs). The veterinarian costs and food costs of a service animal are allowable as auxiliary apparatus expenses.

If the attendant care and auxiliary apparatus expense enables more than one person to be employed, OHA will consider the combined incomes of those persons in determining the maximum allowance.

### **R. Pro-ration of Assistance for 'Mixed' Families**

*Mixed Families* are those that include both citizens/eligible immigrants and non-eligible immigrants.

Annual income for mixed families is determined in the same manner as for families with no ineligible members. The income of ineligible family members is included even though no assistance will be paid on their behalf.

The procedure that OHA will follow in prorating housing assistance for mixed families is described in 24 CFR 5.520 (c) (2). Essentially assistance is prorated by the percentage of family members who are eligible under Section 214. See also Chapter 8 Section I below.

### **S. Changes in TANF Income**

1. Imputed TANF income: when TANF income is reduced and annual income is not reduced.

As specified in 24 CFR 5.615, in cases where a family receives TANF income or other benefits (e.g. subsidized transportation or childcare) under a governmental program that requires participation in economic self-sufficiency programs as a condition for such assistance, there are two circumstances when the family's annual income is not reduced when benefits are reduced: (1). When the TANF agency verifies that a family member has committed fraud, and (2) When the TANF agency verifies that the family is being sanctioned for non-compliance with a requirement to participate in an economic self-sufficiency program.

In the cases described above, OHA will request written verification from the TANF agency of the amount and term of the benefit reduction , and the reason for such reduction.

2. When TANF income is reduced and annual income is reduced.

When there is a reduction or termination of TANF benefits for other reasons (e.g. the family reached the maximum time limit for benefits, family members are unable to find employment despite full compliance with all TANF department requirements, the family is being sanctioned for failure to comply with TANF department requirements other than participation in an economic self-sufficiency program), annual income will be reduced by the amount of the reduction.

### **T. Utility Allowance and Utility Reimbursement Payments**



The Utility Allowance is intended to help defray the costs of utilities not included in the rent and is subtracted from Total Tenant Payment to establish the family's rent to the landlord. The allowances are based on actual rates and average consumption studies, not on a family's actual consumption. The Utility Allowance applicable to a family is based on the actual unit size and housing type selected.

Where families provide their own range and refrigerator, OHA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance. Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 12-month period.

The Utility Reimbursement is the portion of the housing assistance payment, which exceeds the amount of the rent to the owner. OHA has elected not to pay the Utility Reimbursement to the utility supplier. It is OHA policy that the Utility Reimbursement will be paid by direct deposit payment directly to the family.

\* Utilities must be in the name of the head of household or spouse.

Revised: 09/20/2012  
and 10/18/2012





## Chapter 8

### VERIFICATION PROCEDURES

HUD regulations require that the factors of eligibility and Total Tenant Payment be verified by the OHA. Applicants and program participants must furnish proof of their statements whenever required by the OHA, and the information they provide must be true and complete. The OHA's verification requirements are designed to maintain program integrity. This Chapter explains the OHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and when there are changes in family members. The OHA will ensure that proper authorization from the family is always obtained before making verification inquiries.

#### Acceptable Methods of Verification

**Refer to the MTW Plan Summary dated 1/27/2016 'Activity 2' modified 3<sup>rd</sup> party verification.**

Income information will be verified by the following five verification methods acceptable to HUD, in the order of preference indicated:

#### **1. Enterprise Income Verifications (EIV)**

EIV is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals.

Current EIV resources include the following:

- a. **Tenant Assessment Subsystem (TASS)** – HUD's online system for Social Security (SS) and Supplemental Security Income (SSI) information.
- b. **State Wage Information Collection Agencies (SWICAs)**
- c. **State systems for the Temporary Assistance for Needy Families (TANF) program**
- d. **Credit Bureau Information (CBA) credit reports**
- e. **Internal Revenue Service (IRS) Letter 1722**
- f. **Private sector databases (e.g. The Work Number)**

The Orlando Housing Authority will use additional EIV resources as they become available. This will be done before, during and/or after examinations and/or re-examinations of household income as appropriate.



It is important to note that EIV data will only be used to verify a participant's eligibility for participation in a rental assistance program and to determine the level of assistance the participant is entitled to receive and only by properly trained persons whose duties require access to this information. Any other use, unless approved by the HUD Headquarters EIV Security System Administrator, is specifically prohibited and will not occur.

No adverse action can be taken against a participant until the Orlando Housing Authority has independently verified the EIV information and the participant has been granted an opportunity to contest any adverse findings through the established grievance procedure. The consequences of adverse findings may include the Orlando Housing Authority requiring the immediate payment of any over-subsidy, the entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

Furthermore, the information the Orlando Housing Authority derives from the EIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

Once the data has served its purpose, it shall be destroyed by either burning or shredding the data.

## **2. Third –Party Written Verifications**

**Refer to the MTW Plan Summary dated 1/27/2016 'Activity 2' modified 3<sup>rd</sup> verification.**

This type of verification includes written documentation, with forms sent directly to and received directly from a source, not passed through the hands of the family. It may also be a report generated automatically by another government agency, i.e., Department of Welfare, Veterans Administration, etc.

Third-party written verifications may also be used to supplement Up-front Income Verifications. They will be utilized when there is a discrepancy of \$200 a month or more and the participant disputes the UIV results.

Third party verification of SS and SSI benefits shall be obtained by getting a copy of an official Social Security Administration letter of benefits from the person receiving the benefits and verification from HUD's on-line systems. If either of these forms of verification are not obtainable, then the file shall be documented as to why third party verification was not used.

The Orlando Housing Authority will allow two (2) weeks for the return of third party written verifications prior to continuing on to the next type of verification.



### **3. Third-Party Oral Verifications**

This type of verification includes direct contact with the source, in person or by telephone. When this method is used, staff members will be required to document in writing with whom they spoke, the date of the conversation and the facts obtained.

The Orlando Housing Authority will allow two (2) business days for the return of third party oral verifications prior to continuing on to the next type of verification.

### **4. Review of Documents**

When UIV, written and oral third party verifications are not available within the two (2) week and two (2) business days period allowed in paragraphs 2 and 3 above, the Housing Authority will use the information received by the family, provided that the documents provide complete information. Photocopies of the documents, excluding government checks, provided by the family will be maintained in the file. In cases in which documents are viewed and cannot be photocopied, staff reviewing the documents will complete a written statement as to the contents of the document(s).

### **5. Self-Certification and Self-Declaration**

When UIV, written and oral third party verifications are not available within the two (2) week and two (2) business days period allowed in paragraphs 2 and 3 above, and hand-carried verification cannot be obtained, the Housing Authority will accept a statement detailing information needed, signed by the head, spouse, co-head, or other adult family member.

Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name, date of contact, amount received, etc.

When any verification method other than Up-Front Income Verification is utilized, the Orlando Housing Authority will document the reason for the choice of the verification methodology in the applicant/resident's file.

### **Types of verification**

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, the Orlando Housing Authority will send a request form to the source along with a release form signed by the applicant/participant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
<b>General Eligibility Items</b>		
Social Security Number	Letter from Social Security, electronic reports	Social Security card
Citizenship	N/A	Birth certificate, Passport, Naturalization papers, Resident Alien Card, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school and/or college students, any document evidencing enrollment
Need for a live-in aid	Letter from doctor or other professional knowledgeable of condition	Request for Reasonable Accommodations.
Child care costs	Letter from care provider	Bills and receipts
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
<b>Value of and Income Assets</b>		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDs, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet



Verification Requirements for Individual Items		
Item to Be Verified	3 <sup>rd</sup> party verification	Hand-carried verification
Real property	Letter from tax office, assessment, etc.	Property tax statement (for current value), assessment, records or income and expenses, tax return
Personal property held as an investment	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of whole life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
<b>Income</b>		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	Bank deposits, other similar evidence
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers' comp, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating <ul style="list-style-type: none"> <li>- whether enrolled</li> <li>- whether training is HUD-funded</li> <li>- whether State or local program</li> <li>- whether it is employment training</li> <li>- whether payments are for out-of-pocket expenses incurred in order to participate in a program</li> </ul>	N/A



## Verification of Citizenship or Eligible Non-citizen Status

The citizenship/eligible non-citizen status of each family member regardless of age must be determined.

Prior to being admitted, or at the first reexamination, all citizens and nationals will be required to sign a declaration under penalty of perjury. (They will be required to show proof of their status by such means as birth certificate, military ID or military DD 214 Form.)

Prior to being admitted or at the first reexamination, all eligible non-citizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible non-citizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Orlando Housing Authority will make a copy of the individual's INS documentation and place the copy in the file. The Orlando Housing Authority also will verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the Orlando Housing Authority will mail information to the INS so a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals or eligible non-citizens, or whose status cannot be confirmed, must be listed on a statement of non-eligible members and the list must be signed by the head of the household.

Non-citizen students on student visas, though in the country legally, are not eligible to be admitted to the Section 8 Program. If they are members of families that include citizens, the rent must be pro-rated.

Any family member who does not choose to declare their status must be listed on the statement of non-eligible members.

If no family member is determined to be eligible under this Section, the family's admission will be denied.

The family's assistance will not be denied, delayed, reduced or terminated because of a delay in the process of determining eligible status under this Section, except to the extent that the delay is caused by the family.

If the Orlando Housing Authority determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.

## Verification of Social Security Numbers

Prior to admission, each family member who has a Social Security Number and who is at least six years of age must provide verification of his or her Social Security Number. New family members at least six years of age must provide this verification prior to being added to the lease. Children in assisted households must provide this verification at the first regular reexamination after turning six.

The best verification of the Social Security Number is the original Social Security card. If the card is not available, the Orlando Housing Authority will accept letters from Social Security that establish and state the number. Documentation from other governmental agencies will also be accepted that establish and state the number. Driver's license, military ID, passports, or other official documents that establish and state the number are also acceptable.

If individuals state that they do not have a Social Security Number they will be required to sign a statement to this effect. An adult must sign for minor children. The Orlando Housing Authority will not require any individual who does not have a Social Security Number to obtain a Social Security Number.

If a member of an applicant family indicates they have a Social Security Number, but cannot readily verify it, the family cannot be assisted until verification is provided.

If a member of a participating family indicates they have a Social Security Number, but cannot readily verify it, they shall be asked to certify to this fact and shall up to 60 calendar days to provide the verification. If the individual is at least 62 years of age, they will be given 120 calendar days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated.

## Timing of Verification

Verification must be dated within ninety (90) calendar days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update only those elements reported to have changed.

### **A. Frequency of Obtaining Verification**

Household income and composition will be verified at least annually.

For each family member, citizenship/eligible non-citizen status will be verified only once unless the family member is an eligible immigrant in a transitional stage of admission. In this situation, their status must be updated until they are admitted for permanent residency.



This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their status will be verified.

For each family member age 6 and above, verification of Social Security Number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security Number at admission receives a Social Security Number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

## **B. Release of Information**

The family will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information.

Each member requested to consent to the release of information will be provided with a copy of the appropriate forms for their review and signature.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information requested by the OHA or HUD.

## **C. Computer Matching**

Where allowed by HUD and/or other State or local agencies, computer matching will be done.

## **D. Items to be Verified**

1. U.S. citizenship/eligible immigrant status.
2. Social Security numbers for all family members six years of age or older.
3. “Preference” status based upon Local preferences and rankings.
4. Marital status when needed for head or spouse definition.
5. Disability for determination of preferences, allowances or deductions.
6. All income not specifically excluded by the regulations.
7. Zero-income status of household.
8. Full-time student status including High School students who are 18 or over.
9. Current assets including assets disposed of for less than fair market value in preceding two years.
10. Childcare expense where it allows an adult family member to be employed or to further his/her education.
11. Total medical expenses of all family members in households whose head or spouse is elderly or disabled.
12. Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus that allow an adult family member to be employed.



## **E. Verification of Income**

This section defines the methods the OHA will use to verify various types of income.

### **Employment Income**

Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Estimated income from overtime, tips, and bonus pay expected during next 12 months.

Acceptable methods of verification include, in this order:

1. Employment verification form completed by the employer.
2. Check stubs or earning statements that indicate the employee's gross pay, frequency of pay or year to date earnings.
3. W-2 forms plus income tax return forms.
4. Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the OHA will require the most recent federal income tax statements.

Where doubt regarding income exists a referral to IRS for confirmation will be made on a case-by-case basis.

### **Social Security, Pensions, Supplementary Security Income (SSI), Disability Income**

Acceptable methods of verification include, in this order:

1. Benefit verification form completed by agency providing the benefits.
2. Award or benefit notification letters prepared and signed by the providing agency.
3. Computer report electronically obtained or in hard copy.

### **Unemployment Compensation**

Acceptable methods of verification include, in this order

1. Verification form completed by the unemployment compensation agency.
2. Computer printouts from unemployment office stating payment dates and amounts.



3. Payment stubs.

### TANF Payments or Other Forms of Welfare

Acceptable methods of verification include, in this order:

1. OHA verification form completed by payment provider.
2. Written statement from payment provider indicating the amount of grant/payment, start date of payments and anticipated changes in payment in the next 12 months.
3. Computer generated Notice of Action.
4. Computer generated list of recipients from the TANF Department

### Alimony or Child Support Payments

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. Copy of latest check and/or payment stubs from Court Trustee OHA must record the date, amount and number of the check.

If payments are irregular or non existing the family must provide:

1. A notice of action showing amounts received by an agency for child support, or
2. A written statement from an attorney certifying that a collection or enforcement action has been filed.

### Net Income from a Business

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

Acceptable methods of verification include:

1. IRS Form 1040, including:
  - a) Schedule C (Small Business)
  - b) Schedule E (Rental Property Income)
  - c) Schedule F (Farm Income)
2. If accelerated depreciation was used on the tax return or financial statement an accountant's calculation of depreciation expense computed using straight-line depreciation rules.
3. Audited or un-audited financial statement(s) of the business.
4. Credit report or loan application.
5. Documents such as manifests, appointment books, cash books, bank statements and receipts will be used as a guide for the prior six months (or lesser period is not in business for six months) to project income for the next 12 months. The family will be advised to



maintain these documents In the future if they are not available.

### Child Care Business

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

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

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

If the childcare services were terminated a third party verification will be sent to the parent whose child was cared for.

### Recurring Gifts

The family must furnish a self-certification that contains the following information:

1. The person who provides the gifts
2. The value of the gifts
3. The regularity(dates) of the gifts
4. The purpose of the gifts

### Zero Income Status

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

The OHA will request information from the State Employment Development Department, from the TANF agency and from the IRS (Form 1722).

The OHA may check records of other departments in the jurisdiction (such as government utilities) that have information about income sources of customers.

### Full-Time Student Status

Only the first \$480 of the earned income of full time students 18 years of age or older, other than head or spouse, will be counted towards family income

Financial aid, scholarships and grants received by full time students are not counted towards family income.



Verification of full time student status includes:

1. Written verification from the registrar's office or other school official.
2. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

**F. Income from Assets**

**Refer to the MTW Plan Summary dated 1/27/2016 'Activity 2'. \$25,000.00 asset disregard.**

Acceptable methods of verification include, in this order:

Savings Account Interest Income and Dividends

Will be verified by:

1. Account statements, passbooks, certificates of deposit or OHA verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, provided that the OHA must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements

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

Net Rental Income from Property Owned by Family

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

**G. Verification Of Assets**

The OHA will require the necessary information to determine the current cash value (the net amount the family would receive if the asset were converted to cash).

1. Verification forms, letters, or documents from a financial institution or broker.
2. Passbooks, checking account statements, certificates of deposit, bonds or financial statements completed by a financial institution or broker.



3. Quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate.
4. Real estate tax statements if the approximate current market value can be deducted from assessment.
5. Financial statements for business assets.
6. Copies of closing documents showing the selling price and the distribution of the sales proceeds.
7. Appraisals of personal property held as an investment.
8. Life Insurance (cash value).

#### Assets Disposed of for Less Than Fair Market Value (FMV)

(During two years preceding effective date of certification or re-certification)

1. For all Certifications and Re-certifications the OHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or re-certification.
2. If the family certifies that they have disposed of assets for less than fair market value verification [or certification] is required that shows (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

### **H. Verification of Allowable Deductions from Income**

#### Child Care Expenses

1. Written verification from the person who receives the payments is required. If the childcare provider is an individual he/she must provide a statement of the amount they are charging the family for their services.
2. Verifications must specify the child care provider's name, address, telephone number, Social Security number, tax ID number, the names of the children cared for, the number of hours the child care occurs, the rate of pay and the typical yearly amount paid including school and vacation periods.
3. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

#### Medical Expenses

Families who claim medical expenses or expenses to assist a person(s) with a disability (see below) will be required to submit a certification as to whether or not any expense payments have been or will be reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below.

1. Written verification by a doctor, hospital, clinic personnel, dentist, pharmacist of; (a) the anticipated medical costs to be incurred by the family and regular payments due on medical



- bills, and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
  3. Written confirmation from the Social Security Administration Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
  4. For attendant care:
    - a. A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.
    - b. Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
  5. Receipts, canceled checks or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months. outstanding medical bills that will continue over all or part of the next 12 months.
  6. Copies of payment agreements or most recent invoice that verifies payments made on
  7. Receipts or other record of medical expenses incurred during the last 12 months that can be used to anticipate future medical expenses. OHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, non-recurring expenses from the previous year.
  8. The OHA will use mileage at the IRS rate, or cab, bus fare or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities (see 24 CFR 5.511 (a) (ii))

1. In all cases:
  - (a) Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
  - (b) Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
2. Attendant Care:
  - (a) Attendant's written certification of amount received from the family, frequency of receipt and hours of care provided.
  - (b) Certification of family and attendant and/or copies of canceled checks family used to make payments.
3. Auxiliary apparatus:



(a) Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

(b) In the case where the person with disabilities is employed a statement from the employer that the auxiliary apparatus is necessary for employment.

## **I. Verifying Non-Financial Factors**

### Verification of Legal Identity

In order to prevent program abuse the OHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

1. Certificate of birth, naturalization papers
2. Current valid driver License
3. U.S. Military discharge (DD 214)
4. U.S. Passport
5. State of Florida identification
6. Military ID card

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

1. Certificate of birth
2. Adoption papers
3. Custody agreement
4. Permanent Health and Human services ID
5. School records

### Verification of Marital Status

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

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

Verification of marital status is a marriage certificate.

### Familial Relationships

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

The following verifications will always be required if applicable:

Verification of relationship:

1. Official Identification showing names
2. Birth certificates

Verification of guardianship is:

1. Court-ordered assignment
2. Verification from social services agency
3. School records

Evidence of a stable family relationship:

1. Joint bank accounts or other shared financial transactions
2. Leases or other evidence of prior cohabitation
3. Credit reports showing relationship

#### Verification of Permanent Absence of Adult Member

If an adult member, who was formerly a member of the household is reported permanently absent by the family the OHA will consider any of the following as verification:

1. Husband or wife institutes divorce action.
2. Husband or wife institutes legal separation.
3. Order of protection/restraining order obtained by one family member against another.
4. Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
5. Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
6. If the adult family member is incarcerated a document from the Court or prison should be obtained stating how long they will be incarcerated.

#### Verification of Change in Family Composition

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

#### Verification of Disability

Verification of disability must be receipt of SSI, VA or SSA disability payments under section 223





of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist or licensed social worker, using the HUD language as the verification format.

#### Verification of Citizenship/Eligible Immigrant Status

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

1. Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury.
2. Eligible Immigrants who were Participants and 62 or over on or before June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.
3. Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The OHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the OHA must request, within then days, that the INS conduct a manual search.
4. Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.
5. Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

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

Time of Verification. For applicants verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination. For participants it is done at the first regular re-certification after June 19, 1995. For family members, added after other members have been verified, the verification occurs at the first re-certification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial OHA does not supply the documents the OHA must conduct the determination.

Extensions of Time to Provide Documents. Extensions must be given for persons who declare their eligible immigration status but need time to obtain the required documents. The length of the extension shall be based on individual circumstances. The OHA will generally allow up to 30 days



to provide the document or a receipt issued by the INS for issuance of replacement documents.

Acceptable Evidence of Eligible Immigration Status. Section 5.5 10 (b) defines acceptable evidence of eligible immigration status as the original of a document designated by INS as acceptable evidence of immigration status in one of the six categories (for which non-citizens may qualify for eligible immigration status). These documents may change from time to time. Currently, the following documents are acceptable:

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94)
- Temporary Resident Card (I-683)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows that the individual's entitlement has been verified.

Note: All applicants and recipients of assistance will fall into one of three categories:

1. Ineligible – no members of the family are US Citizens, US Nationals or have Eligible Immigrant status.
2. Mixed – at least one member of the family is a US Citizen, US National or has Eligible Immigrant status. Assistance must be prorated for those who have eligible status. Ineligible members of the family cannot receive 'their share' of assistance.
3. Eligible – All members of the family are US Citizens, US Nationals or have Eligible Immigrant status.

#### Verification of Social Security Numbers

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

- A driver's license
- Identification card issued by a Federal, State or local agency
- Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)
- An identification card issued by an employer or trade union
- An identification card issued by a medical insurance company
- Earnings statements or payroll stubs
- Bank statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter



- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of benefits or Social Security number from Social Security Administration

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

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

In the case of an individual, at least 62 years of age the OHA may grant an extension for an additional 60 days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the family's assistance will be terminated.

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

#### Medical Need for Larger Unit

A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

#### **J. Verification of Local and Ranking Preferences**

Graduate of Transitional Housing for the Homeless—Acceptable evidence is a written statement signed by the Director or other appropriate official of the transitional housing facility that identifies the applicant as a current or recent (within the last 12 months resident of the transitional housing facility, has completed the training and other requirements for independent living and is capable of independent living in OHA housing.

Working Families—Verification form signed by employer or designated official of company indicating

- Date applicant started work
- The number of hours per week that the applicant is working
- If the applicant has been working less than 30 hours per week and the employer has them enrolled or independently they are enrolled in educational, training, or upward mobility programs resulting in a combination of work and training of 30 hours per week or more

Non-employed applicants with adult members enrolled in educational, training, or upward



mobility programs, shall be considered working families. Verification will consist of copies of official transcripts, or written verification by registrar or other appropriate official of the educational, job training or upward mobility training institution that the adult family members are enrolled for an annual average of at least 30 hours per week taking into consideration interruptions due to vacations, semester breaks etc, or a combination of such training and part-time work averaging 30 hours or more per week.

Victims of domestic violence – Written verification from the police, court or other law enforcement agency. Verification must be obtained from a landlord or other appropriate source that the abuser still resides at the unit. The family must certify that the abuser will not return to the household without the advance written approval of OHA. Approval will not be given unless OHA is provided with evidence that the family members have been through a counseling program and that the counselor and relevant service provider believe that that the abusive behavior is not likely to reoccur and reconciliation is likely. Note: This is not a preference for LRPH but Section 8 only.

Disability—Certification by a relevant health care provider (e.g., medical doctor, osteopath, psychologist, psychiatric social worker) that

- the individual meets the definition of person with disabilities contained in 24 CFR 5.403
- the individual requires the special physical conditions (such as specially equipped unit, special location – eg., first floor, etc) requested
- the individual’s claimed exemption from the Community Service Requirement (for a covered person in LRPH only) is valid (24 CFR 960.601, 605)

Former Homeowner – Notation by the OHA from its records that the applicant was a LRPH or Section 8 Voucher tenant who had acquired a home and had met the requirements of the OHA Homeownership program (including Homeownership Training). In addition, independent verification from the former sources of income, that the family lost all or part of that income through no fault of their own and that thereby it was unable to pay the mortgage and lost that home.

Ranking Preference — The ranking preferences are the same as the preferences but given a different value. Therefore, the documentation required for ranking is the same as that required for claiming a preference.



## Chapter 9

### **REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION**

#### **A. OHA Review of Request for Tenancy Approval and Lease**

OHA will review the Request for Tenancy Approval and the proposed lease completed by the family and the owner or other party authorized to execute the lease.

OHA will **not** approve a lease and execute a Housing Assistance Payments Contract:

- If the information concerning responsibility for utilities and appliances is inconsistent with that contained in the Request for Tenancy Approval (form HUD-52517)
- If the HUD-required Tenancy Addendum is not made part of the lease
- If all of the information required by 24 CFR 932.308 (d) is not specified in the lease
- IF OHA determines that the lease does not comply with State or local law
- If the rent requested is not reasonable
- If the unit does not meet HQS
- If the owner does not provide documentation showing proof of ownership of the unit
- If the owner does not agree to direct deposit of HAP payments (except that the Section 8 Director may authorize execution of a HAP Contract with an owner who declines to participate in direct deposit where special circumstances exist. In such event, the Section 8 Director must document in a memorandum to the file the reasons for such approval and provide the Executive Director a copy of this memorandum)
- If the owner is ineligible for the reasons set forth in 24 CFR 982.306
- If the family share of the rent exceeds 40 percent of the family's monthly adjusted income at the times family initially receives tenant-based assistance for occupancy of a dwelling unit, and the gross rent of the unit exceeds the applicable payment standard for the family

#### **B. OHA Action Upon Receipt of Request for Tenancy Approval and Lease**

Promptly upon receipt of the Request for Tenancy Approval and Lease, OHA will review to ascertain whether: 1) the Lease accurately reflects the information with respect to responsibility for utilities and appliances set forth in the Request for Tenancy Approval and is not inconsistent with State or local law; 2) the family share of the rent does not exceed 40 percent of the family's adjusted income as described above; and 3) the owner is not ineligible. Processing will continue only if this review is positive or in the event that OHA finds that corrections must be made to the Lease the owner is willing to make the corrections. OHA will then schedule an HQS inspection and a rent reasonableness review. To the extent practicable, this inspection will be completed within 15 days after the family and owner submit an otherwise approvable Request for Tenancy Approval. The HQS inspection process is described in chapter 10, and the rent reasonableness review is described in chapter 11. OHA may schedule an HQS inspection upon receipt of a Request for Tenancy Approval even though the proposed lease is not included. The required determinations relative to the Lease and the owner qualifications must be completed prior to execution of any Housing Assistance Payment (HAP) Contract with an owner.



### **C. Disapproval of Request for Tenancy Approval**

As required by 24 CFR 982.305 (d), OHA will promptly notify the family and owner whether the assisted tenancy is approved. If not approved, OHA will advise the family and owner of the changes which must be made to enable the request to be approved. If the changes are not made, OHA will provide the family with another Request for Tenancy (RFTA) form and Owner's Packet to enable the family to continue to search for eligible housing. OHA will execute a Housing Assistance Payments Contract with the owner only if the conditions for approval are met.

### **D. Eligible Types of Housing**

All housing types including walk-up and elevator apartments, single-family detached homes, and attached town homes are eligible for the program. In addition, of the special housing types permitted to be used per 24 CFR 982.601, OHA permits the use single room occupancy (SRO) housing, congregate housing, independent group residences, cooperatives (including mutual housing), manufactured homes, and the homeownership option (see Chapter 20). A description of the types of housing that OHA will not assist is found at 24 CFR 982.352.

As required by 24 CFR 982.601 (b) (3), OHA will permit the use of any of the special housing types if needed as a reasonable accommodation.

### **E. Separate Agreements**

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

Owners and families may execute separate agreements for services, appliances (other than range and refrigerator), security deposit payments, and other items that are not included in the lease if the agreement is in writing and approved by OHA.

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

OHA is not liable for unpaid charges for items covered by separate agreements, and nonpayment of these agreements may be cause for eviction and may be cause for program termination.

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

All agreements for special items or services must be attached to the lease submitted with the RFTA.



## **F. Disapproval of Proposed Rent**

If the gross rent exceeds the reasonable rent, OHA will require the owner to reduce the Contract Rent or include some or all utilities in the Contract Rent, so that the gross rent does not exceed the amount of rent OHA determines to be reasonable.

If the case of owner agreement to a lower rent, OHA will continue processing the RFTA. If the owner agrees to include some or all of the utilities in the rent, the RFTA and Lease must be revised accordingly.

## **G. Information to Owners**

As required by 24 CFR 982.307 (b), OHA will give the owner the family's current and prior address and name and address of the landlord at the family's current and prior address. However, OHA will not provide this information if the family's whereabouts must be protected due to domestic abuse or witness protection.

OHA will not screen applicants for family behavior or suitability for tenancy, but will provide the owner the information required to be given to an owner by 24 CFR 982.307 (b) (1), and the following additional information (based on documentation in OHA files): eviction history, damage to rental units, and drug trafficking by family members. The Section 8 Director will provide this additional information.

## **H. Change in Ownership**

Part B. 14 of the HAP Contract (form HUD-5264 1 (3/2000) contains the requirements regarding assignment of the HAP Contract to a new owner.

Upon receipt of a written request to assign the contract to a new owner, accompanied by a copy of the escrow statement or other document showing the transfer of title, a statement by the new owner that he/she agrees to be bound by and comply with the HAP Contract, the Employee Identification Number or Social Security Number of the new owner, and the direct deposit authorization information with a voided check, OHA will begin to process a change of ownership.

OHA will not approve the assignment of a HAP Contract if OHA determines that the new owner falls into any of the categories for disapproval contained in Part B.14. c. d. e. and f. of the HAP Contract.

## **I. Execution of Housing Assistance Payments Contract**

OHA will use its best efforts to execute the HAP contract before the beginning of the lease term. As required by HUD, the HAP contract must be executed no later than 60 calendar days from the beginning of the lease term. The lease term may not begin earlier than the date OHA inspects and passes the unit as meeting HQS, and approves the rent.



The family may move into the unit at the beginning of the lease term, even if OHA has not executed the HAP contract with the owner. However, HAP payments will not be paid until the HAP contract is executed. When the HAP contract is executed within the period of 60 calendar days from the beginning of the lease term, OHA will pay housing assistance payments to cover the portion of the lease term before execution of the HAP contract

A voucher holder may submit a Request for Tenancy Approval for the unit the voucher holder has been residing in prior to issuance of the voucher. If OHA approves the Request for Tenancy Approval ,OHA may execute a HAP contract for the unit. In such event, although the family is in residence at the unit, housing assistance payments will not be paid for any period before the beginning of the lease term set forth in the new lease, which OHA reviewed and approved for use in the Section 8 housing choice voucher program.





## Chapter 10

### **HOUSING QUALITY STANDARDS AND INSPECTIONS**

Housing Quality Standards (HQS) are the minimum criteria a dwelling unit must meet to ensure the health and safety of occupants of Section 8 tenant-based housing assistance. The HQS are described in 24 CFR 982.401. They consist of performance requirements and acceptability criteria (minimum acceptable level of conditions or performance to meet each standard). OHA will conduct an HQS inspection prior to the initial term of the lease, at least annually during assisted occupancy, and at other times as needed to determine if the unit meets the HQS (see A. below).

It is the policy of OHA to encourage owners to provide housing above HQS minimum standards.

#### **A. Types of Inspections**

There are five types of inspections OHA will perform:

1. Initial/Move-in: conducted upon receipt of a Request for Tenancy Approval and a positive determination that the conditions described in chapter 9 B. are met.
2. Annual re-inspection: OHA generally will conduct such inspections within 60 to 90 days prior to the anniversary month of the initial HAP contract
3. Special complaint inspection: conducted following a complaint by the family, owner, or other public agency or third party. A special inspection will be conducted whenever OHA obtains information that the unit is in violation of HQS. A special inspection may be conducted in response to owner requests to determine if a unit(s) qualifies for potential participation (Such preliminary inspections will not be considered as substitutions for required initial inspections that result from a Request for Tenancy Approval).
4. Move-out/Vacate inspection: conducted only for those HAP contracts that were executed before 11/1/95, and only at the owner's request.
5. Supervisory quality control inspections: conducted by a supervisor or other qualified person for a sample of recently completed HQS inspections.

#### **B. Scheduling Inspections**

Inspections will be conducted on business days between the hours of 8:30 AM and 5:00 PM. Where special circumstances exist, the Section 8 Director may approve inspections on weekends or holidays and after 5:00 PM.

OHA will notify the family in writing, or facsimile or email, where appropriate, at least 5 days prior to the date of the annual, complaint, or quality control inspection.

If the family is unable to be present, OHA requires that the family reschedule the appointment



before the inspection date. The rescheduled appointment must be completed within 10 days of the initial appointment.

If the family does not contact OHA to reschedule the inspection, or if the family misses one inspection appointment, OHA will consider the family to have violated a family obligation, and the family may be terminated from the program.

### **C. Time Standards for Repairs**

#### 1. Life-Threatening Defects

If a defect is life threatening, the owner (or the family if the HQS breach is caused by the family) must correct the defect within no more than 24 hours of notification by OHA of the defect. In the event an inspection finds life threatening defects, OHA will contact the owner as expeditiously as possible (e.g. by phone, or in person, a note to the file will document such contact) and follow-up with a written notification. The 24-hour time limit will be measured from time of initial contact. In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified expeditiously, or is unable to effect the repair within the 24-hour period, OHA will notify the proper authorities.

#### 2. Other Defects

Non life-threatening violations of HQS can range from serious (e.g. lack of functioning toilet) to minor (e.g. a single burner on a 4-burner stove not operating properly).

Where OHA determines that an HQS violation is serious (but not life-threatening), OHA requires the responsible party to make the repairs within 72 hours of notification.

For other defects, the responsible party must correct the defect within no more than 30 calendar days from the date of notification.

### **D. Consequences if Repairs are not Made within Time-Frames Specified**

During the HQS inspection, the OHA inspector will determine whether the items not meeting HQS are the responsibility of the owner or the assisted family.

#### 1. Owner responsibility.

When OHA determines that a unit fails to meet HQS, and the owner is responsible for completing the necessary repairs, OHA will abate housing assistance payments for the unit beginning on the date of the inspection determining that the unit failed HQS.

A Notice of Abatement will be sent to the owner. The duration of the abatement will depend on the nature of the repairs required to be made.

OHA will inspect the unit promptly upon receipt of notification from the owner that the necessary



repairs have been made. If the owner makes repairs during the abatement period, payments will resume effective the date the unit passes inspection. If repairs are not made during the abatement period, OHA will take other appropriate action including issuance of a voucher to the family and termination of the HAP contract.

No retroactive payments will be made to the owner for the period of time the HAP payment was abated, and the unit did not comply with HQS.

## 2. Family Responsibility.

OHA will notify the family in writing if it determines that an HQS violation is the responsibility of the family and indicate the date by which the necessary repairs must be made.

OHA will schedule a re-inspection of the unit on the first working day following the date indicated in the notification for completion of the repairs. If the family fails to make the repairs, OHA will notify the family that assistance will be terminated and that the family has the right to an informal hearing prior to termination.



## Chapter 11

### **RENT REASONABLENESS, PAYMENT STANDARDS AND RENT ADJUSTMENTS**

#### **A. Reasonable Rents**

Rents to owners must be determined to be “reasonable” in relation to comparable unassisted units in the housing market area. As required by HUD (24 CFR 982.507), in making this determination, OHA will consider the location, quality, size, unit type, age of the contract unit, amenities, and housing services, maintenance and utilities to be provided by the owner.

In multifamily properties containing assisted and unassisted units OHA staff will document that the rent to owner does not exceed rents currently charged by the same owner for an equivalent unit in the same building or complex.

In determining whether a proposed rent is reasonable in relation to rents charged by other owners, at least two comparables will be used. Wherever possible, OHA will utilize information on the rents charged in similar properties in close proximity to or in the same neighborhood as the subject property. Rent information for unassisted units will be obtained from newspaper and internet listings, multiple listing services of realtors and real estate companies that handle rental property, associations, inquiries of owners, market surveys, census data, and other available sources.

Within the Orlando/Orange County housing market area, there are distinct sub markets (i.e., the same housing unit would rent for a different amount in a different location within the housing market area). The database maintained by OHA will contain information on rents in the different sub markets. In determining the reasonableness of rents, OHA will compare the rents for the subject property with the rents of units in locations having neighborhood conditions (including crime rates and accessibility to services, employment, transportation etc.) similar to the subject’s.

OHA is cognizant that the three factors generally identified as most important in explaining differences in rents are the location of the unit, number of bedrooms in the unit, and type of unit (e.g. high-rise, garden apartment, duplex, town-home, single-family home). Other factors (e.g. storage room outside unit, onsite maintenance staff) may increase the desirability of a unit, and thus result in the unit being rented faster, but have little effect on the rent. Where feasible and appropriate, OHA will assign a dollar value for a specific amenity or management service. OHA will consider all relevant factors in making a determination that a proposed unit is reasonable.

#### **B. Payment Standards**

OHA will establish its Payment Standard Schedule for its operating jurisdiction at 100 percent of the published Fair Market Rents (FMR) for the Orlando metropolitan area. If a family includes a person with disabilities and requires a higher payment standard in order to obtain accessible housing, as a reasonable accommodation, OHA will establish a Payment Standard up to 120 percent of the published FMR according to the United States Department of Housing and Urban Development (HUD) Regulations. In order to meet requirements to affirmatively further fair housing, and to allow households to find and retain housing outside areas of concentration, OHA will set a Payment Standard at 110 percent for families that lease



housing in areas of non-concentration; and 100 percent for families in concentrated areas.

Periodically, OHA will review its Payment Standards to determine whether an adjustment should be made for some or all unit sizes (as measured by number of bedrooms). This determination will consider recent success rates of holders of vouchers for different size units, whether successful voucher holders are limited to areas of high poverty or certain sub markets, and whether a significant portion of voucher holders initially admitted to the program have had to pay more than 30% of their adjusted incomes for their units. If necessary to improve success rates, and/or increase housing opportunities in a wide range of locations, and/or reduce rent burdens, OHA will use its discretionary authority to increase the Payment Standards up to 110 % of the published FMR for some or all unit sizes, and some or all portions of the OHA operating jurisdiction.

OHA will monitor the rent burdens to determine whether 40 % or more of the families occupying particular unit sizes currently pay more than 30 % of their adjusted monthly incomes for rent and utilities. Where this occurs, OHA will adjust its Payment Standards up to 110% of FMR.

OHA will request HUD field office approval of an exception Payment Standard above 110 % of the published FMR up to 120% when necessary as a reasonable accommodation for a family that includes a person with disabilities.

OHA will request HUD field office approval of an area exception payment standard above 110% of the published Payment Standard up to 120% where necessary to enable families to find (or retain) housing outside areas of high poverty, or because voucher holders have trouble finding housing for lease under the program within the term of the voucher, provided that OHA determines that the data required by 24 CFR.982.503 (c) (2) (A) or (B) would justify HUD approval.

OHA will only request field office approval if OHA is able to provide supporting documentation of the program-related reason(s) for the area exception payment standard increase as exemplified by the guidance contained in paragraph 6 E. of PIH Notice 2000-46 (OHA).

OHA will request HUD approval of “success rate payment standard amounts” based on the 50<sup>th</sup> percentile rent, if the conditions for approval as set forth in PIH Notice 2001-1 are met.

### **C. Rent Adjustments**

To be eligible for a rent adjustment, an owner must notify OHA in writing at least 60 days before the first day of the month the rent change is to go into effect. OHA will approve a rent adjustment if OHA determines that the proposed new rent is reasonable.

## Chapter 12

### RE-CERTIFICATIONS

#### A. Annual Re-certification Of Family Income and Composition

**Refer to the MTW Plan Summary dated 1/27/2016 ‘Activity 2’ Streamline Recertification and Triennial (3 years) Recertification.**

In implementing the HUD requirement that family income and composition be reexamined at least annually, OHA will notify families in writing between 75 to 90 days before the date the re-certification is scheduled to be completed (generally each year on the first day of the month in which the initial HAP Contract was effective). The written notification will be transmitted via US Mail, or E-Mail, or facsimile transmission, where appropriate. OHA will send one (1) appointment letter.

The OHA notification will specify an appointment date (at least seven days from the date of the notification letter) and time for the re-certification interview, and inform the family of the basic documentation required to be brought by the family to the appointment. The notification will state that the family may call to request another appointment date and/or time up to two days before the scheduled appointment date. The notification will further state that the head of household and/or spouse is required to attend the interview, but that OHA will make alternate arrangements if necessary, as a reasonable accommodation for persons with disabilities.

At the appointment, an OHA Eligibility Specialist will review the documentation and interview the family. As a result of this interview, additional documentation may be required to be provided in order to enable OHA to complete the re-certification process. At the conclusion of the interview, the OHA Eligibility Specialist will provide the family with a written notice specifying the additional material required to be provided. The written notice will state that if the requested information is not provided within ten (10) business days from the date of the notice, the family’s Section 8 assistance will be terminated.

OHA will conduct a criminal background check at The Annual Re-certification on all adult family members 18 years and older. If any family member fails the criminal background the head of household has the right to request an informal review. (In accordance with chapter 19)

#### B. Failure to Attend Scheduled Interview

If a family fails to attend the scheduled interview or fails to call to reschedule within two days of the appointment date, OHA will send to the family a notice of intent to terminate rental assistance as of a specified date. The notice will state that the family has a right to request an informal hearing to appeal this decision, and, that if the family desires such an informal hearing, the family must notify OHA in writing within ten business days of the date of the OHA notice.

#### C. Failure to Provide Requested Information

If the family is present for the scheduled appointment and fails to provide the OHA with all of the

requested information required as a result of the re-certification appointment, the family will be rescheduled. If the new appointment is to be conducted after the lease expires, the family will be responsible for the full contract rent for that month.

#### **D. Payment Adjustment Notice**

OHA will verify income and family composition following the procedures set forth in Chapter 8. In the event that the re-verification process results in changes in the amount the family must pay towards rent to the owner and any tenant-paid utilities, the family will be notified in writing of the changed amounts, and the effective date of the change. The notification will indicate that if the family does not agree with OHA's determination, the family may request an informal hearing, and specify that the deadline date to request a hearing is ten business days from the date of the notification. OHA will make every effort to send the payment adjustment notice at least 30 days before the effective date of the change. A copy of this notice, which also will indicate the changed HAP amount, will be sent to the owner.

#### **E. Reporting Changes in Family Income**

Participant families must report to OHA increases in family income of \$100 per month or more, which occur between regularly scheduled re-certifications -- within 10 days of the change. However, an interim re-certification does not need to be conducted.

#### **F. Interim Re-certification of Family Income**

**Refer to the MTW Plan Summary dated 1/27/2016 'Activity 2'. Elimination of Interim Recertifications.**

The OHA will conduct an interim re-certification of family income when a family member goes from zero income to earning some type of income, or in any case where the families income decreases. All other reported changes in family income will be promptly filed away and verification of the change will be needed at the families scheduled annual re-certification appointment.

#### **G. Interim Re-certification of Family Composition**

Promptly after receiving notification by the family of any change in family composition as required by paragraph F. of Chapter 7, OHA will initiate an interim re-certification of the family. However, if OHA receives the report of change in family composition within 90 days of the effective date of an annual re-certification, no separate interim re-certification will be completed. When conducting an interim re-certification, OHA will verify only those factors that have changed since the last certification/re-certification or were not previously verified.

#### **H. Effective Date of Interim Re-certification**

If re-certification results in a change in rent payment, a letter is sent to the tenant and the landlord detailing those changes. If the rent charged to the tenant is increased, the new charges take effect on the first day of the month following at least 30 days (but no more than 60 days) from the date



of the letter. If the tenant rent payment is decreased, the tenant shall pay the reduced amount on the first day of the month following the date of the letter.





## Chapter 13

### **MOVES WITH CONTINUED ASSISTANCE/ PORTABILITY**

In accordance with the provisions of 24 CFR 982.314 (b), a family may move to a new unit and continue to receive tenant-based assistance.

#### **A. Restrictions**

During the initial lease term, families are not permitted to move to another unit and continue to receive assistance unless OHA terminates the HAP contract for the owner's breach or if there are extenuating circumstances, a mutual recession between landlord and tenant may end the rental relationship.

The Section 8 Director may make exceptions to these restrictions for emergencies that are beyond the control of the family.

#### **B. Notice Requirements**

If a family intends to terminate its lease with an owner, the family must provide to the owner a written notice of its intention to move within the time period specified in the lease for such notice (generally 30 to 60 days). A copy of the notice must be provided to OHA at the same time, and the family must request an appointment to receive a new voucher. If the family has not been re-certified within the last 90 days, OHA will complete the re-certification process prior to issuance of the new voucher. The new voucher will be issued only after the family attends a move briefing and receives a briefing packet. OHA will **not** issue a new voucher if the family moves out of its unit in violation of the lease.

If the family wants to move to a new unit outside the jurisdiction of OHA, the family's notice to OHA must specify the area where the family wants to move. See D. below for portability procedures.

#### **C. HAP Payments**

When a family moves with continued assistance, full HAP payments are made to the owner of the old unit for the month in which the family ceased to occupy the unit, unless proper notice was given to end a lease prior to the end of a month. Housing assistance payments with respect to the new unit will be made beginning on the effective date of the lease and HAP contract. If such effective date occurs in the month the family moved out of the old unit, HAP payments will overlap.

#### **D. Outgoing Portability**

A family has the right to receive tenant-based assistance anywhere in the United States where there is a PHA operating a tenant-based Section 8 program.



## 1. Move-Outs by Participant Families

Promptly upon receipt of the notice from a participant family that it intends to move to an area outside the jurisdiction of OHA, OHA will determine whether there is a PHA operating a Section 8 tenant-based program in the area. If there is one, OHA will advise the family how to contact the PHA and notify the PHA to expect the family. If more than one PHA operates in the area to which the family wishes to move, OHA will exercise its discretion to designate one of the PHA's as the "receiving" PHA.

It is the responsibility of the family to promptly contact the receiving PHA and comply with the receiving PHA procedures for incoming Portable families.

## 2. Portability by Resident Applicants

All families issued a voucher by OHA must enter into an approved lease agreement within the jurisdiction of OHA—for twelve (12) months before they can exercise the Portability rights. -, as described in 24 CFR 982.353. A family wishing to exercise the portability rights must notify OHA prior to the expiration of the voucher. OHA will advise the family how to contact the receiving PHA and notify the receiving PHA to expect the family.

Voucher-holders who are not current Section 8 participants must be income-eligible for admission to the receiving PHA's Section 8 program. For these voucher-holders, OHA will review the current income limit tables and advise the family if the family's Annual Income is not within the Very Low-Income limit for the jurisdiction of the receiving PHA.

## 3. Portability Limitation for Nonresident Applicants

A family does not have any right to Portability for its initial lease-up where neither the head of household or spouse had a legal residence in the jurisdiction of OHA at the time the family first submitted its pre-application for Section 8 to OHA. Consistent with the authority provided in 24CFR982.353 (c), OHA does not choose to allow Portability for initial lease-up for such families.

### **E. Incoming Portability**

OHA will maintain a log of all calls from an initial PHA advising OHA to expect a Portability family. This log will contain information about the family and the name, address, phone/fax numbers of the PHA making the call. When the Part I of Family Portability Information form HUD- 52665 is received by OHA, staff will promptly review the form and attachments and request from the initial PHA any necessary additional information.

When the Portability family contacts OHA, staff will advise the family of the date and time of the briefing and any missing documentation that the family needs to bring to the briefing. Portable families are required to meet the same requirements as other OHA voucher holders with respect to the expiration dates of vouchers and extensions.

Subsequent to receipt of a Request for Tenancy Approval from an incoming Portable family, HQS

inspection of the unit and approval of the rent, OHA will determine whether to absorb the family into OHA's program, or bill the initial PHA under Portability procedures. Generally, if funds are available under OHA's consolidated Annual Contributions Contract (ACC), and OHA lease-up goals have not been met, OHA will absorb the family into OHA's voucher program. In making the decision to absorb or bill, OHA will consider such relevant factors as amount of administrative fee from the initial PHA, past experience with respect to prompt and accurate payments from the initial PHA, and the HAP payment amount. When necessary to help achieve lease-up or other goals, or as a result of persistent billing or other problems, OHA may absorb an incoming Portability family at a later date.

The Executive Director is authorized to waive locally established portability policies and procedures when there has been a State of Federally-declared disaster.

OHA will deny or terminate assistance for a Portability family's action or inaction in accordance with 24CFR932.552 and 932.553.



## Chapter 14

### **HAP CONTRACT TERMINATIONS**

The Housing Assistance Payments (HAP) contract is a contract between OHA and the owner. The term of the HAP contract begins on the first day of the initial term of the lease between the family and the owner and terminates on the last day of the term of the lease (including the initial lease term and any extension).

Part B of the HAP contract lists nine circumstances causing termination of a HAP contract. Certain of the circumstances result in automatic termination, and others allow discretion by OHA.

#### **A. Automatic Termination of the HAP Contract**

The HAP Contract terminates automatically if the owner or the family terminates the lease, if the family moves from the unit, if OHA terminates program assistance for the family, and when 180 calendar days pass after the last housing assistance payment to the owner.

##### 1. Termination of Lease by Owner

An owner may terminate the lease at the end of its term by providing advance written notice to the family accordance with the terms of the lease.

An owner may terminate the tenancy during the term of the lease for the circumstances described in item 8 of the Tenancy Addendum (Part C of the HAP Contract).

It is OHA policy that the required notice of the owner's grounds for eviction specifies the section of the lease that has been violated and cites some, or all, of the ways in which the tenant has violated the cited section. This will enable the OHA to determine whether to issue a new voucher to the family to enable the family to move with continued assistance. OHA will **not** issue a new voucher to a family if the grounds for eviction of the family include: serious or repeated violation of the lease, criminal activity or alcohol abuse as provided in Section 8c of the Tenancy Addendum and "other good cause" as specified in Section 8d(2) of the Tenancy Addendum.

##### 2. Termination of the Lease by the Family

The family may terminate the lease with appropriate notice to the owner as provided in the lease, but not less than 30 days. It is the responsibility of the family to provide OHA with a copy of the notice of termination at the same time it is provided to the owner. Failure to do this is a breach of family obligations as is failure by the family to notify the owner and OHA before moving from the unit.

#### **B. Termination of The HAP Contract by OHA**

In addition to the circumstances cited above for automatic termination of the HAP contract, OHA may terminate the HAP contract when there is an owner breach of contract as described I. Part B



item 10 of the HAP Contract, or when the owner assigns the HAP contract to a new owner without the prior written consent of OHA.

If OHA determines that the dwelling unit is overcrowded because of an increase in family size or a change in family composition, the family will be issued a new voucher to locate a larger unit, and OHA will terminate the HAP contract for the overcrowded unit.

OHA will provide the owner and family at least 30 days written notice of termination of the HAP contract



## Chapter 15

### TERMINATION OF ASSISTANCE TO THE FAMILY BY THE OHA

The OHA may terminate assistance for a family because of the family's action or failure to act. The OHA will provide families with a written description of the Family Obligations under the program, the grounds under which the OHA can deny or terminate assistance, and the OHA's informal hearing procedures. This Chapter describes when the OHA is required to terminate assistance and the grounds for termination of assistance under an outstanding HAP contract.

#### A. Grounds For Termination

If termination is based upon behavior resulting from a disability, the OHA will delay the termination in order to determine if there is an accommodation, which would meet the behavior resulting from the disability.

#### Form of Termination

Termination of assistance for a participant may include any or all of the following:

1. Refusing to enter into a HAP contract or approve a lease
2. Terminating housing assistance payments under an outstanding HAP contract
3. Refusing to process or provide assistance under Portability procedures

#### Mandatory Termination

The OHA must terminate assistance for participants:

1. If any member of the family fails to sign and submit HUD or OHA required consent forms for obtaining information.
2. If no member of the family are a U.S. citizen or eligible immigrant.
3. If the family is under contract and 180 days have elapsed since the OHA's last housing assistance payment was made.

#### Grounds for Termination of Assistance

The OHA may, at any time, terminate program assistance for 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. The family shall not allow any one, who does not reside in the unit to use their address.
2. Any member of the family has ever been evicted from public housing.
3. The family currently owes rent or other amounts to the OHA or to another OHA in connection with Section 8 or public housing assistance under the 1937 Act.
4. The family has not reimbursed any OHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.



5. The family breaches an agreement with a PHA to pay amounts owed to a PHA, or amounts paid to an owner- by a PHA.
- 6 The family has engaged in, or threatened, abusive or violent behavior toward OHA personnel.

“Abusive or violent behavior towards OHA personnel” 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, which is customarily used to insult or intimidate, may be cause for termination or denial.

“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.

### Family Self Sufficiency (FSS)

Failure to fulfill the obligations and conditions of the FSS contract is grounds for termination of assistance.

The OHA will terminate assistance for FSS families who fail to comply with the FSS Contract of Participation without good cause.

### **B. Family Obligations**

1. The family must supply any information that the OHA 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.
2. The family must supply any information requested by the OHA or HUD for use in a regularly scheduled re-examination or interim re-examination of family income and composition in accordance with HUD requirements.
3. The family must disclose and verify Social Security Numbers as provided by 24 CFR part 5 and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR, part 5.
4. All information supplied by the family must be true and complete.
5. The family is responsible for an HQS breach caused by the family as described in 982.404(b).
6. The family must allow the OHA to inspect the unit at reasonable times and after reasonable notice.
7. The family may not commit any serious or repeated violation of the lease.
8. The family must notify the owner in writing and, at the same time, provide a copy of the notice the OHA before the family moves out of the unit or terminates the lease on notice to the owner.
9. The family must promptly give the OHA a copy of any owner eviction notice.
10. The family must use the assisted unit for residency by the family. The unit must be the family’s only residence.
11. The composition of the assisted family residing in the unit must be approved by the OHA. The family must promptly inform the OHA of the birth, adoption or court-awarded custody of a



child. The family must request OHA approval to add any other family member as an occupant of the unit.

12. The family must promptly notify the OHA if any family member no longer resides in the unit.
13. If the OHA has given approval, a foster child or live-in aide may reside in the unit. If the family does not request approval, or OHA approval is denied, the family may not allow a foster child or live-in aide to reside with the assisted family.
14. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.
15. The family must not sublease or let the unit.
16. The family must not assign the lease or transfer the unit.
17. The family must supply any information or certification requested by the OHA to verify that the family is living in the unit, or relating to family absence from the unit, including any OHA requested information or certification on the purposes of family absences. The family must cooperate with the OHA for this purpose. The family must promptly notify the OHA of absence from the unit
18. The family must not own or have any interest in the unit.
19. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.
20. The members of the family may not engage in drug-related criminal activity or violent criminal activity.
21. 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.
22. The utilities must be turned on in the Head of household or Spouse's name. The family must pay utility bills and provide and maintain any appliance that the owner is not required to provide under the lease.

### Housing Authority Discretion

In deciding whether to terminate assistance because of action or failure to act by members of the family the OHA has discretion to consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, the length of time since the violation occurred and more recent record of compliance, and the effects of termination of assistance on other family members who were not involved in the action or failure to act.

The OHA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or failure, will not reside in the unit. The OHA may permit the other members of a family to continue in the program.

### Enforcing Family Obligations

### Explanations and Terms





The term “Promptly”, when used with Family Obligations always means “within ten days”. Termination of assistance is always optional except where this Plan or the regulations state otherwise.

HQS Breach: the inspector will determine if an HQS breach, as identified in 24 CFR 982.404(b), the responsibility of the family. Families may be given extensions to cure HQS breaches by the Section 8 Director.

Lease Violations: the following criteria will be used to decide if a serious or repeated violation of the lease will cause a termination of assistance:

- If the owner terminates tenancy through court action for serious or repeated violation of the lease
- If the owner notifies the family of termination of assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action
- If there are police reports, neighborhood complaints or other third party information, and the OHA has verified the information

Notification of Eviction: if the family requests issuance of a Voucher to move, and the family did not notify the OHA of an eviction within ten days of receiving the Notice of Lease Termination, the move Voucher request will be denied.

Proposed additions to the family will be denied if such additional family members are:

- Persons who have been evicted from public housing
- Persons who have previously violated a family obligation listed in 24 CFR 982.551 or the HUD regulations
- Persons who have been part of a family whose assistance has been terminated under the Certificate or Voucher program
- Persons who commit drug-related criminal activity or violent criminal activity
- Persons who do not meet the OHA’s definition of family
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- Persons who have engaged in, or threatened, abusive or violent behavior toward OHA personnel

Family Member moves out: families are required to notify the OHA if any family member leaves the assisted household. The notification must provide the following information:

- The date the family member moved out.
- The new address, if known, of the family member.
- A statement as to whether the family member is temporarily or permanently absent

#### Drug Related and Violent Criminal Activity



*Drug-related criminal activity* is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance.

Drug-related criminal activity means on or off the premises not just on or near the premises.

**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 any family member is engaging in the activity.

**The OHA will waive this requirement** if it is documented/verified that this participant is a victim of domestic violence, dating violence, or stalking. Incidents or threats of abuse will not be construed as serious or repeated violations of lease or other “good causes” for termination of the lease. Criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the participant or an immediate member of the participant’s family is a victim or threatened victim of that abuse.

#### Ineligibility if Evicted for Drug-Related Activity

Persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction.

The OHA will waive this requirement if:

- The person demonstrates successful completion of a rehabilitation program approved by the OHA, or
- The circumstances leading to the eviction no longer exist For example, the individual Involved in drugs is no longer in the household became the person is incarcerated

Applicants will be denied assistance if they have been:

- Arrested, convicted or evicted from a unit due to violent criminal activity within the last three years prior to the date of the certification interview.

Participants may be terminated who have been:

- 1) Arrested, convicted or evicted from a unit due to drug-related or violent criminal activity within the last 3 years prior to the date of the notice to terminate assistance, and whom activities have created a disturbance in the building or neighborhood.
- 2) Criminal background checks will be conducted each year during annual re-certification.

If the family violates the lease for drug-related or violent criminal activity, the OHA will terminate assistance.



In appropriate cases, the OHA may permit the family to continue receiving assistance provided that family members, determined to have engaged in the proscribed activities, will not reside in the unit. If the violating member is a minor, the OHA may consider individual circumstances with the advice of Juvenile Court officials.

### **Required Evidence**

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred.

Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

The OHA will pursue fact-finding efforts as needed to obtain credible evidence.

### Notice of Termination of Assistance

In any case, where the OHA decides to terminate assistance to the family the OHA must give the family written notice, which states:

- The reason(s) for the proposed termination
- The effective date of the proposed termination
- The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance
- The date by which a request for an informal hearing must be received by the OHA

The OHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of assistance. The Notice to the owner will not include any details regarding the reason for termination of assistance.

### **C. Procedures for Non-Citizens**

#### Termination due to Ineligible Immigrant Status

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending. Participant families in which all members are neither U.S. citizens nor eligible immigrants must have their assistance terminated. They must be given an opportunity for a hearing.

#### Temporary Deferral of Termination of Assistance



Ineligible families who were participants as of June 19, 1995 may request a temporary deferral of termination of assistance in order to allow time to locate affordable housing and thereby preserve the family.

Temporary deferral of termination of assistance is also available to mixed families who were participants on June 19, 1995 who elect not to accept prorated assistance, and are not eligible for Continued Assistance. (See Chapter 14, “Contract Terminations”.) The OHA must allow the mixed family time to find housing for ineligible members or for the entire family by defining the termination.

Mixed families who choose temporary deferral of termination of assistance may change to prorated assistance at the end of any deferral period, if they have made a good faith effort to locate housing.

#### Criteria for Approving Temporary Deferral of Termination of Assistance

The OHA will grant temporary deferral so long as the family makes reasonable efforts to find affordable housing.

Affordable housing is defined as housing that is based on HQS standards, of appropriate size based on HQS, and for which the rent plus utilities is no more than 25% greater than the OHA calculated Total Tenant Payment.

To determine whether a family is eligible for temporary deferral of termination of assistance, or for a renewal of temporary deferral of termination of assistance the OHA will:

Require a search record to document the family’s efforts to locate housing before granting or extending temporary deferral of termination of assistance.

#### Length of Deferral

The initial temporary deferral is granted for an interval not to exceed six months. Additional deferrals can be made up to a maximum of three years. A notice is sent to the family at the beginning of each deferral period reminding them of their ineligibility for full assistance and their responsibility to seek other housing.

The family will be notified, in writing, 60 days before the end of the three year maximum deferral period that there cannot be another deferral, and will be offered the option of prorated assistance if they are a mixed family and have made a good faith effort to locate affordable housing.

#### False or Incomplete Information

When the OHA has clear, concrete, or substantial documentation (such as a permanent resident card or information form another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual given an opportunity to present relevant information.



If the individual is unable to verify their citizenship, the OHA may give him/her an opportunity to provide a new declaration as an eligible immigrant or to elect not to contend their status. The OHA will then verify eligible status, deny, terminate, or prorate as applicable.

The OHA will deny or terminate assistance based on the submission of false information or misrepresentations.

#### Procedure for Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with the OHA either after the INS appeal or in lieu of the INS appeal.

After the OHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable) or, for participants who qualify, for Temporary Deferral of Termination of Assistance.

#### **D. Option not to Terminate for Misrepresentation**

If the family has misrepresented any facts that caused the OHA to overpay assistance the OHA may choose not to terminate and may offer to continue assistance provided that the family executes a Repayment agreement and makes payments in accordance with the agreement or reimburses the OHA in full.

#### **E. Misrepresentation in Collusion with Owner**

If the family willingly and knowingly commits fraud or is involved in any other illegal scheme with the owner, the OHA will deny or terminate assistance.

In making this determination the OHA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

#### **F. Missed Appointments and Deadlines**

It is a Family Obligation to supply information, documentation, and certification as needed for the OHA to fulfill its responsibilities. The OHA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the OHA to inspect the unit and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the OHA may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the OHA to inspect the unit.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

1. Eligibility for Admissions
2. Verification Procedures
3. Voucher Issuance and Briefings
4. Housing Quality Standards and Inspections
5. Re-certifications
6. Appeals

Procedure when Appointments are Missed or Information not Provided

For most purposes of this Plan, the family will be given one opportunity before being issued a notice of termination or denial for breach of a family obligation.



## Chapter 16

### **OWNER DISAPPROVAL AND RESTRICTIONS**

It is the policy of the OHA to recruit owners to participate in the program, and to provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the OHA. The regulations define when the OHA must disallow an owner participation in the program, and they provide the OHA discretion to disapprove, or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

#### **A. Disapproval of Owner**

The owner does not have a right to participate in the program. For purposes of this section, “owner” includes a principal or other interested party.

OHA must disapprove an owner for the following reasons:

- If OHA has been informed by (HUD or otherwise) that the owner has been disbarred, suspended or subject to a limited denial of participation under 24 CFR part 24
- HUD has informed the OHA that the federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending
- HUD has informed the OHA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements

Pursuant to the authority set forth in 24 CFR 982.306 (c) OHA will deny approval of an assisted tenancy if:

- The Owner has violated obligations under a housing assistance payments contract under Section 8 of the 1937 Act
- The owner has committed fraud, bribery or any other corrupt act in connection with any federal housing program
- The owner has engaged in drug trafficking
- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program
- The owner has not paid State or local real estate taxes, fines or assessments



**B. Owner Restrictions and Penalties**

If an owner commits fraud or abuse or is guilty of frequent or serious contract violations, the OHA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The OHA may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner, the OHA will review all relevant factors pertaining to the case, and will consider such factors as the owner’s record of compliance and the number of violations.

The OHA guidelines for restrictions are contained in the table below:

**DISAPPROVAL OF OWNERS/PARTICIPATION RESTRICTIONS**

<b>BREACH</b>	<b>PENALTY</b>
HUD notification of owner debarment/suspension	<u>Termination</u>
HUD notification of violation of fair housing/federal equal opportunity	<u>Termination</u>
Violation of contract obligations	<u>Termination</u>
Owner fraud, bribery or other corrupt act in federal housing program	<u>Termination</u>
Owner engaged in drug trafficking	<u>Termination</u>
History of noncompliance with HQS	<u>Termination</u>

**C. Other Remedies for Owner Violations**

If the landlord has been overpaid as a result of fraud, misrepresentation or violation of the Contract; the OHA may terminate the Contract and arrange for restitution to the OHA and/or family as appropriate.

The OHA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the OHA or the tenant, as applicable.





**Chapter 17**

**Reserved**



## Chapter 18

### **OWNER OR FAMILY DEBTS TO THE OHA**

This Chapter describes the OHA's policies for the recovery of monies, which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the OHA's policy to meet the informational needs of owner and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family, or owner, the file must contain documentation to support the OHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the OHA, the OHA will make every effort to collect it. The OHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Repayment agreements
- Abatements
- Reductions
- Collection agencies
- Credit bureaus

#### **A. Repayment Agreement for Families**

A Repayment Agreement, as used in this Plan, is a document entered into between the OHA and a person who owes a debt to the OHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of repayment, any special provisions of the agreement and the remedies available to the OHA upon default of the agreement.

The maximum amount for which the OHA will enter into a repayment agreement with a family is \$1,000.00.

The maximum length of time the OHA will enter into a repayment agreement with a family is 12 months.

#### **Late Payments**

A payment will be considered to be in arrears if the:

- Payment has not been received by the close of the business day on which the payment was due
- Due date is on a weekend or holiday the due date will be at the close of the next business day

If the family's repayment agreement is in arrears the OHA will:

Require the family to pay the balance in full, or pursue civil collection of the balance due and terminate the housing assistance.

If the family requests a move to another unit and has a repayment agreement in place for the payment of an owner claim, and the repayment agreement is not in arrears:

The family will be required to pay the balance in full prior to the issuance of a voucher.

If the family requests a move to another unit and is in arrears on a repayment agreement for the payment of an owner claim:

If the family repays the past due amount, they will be permitted to move. There are some circumstances in which the OHA will not enter into a repayment agreement. They are:

- If the family already has a Repayment Agreement in place
- If the OHA determines that the family committed program fraud

#### Guidelines far Repayment Agreements

Repayment Agreements will be executed between the OHA and the head of household only.

Monthly payments may be decreased in cases of hardship with the prior notice of the family, verification of the hardship and the approval of the Section 8 Director.

No move will be approved until the debt is paid in full unless the move is the result of the following causes, and the Repayment Agreement is current

- Family size exceeds the HQS maximum occupancy standards
- The HAP contract is terminated due to owner non-compliance or opt-out
- A natural disaster

Additional Monies Owed: If the family has a Repayment Agreement in place and incurs an additional debt to the OHA:

- The OHA will not enter into more than one Repayment Agreement at time with the same family
- Additional amounts owed by the family will be added to the existing repayment agreement
- If a Payment Agreement is in arrears more than 30 days any new debts must be paid in full

#### **B. Debts Owed for Claims**

If a family owes money to the OHA for claims paid to an owner the OHA will enter into a Repayment Agreement

### **C. Debts Due to Fraud/Non-Reporting of Information**

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 program funds in violation of Section 8 program requirements.

#### **Family Error/Late Reporting**

Families who owe money to the OHA due to the family's failure to report increases in income will be required to repay in accordance with the guidelines in the Repayment Section of this Chapter.

#### **Program Fraud**

Families who owe money to the OHA due to program fraud will be required to repay in accordance with the guidelines in the Repayment Section of this Chapter.

If a family owes an amount that equals or exceeds \$5,000.00 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the OHA will refer the case for criminal prosecution.

#### **Repayment Procedures for Program Fraud**

Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:

- The maximum time period for a Repayment Agreement will be 12 months
- The family will be required to pre-pay 25% of the amount owed prior to, or upon, execution of the Repayment Agreement

### **D. Owner Debts to The OHA**

If the OHA determines that the owner has retained Housing Assistance or Claim Payments the owner is not entitled to the OHA may reclaim the amounts from future Housing Assistance or Claim Payments owed the owner for any units under contract.

If future Housing Assistance or Claim Payments were insufficient to reclaim the amounts owed, the OHA will:

- Require the owner to pay the amount in full within 30 days, or
- Pursue collections through the local court system, and
- Restrict the owner from future participation

## Chapter 19

### **COMPLAINTS AND APPEALS**

The informal hearing requirements defined in HUD regulations are applicable to participating families who disagree with an action, decision, or inaction of the OHA. This Chapter describes the policies, procedures and standards to be used when families disagree with a OHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the OHA to ensure that all families have the benefit of all protections due to than under the law.

#### **A. Complaints to the OHA**

The OHA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The OHA does require that complaints other than HQS violations be put in writing. HQS complaints may be reported by telephone.

##### Categories of Complaints

1. Complaints from families: If a family disagrees with an action or inaction of the OHA they will be referred to the Section 8 Director.
2. Complaints from owners: If an owner disagrees with an action or inaction of the OHA they will be referred to the Section 8 Director.
3. Complaints from staff: If a staff person reports a family either violating or not complying with program rules it will be referred to the Section 8 Director.
4. Complaints from the general public: Complaints or referrals from persons in the community in regard to the OHA or a tenant family will be referred to the Section 8 Director.

#### **B. Informal Review Procedures for Applicants**

Reviews are provided for applicants who are denied assistance before the effective date of the HAP Contract. The exception is that when an applicant is denied assistance for citizen or eligible immigrant status the applicant is entitled to an informal hearing.

When the OHA determines that an applicant is ineligible for the program the family must be notified of their ineligibility in writing. The notice must contain:

- The reasons(s) they are ineligible
- The procedure for requesting a review if the applicant does not agree with the decision and
- The time limit for requesting a review

The OHA must provide applicants with the opportunity for an Informal Review of decisions denying:

- Qualification for preference
- Listing on the OHA's waiting list
- Issuance of a Voucher



- Participation in the program

Informal Reviews are not required for established policies and procedures and OHA determinations such as:

1. Discretionary administrative determinations by the OHA
2. General policy issues or class grievances
3. A determination of the family unit size under the OHA subsidy standards
4. Refusal to extend or suspend a Voucher
5. Disapproval of lease
6. Determination that unit is not in compliance with HQS
7. Determination that unit is not in accordance with HQS due to family size or composition.

### **C. Procedure for Review**

1. A request for an Informal Review must be received in writing by the close of the business day, no later than fifteen (15) days from the date of the OHA's notification of denial of assistance. Participants with disabilities will have thirty (30) days to request an informal review. The informal review will be scheduled within ten days from the date the request is received.
2. The Informal Review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.
3. The Hearing/Review will be conducted before a Hearing Officer/Review Committee appointed by the OHA, the committee will not including the Section 8 staff or the Admissions staff.
4. The applicant will be given the option of presenting oral or written objections to the decision. Both the OHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist than at their own expense.
5. A Notice of the review findings will be provided in writing to the applicant within ten (10) business days after the review. It shall include the decision of the review officer and an explanation of the reasons for the decision.
6. All requests for a review, supporting documentation and a copy of the final decision will be retained in the family's file.

### **D. Informal Hearing Procedures**

The OHA will provide a copy of the hearing procedures in the family briefing packet.

When the OHA Hearing Officer received a request for an Informal Hearing, a hearing shall be scheduled with in twenty (20) business days.

When the OHA makes a decision regarding the eligibility and/or the amount of assistance applicants



and participants must be notified in writing. The OHA will give the family prompt notice of such determinations, which will include:

- The proposed action or decision of the OHA
- The date the proposed action or decision will take place
- The family's right to an explanation of the basis for the OHA's decision
- The procedures for requesting a hearing if the family disputes the action or decision
- The time limit for requesting the hearing

The OHA must provide participants with the opportunity for an Informal Hearing for decisions related to any of the following OHA determinations:

1. Determination of the family's annual or adjusted income and the computation of the housing assistance payment.
2. Appropriate utility allowance used from schedule.
3. Family unit size determination under OHA subsidy standards.
4. Determination that Certificate program family is under occupied in their current unit and a request for exception is denied.
5. Determination to terminate assistance for any reason.
6. Determinations to terminate a family's FSS Contract, withhold supportive services, or propose forfeiture of the family's escrow account.

The OHA must always provide the opportunity for an Informal Hearing before termination of assistance.

Informal hearings are not required for established policies and procedures and OHA determinations such as:

1. Discretionary administrative determinations by the OHA.
2. General policy issues or class grievances.
3. Establishment of the OHA schedule of utility allowances for families in the program.
4. An OHA determination not to approve an extension or suspension of a certificate or voucher term.
5. An OHA determination not to approve a unit or lease.
6. An OHA determination that an assisted unit is not in compliance with HQS (OHA must provide hearing for family breach of HQS because that is a family obligation determination).
7. An OHA determination that the unit is not in accordance with HQS because of the family size.
8. An OHA determination to exercise or not exercise any right or remedy against the owner under a HAP contract.

### **E. Notification of Hearing**

It is the OHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the OHA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the OHA receives a request for an informal hearing, a hearing shall be scheduled within twenty

(20) business days. The notification of hearing will contain:

1. The date and time of the hearing
2. The location where the hearing will be held
3. The family's right to bring evidence, witnesses, legal or other representation at the family's expense
4. The right to view any documents or evidence in the possession of the OHA upon which the OHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing.

#### **F. The OHA's Hearing Procedures**

If a family does not appear at a scheduled hearing and has not rescheduled the hearing, in advance, the family must contact the OHA within 24 hours, excluding weekends and holidays. The OHA will reschedule the hearing only if the family can show good cause for the failure to appear.

Families have the right to:

- Present written or oral objections to the OHA's determination
- Examine the documents in the file which are the basis for the OHA's action and all documents submitted to the Hearing Officer
- Copy any relevant documents at their expense
- Present any information or witnesses pertinent to the issue of the hearing
- Request that OHA staff be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or other designated representative at his or her own expense

If the family makes a written request to copy documents relevant to the hearing the OHA will allow the family to make the copies and assess a charge of .20c per copy. In no case will the family be allowed to remove the file from the OHA's office.

In addition to other rights contained in this Chapter, the OHA has a right to:

- Present evidence and any information pertinent to the issue of the hearing
- Be notified if the family intends to be represented by legal counsel, advocate or another party
- Examine and copy any documents to be used by the family prior to the hearing
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present

The Informal Hearing shall be conducted by the Hearing Officer appointed by the OHA who is neither the person who made or approved the decision, nor a subordinate of that person. The OHA appoints hearing officers who are OHA management.

The hearing shall concern only the issues for which the family has received the opportunity for a hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.



No documents may be presented which have not been provided to the other party before the hearing if requested by the other party. “Documents” include records and regulations.

The family must request an audio recording of the hearing, if desired, 24 hours prior to the hearing date.

The Hearing Officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision.

Additional documents and/or evidence will not be considered after the Hearing Officer has issued a written decision.

If the family misses an appointment or deadline ordered by the Hearing Officer, the action of the OHA shall take effect and another hearing will not be granted.

The Hearing Officer will determine whether the action, inaction or decision of the OHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the Hearing Findings will be provided, in writing, to the OHA and the family within ten days and will include:

- A clear summary of the decision and reasons for the decision
- If the decision involves money owed, the amount owed; and
- The date the decision goes into effect

The OHA is not bound by hearing decisions:

- Which concern matters in which the OHA is not required to provide an opportunity for a hearing
- Which conflict with or contradict HUD regulations or requirements
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the person conducting the hearing

All requests for a hearing, supporting documentation and a copy of the final decision will be retained in the family’s file.

### **G. Accommodation of persons with disabilities**

- (a) The OHA will provide reasonable accommodation for persons with disabilities to participate in the hearing. See the Reasonable Accommodations Policy for Public Housing at [www.orl-oha.org](http://www.orl-oha.org).
- (b) If the tenant is visually impaired, any notice to the tenant, which is required under this subpart, will be in an accessible format.
- (c) The OHA will provide interpreters for persons whose primary language is not English.
- (d) The Violence Against Women Act (VAWA) provisions will be considered by the Hearing



Officer.

#### **H. Decisions of the Grievance Hearing officer**

- (a) The Hearing Officer shall give the OHA and the complainant a written decision, including the reasons for the decision, within twenty (20) business days following the hearing. The OHA will place one copy in the tenant file. The written decision of the hearing will be sent to the complainant's address.
- (b) A decision by the Hearing Officer in favor of the Orlando Housing Authority which denies the relief requested by the complainant in whole or in part, shall not constitute a waiver of, nor affect in any manner whatsoever any rights the complainant may have to trial or judicial review in any judicial proceedings which may thereafter be brought in the matter.

#### **I. Hearing and Appeal Provisions for "Restrictions On Assistance To Non-Citizens"**

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal. Assistance to a family may not be terminated or denied while the OHA hearing is pending but assistance to an applicant may be delayed pending the OHA hearing.

#### **J. INS Determination of Ineligibility**

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim the OHA notifies the applicant or participant within ten days of their right to appeal to the INS, within thirty days, or to request an informal hearing with the OHA, either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the OHA a copy of the appeal and proof of mailing or the OHA may proceed to deny or terminate. The time period to request an appeal may be extended by the OHA for good cause.

The request for an OHA hearing must be made within ten days of receipt of the notice of offering the hearing or, if an appeal was made to the INS, within fourteen (14) business days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in section D of this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the OHA will:

- Deny the applicant family
- Defer termination if the family is a participant and qualifies for deferral
- Terminate the participant if the family does not qualify for deferral

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

All other complaints related to eligible citizen/immigrant status:



- If any family member fails to provide documentation or certification as required by the regulation that member is treated as ineligible. If all family members fail to provide the family will be denied or terminated for failure to provide

- Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination
- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of Tenant Rent and Total Tenant Payment

Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

#### **K. Mitigating Circumstances for Applicants/Participants with Disabilities**

When applicants are denied placement on the waiting list, or the OHA is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.



## Chapter 20

### **SPECIAL HOUSING TYPES -SECTION 8 HOMEOWNERSHIP PROGRAM**

The Orlando Housing Authority will permit a family to use any of the special housing types listed in 24 CFR 982.601 in accordance with program requirements. The special housing types are:

- (1) Single room occupancy (SRO) housing
- (2) Congregate housing
- (3) Group home
- (4) Shared housing
- (5) Manufactured home
- (6) Cooperative housing; and
- (7) Homeownership Option

### **Section 8 Housing Choice Voucher Homeownership Program**

**PURPOSE:** To increase the homeownership opportunities of lower-income persons through the use of Section 8 vouchers.

The Orlando Housing Authority Board of Commissioners has chosen to institute the optional Section 8 Housing Choice Voucher Homeownership Program

### **GUIDELINES:**

1. During the first year of operation (FY 2001-2002) the program size is limited to no more than 10 families, due to staffing limitations.
2. Participation is limited to only section-8 families. However, if the required training course has almost reached its capacity, then preference will be given to families currently enrolled in the HOPE VI Homeownership Program or current participants in the Section 8 Family Self-Sufficiency Program.
3. Eligible families will be assisted in the order in which they are able to present bonafide Contract of Sale agreements to the Orlando Housing Authority.
4. Participating families will be required to submit written progress reports on a monthly basis. Failure to do so will result in a review of continued program eligibility.
5. Families must attend and satisfactorily complete a pre-assistance homeownership and housing counseling program. Additionally, families must attend one post purchase homeownership counseling session per year. Failure to participate in the required sessions will result in a review of continued program eligibility.
6. The Orlando Housing Authority may terminate voucher assistance for failure to meet the requirements of the Section 8 program.
7. If the family defaults on the mortgage, the Orlando Housing Authority may choose to issue the family a voucher to move to a rental unit and continue rental assistance. However, the determination will at OHA's discretion based on the good faith efforts of the family to meet its obligations and prevent default.



8. A family may not move more than one time per year.
9. Homeownership participation requires continuous employment for the previous two-year period. Continuous employment is defined as an average of 30 hours or more per week. An interruption of 4 weeks or less is not considered a break in continuity. Consideration will be given for longer breaks in employment IF the adult family members were working an average of 20 hours per week and attending school or job training for 10 or more hours per week.
10. The Orlando Housing Authority retains the right to approve purchase financing. Balloon payments are prohibited. Families must provide a minimum down payment of \$1,000 of their own funds. All financing requirements of the Orlando Housing Authority HOPE VI Homeownership program must be met.
11. The Orlando Housing Authority must review and approve lender conditions and financing requirements. OHA may determine that the debt is unaffordable for the family.
12. Section 8 payments will be made in one of three forms
  1. Directly to the family
  2. Directly to the lender
  3. Direct deposit to a joint account held by agency and family, once both portions of mortgage is on the account; the lender will retrieve the funds.



## **Appendix A-1**

### **DEFINITIONS**

Note: In many instances the definition listed below is a summary of the regulatory definition. Consequently, users of this manual should consult the CFR appropriate section for the full and accurate definition.



HUD ASSISTED HOUSING	CFR Citation LRPH	CFR Citation Section 8
<b><u>Accessible Dwelling Units</u></b>		
When used with respect to design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route and when designed, constructed, altered or adapted, can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards is “accessible” within the meaning of this paragraph. When an individual unit in an existing facility is being made accessible for use by a specific individual, the unit will be deemed accessible when it meets the standards that address the impairment of that individual.	24 CFR Section 8.32 and Section 40 (the Uniform Federal Accessibility Standards)	
<b><u>Accessible Facility</u></b>		
All or any portion of a facility <i>other than</i> an individual dwelling unit used by individuals with physical handicaps.	(24 CFR 8.21)	
<b><u>Accessible Route</u></b>		
For persons with a mobility impairment, a continuous unobstructed path that complies with space and reach requirements of the Uniform Federal Accessibility Standards. For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.	(24 CFR 8.3 & 40.3.5)	
<b><u>Adaptability</u></b>		
Ability to change certain elements in a dwelling unit to accommodate the needs of handicapped and non-handicapped persons; or ability to meet the needs of persons with different types and degrees of disability.	(24 CFR 8.3 & 40.3.5)	
<b><u>Admission</u></b>		
Admission to the program is the effective date of the Lease for Low Rent Public Housing and execution of the HAP agreement for Section 8 vouchers.		
<b><u>Adjusted Income</u></b>		
Adjusted income (income upon which rent is based) means Annual Income less the permitted deductions and exemptions.	(24 CFR 5.611)	
<b><u>Alteration</u></b>		



Any change in a facility or its permanent fixtures or equipment. Does not include normal maintenance or repairs, re-roofing, interior decoration or changes to the mechanical systems.		
<b><u>Annual Income</u></b>		
Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional adult family member. It includes all net income from assets for the 12-month period following the effective date of initial determination or re-examination of income.	(24 CFR 5.609) There are various exclusions from income as well (24 CFR 5.809)	
<b><u>Anticipated Annual Income</u></b>		
If it is not feasible to anticipate income for a 12-month period, the Authority may use the annualized income anticipated for a shorter period, subject to an Interim Adjustment at the end of the shorter period. This method would be used for teachers who are paid for only nine (9) months, or for residents receiving unemployment compensation.		
<b><u>Applicant</u></b>		
A person or a family that has applied for admission to housing but is not yet a participant in the program.		
<b><u>Application</u></b>		
A written form, to be signed and dated by an adult member of the family, which includes information the Authority, needs to determine whether the family may be admitted.		
<b><u>Appropriate Unit Size</u></b>		
The PHA may match family characteristics with the type of unit available, however such restrictions must be reasonable.		(24 CFR 960.206 (c))
<b><u>Area of Operation</u></b>		
The municipality for which the Authority is created and the area that is within the territorial boundaries of the municipality and is not within the territorial boundaries of another municipality. To operate in another jurisdiction requires a resolution from the governing body of that jurisdiction.		
<b><u>Assets</u></b>		





Cash (including checking accounts), stocks, bonds, savings, equity in real property, or the cash value of life insurance policies. Assets do not include the value of personal property such as furniture, automobiles and household effects or the value of business assets.		
<b>Auxiliary Aids</b>		
Services or devices which enable persons with impaired sensory, manual or speaking skills to have an equal opportunity to participate in and enjoy the benefits of programs or activities.	(24 CFR 8.3)	
<b>Care Attendant</b>		
A person who regularly visits the unit of an Authority resident to provide supportive or medical services. Care attendants have their own place of residence (and if requested by the Authority, must demonstrate separate residence) and do not live in the public housing unit. Care attendants have no rights of tenancy.		
<b>Ceiling Rent</b>		
A maximum Total Tenant Payment amount established by the Authority, which may be tied to one or more individual development(s), sites or unit sizes. <sup>1</sup>	(24 CFR 5.614)	
<b>Child Care Expenses</b>		
A deduction of amounts anticipated to be paid by the family for the care of children under 13 for the period for which Annual Income is computed. Allowed ONLY when such care is necessary to enable a family member to be gainfully employed, to actively seek employment or to further his/her education. Amounts deducted must be non-reimbursed expenses and shall not exceed: <ol style="list-style-type: none"> <li>1. The amount of employment income included in the Authority's computation of annual income.</li> <li>2. An amount determined to be reasonable by the Authority when the expense is incurred to permit education or to actively seek employment. The Authority may use the average of rates obtained from four (4) local childcare facilities to determine a reasonable maximum child care expense.</li> <li>3. When there is an unemployed adult household member in the family, child care expenses will not be allowed, unless family can provide proof that the available adult member is not physically or mentally capable of providing child care.</li> </ol>		
<b>Co-Head of Household</b>		

<sup>1</sup> OHA does not have ceiling rents.



A household where two persons are held responsible and accountable for the family. A family may have a Co-head or spouse, but not both. A Co-head never applies as a spouse.		
<b>Community Service</b>		
The mandatory performance of voluntary work or duties in the public benefit which serve to improve the quality of life and/or enhance resident self-sufficiency, and/or increase the self-responsibility of the resident within the community in which the resident resides. Political activity is excluded. Work for the authority which is the responsibility of employees is also not eligible. There are a number of exempt classes of people and the requirement only applies to public housing residents.		(24 CFR 960.603)
<b>Dependent</b>		
A member of the household (other than head, spouse, sole member, foster child, foster adults, or Live-in Aide) who is under 18 years of age, or 18 years of age or older and disabled, handicapped, or a full-time student.	(24 CFR 5.603)	
<b>Designated Family</b>		
The category of family for whom a housing authority elects (subject to HUD approval of an Allocation Plan) to designate a development (e.g., elderly family in a development designated for elderly families) in accordance with 1992 Housing Act.		(24 CFR 945.105)
<b>Designated Housing</b>		
A development or portion of a development designated for elderly only or for disabled families only in accordance with HUD regulations		(24 CFR 945.105)
<b>Development</b>		
(504 Definition) - Means the whole of one or more residential structures and appurtenant structures, equipment, roads, walks and parking lots that are covered by a single contract for federal assistance or application for assistance, or are treated as a whole for processing purposes, whether or not on a common site.	(24 CFR 8.3)	
<b>Dilapidated</b>		
The unit does not provide safe and adequate shelter and in its present condition endangers the health, safety or well-being of the family or has such considerable defects as to require extensive repair or rebuilding. The defect may involve original construction or may result from continued neglect or lack of repair or from serious damage to the structure.		



<b><u>Disability Assistance Expenses</u></b>		
Amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities, where such expenses are necessary to permit a family member or family members, including the disabled person, to be employed. Equipment and auxiliary apparatus may include but are not limited to: wheelchairs, lifts, reading devices for the visually impaired, and equipment added to cars and vans to permit their use by the handicapped or disabled family member. Also included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.	(24 CFR 5.603)	
<b><u>Disabled Family</u></b>		
A family whose head/co-head/spouse or sole member is a person with disabilities. The term includes two or more persons with disabilities living together and one or more such persons living with one or more persons including live-in aides determined to be essential to the care and well-being of the person or persons with disabilities. A disabled family may include persons with disabilities who are elderly.	(24 CFR 5.403)	(24 CFR 945.105)
<b><u>Disabled Person</u></b>		
(1) Individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.		
<b><u>Displacement</u></b>		
See Involuntary Displacement below		
<b><u>Divestiture Income</u></b>		
Imputed income from assets, including business assets, disposed of by applicant or resident in the last two years at less than fair market value.		
<b><u>Domestic Violence</u></b>		
See Involuntary Displacement below		
<b><u>Due Process Determination</u></b>		
A determination by HUD that specified procedures for judicial eviction under State and local law require that a resident be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the unit.		(24 CFR 966.53)
<b><u>Economic Self-Sufficiency Program</u></b>		



Any program designed to encourage, assist, train or facilitate the economic independence of assisted families.		
<b><u>Elderly Family</u></b>		
A family whose head, co-head, spouse or sole member is at least 62 years of age. It may include two or more elderly persons living together and one or more such persons living with one or more persons, including live-in aides, determined to be essential to the care and well-being of the elderly person or persons. An elderly family may include elderly persons with disabilities and other family members who are not elderly.	(24 CFR 5.403)	
<b><u>Elderly Household</u></b>		
An elderly family or elderly person including any live-in aides or other persons.		
<b><u>Elderly Person</u></b>		
A person who is at least 62 years of age for Federal programs.	(24 CFR 5.100)	
<b><u>Elements of Due Process</u></b>		
The court procedures for eviction under State and local law require all of the following before eviction from a unit: 1. the opportunity for a hearing on the existence of serious or repeated lease violations or other good cause for eviction 2. advance notice of the hearing, and of the alleged reasons for eviction 3. hearing before an impartial party 4. the opportunity to be represented by counsel 5. the opportunity to present evidence and question witnesses 6. a decision on the reasons for eviction before the occupants are evicted		(24 CFR 966.53)
<b><u>Eligibility Income</u></b>		
This is the applicant’s Annual Income amount. This figure is compared to the approved income limits (issued annually) to determine if an applicant family is eligible for admission.		
<b><u>Exempt Individuals</u></b>		



<p>The following individuals are exempt from the “Community Service” requirement for occupants of HUD-assisted Low Rent Public Housing:</p> <ol style="list-style-type: none"> <li>1. A person 62 years or older,</li> <li>2. A blind or disabled person (as defined by the Social Security Act Section. 216 (I)(1) or 1614 and who certifies that she/he is unable to comply with the service provisions to the extent of their disability</li> <li>3. The primary caretaker of a person in 2. above</li> <li>4. Is employed</li> <li>5. Meets the exemption requirements under state or federal ‘welfare-to-work’ programs</li> </ol>		(24 CFR 960.601)
<p><b><u>Extremely Low Income Family</u></b></p> <p>A Family who’s Annual Income is equal to or less than 30% of Area Median Income, adjusted for family size, as published by HUD.</p>	(24 CFR 5.603)	
<p><b><u>Eviction</u></b></p> <p>Requiring the occupants to move out of the unit freely or with force.</p>		
<p><b><u>Family</u></b></p> <p>Family includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:</p> <ol style="list-style-type: none"> <li>(1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or</li> <li>(2) A group of persons residing together, and such group includes, but is not limited to: <ol style="list-style-type: none"> <li>(a) 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);</li> <li>(b) An elderly family;</li> <li>(c) A near-elderly family;</li> <li>(d) A disabled family;</li> <li>(e) A displaced family; and</li> <li>(f) The remaining member of a tenant family.</li> </ol> </li> </ol>	(24 CFR 5.403)	
<p><b><u>Family Self Sufficiency</u></b></p> <p>Any approved program established by the Authority to promote self-sufficiency among participating families, including the provision of supportive services, toward the goal of the families no longer needing public assistance.</p>		
<p><b><u>Flat Rents</u></b></p>		



Total Tenant Payments set by the Authority, which are based on market rate (unassisted) rents and comparable to rents in the private sector for similar type and size units.	(24 CFR 5.614)	(24 CFR 960.253)
<b><u>Foster Child/adult</u></b>		
A child/adult placed in the care of a Foster Family by a licensed Child Placement Agency or Adult Placement Agency.		
<b><u>Fraud</u></b>		
Fraud as defined under any Federal or State civil or criminal statute, or any other deliberate misrepresentation to this Authority by any member of an applicant or resident family.		(24 CFR 966.2)
<b><u>Fulltime Student</u></b>		
A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. Educational institutions include but are not limited to: colleges, universities, secondary schools, vocational schools or trade schools.	(24 CFR 5.603)	
<b><u>Gender Identity</u></b>	(24 CFR 5.403)	
Gender identity means actual or perceived gender-related characteristics.		
<b><u>Grievance Procedures</u></b>		
Procedures whereby an applicant or tenant or voucher holder may challenge decisions and determinations of the Housing Authority for admission to programs or for actions under executed leases.		(24 CFR 966)
<b><u>Handicapped Person</u></b>		
See Disabled Person above.	(24 CFR 8.3)	
<b><u>Handicapped Assistance Expenses</u></b>		
See Disability Assistance Expenses above.		
<b><u>Hardship Waiver (Minimum Rent)</u></b>		



<p>A family occupying HUD-assisted housing may apply for a waiver of the minimum rent If one of the following situations occurs:</p> <ol style="list-style-type: none"> <li>1. Family has lost eligibility for or is awaiting approval of federal, state, or local assistance (except under fraudulent circumstances and/or non-compliance with program requirements)</li> <li>2. Family’s income has decreased because of changes in circumstances, including loss of employment</li> <li>3. A household family member has died</li> </ol> <p>The working definition of the Housing Authority is contained in the procedures sections of the ACOP.</p>		
<p><b><u>Hate Crimes</u></b></p>		
<p>See involuntary displacement below</p>		
<p><b><u>Head of Household</u></b></p>		
<p>Head of household is the family member (identified by the family) who is held responsible and accountable for the family.</p>		
<p><b><u>Homeless Family</u></b></p>		
<p>An applicant who is a homeless person/family is considered as living in substandard housing. Single Room Occupancy (SRO) housing is not substandard solely because it does not contain sanitary or food preparation facilities or both. Homeless includes an individual or family who:</p> <ul style="list-style-type: none"> <li>lacks a fixed regular and adequate nighttime residence, and</li> <li>has a primary nighttime residence that is: <ol style="list-style-type: none"> <li>a. a supervised public or privately operated shelter designed to provide temporary living accommodations including hotels, congregate shelters and transitional housing for the mentally ill, or</li> <li>b. an institution which provides a temporary residence for individuals intended to be institutionalized, or</li> <li>c. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. A homeless family does not include any individual imprisoned or otherwise detained pursuant to an act of the Congress or State Law.</li> </ol> </li> </ul>		
<p><b><u>Household</u></b></p>		



The resident and other persons who live in a unit with written approval of the Authority. <i>[Note that for HUD, there is a difference between the definition of family and household. So income is determined by examination of the family not of the household but unit size is affected by household size]</i>		(24 CFR 966.2)
<b><u>Housing Quality Standards (HQS)</u></b>		
The HUD minimum quality standards for housing assisted under the Section 8 Housing Choice Voucher program.	(See Uniform Physical Condition Standards at 24 CFR Part 5)	
<b><u>HUD</u></b>		
The Department of Housing and Urban Development or its designee.		
<b><u>Imputed Welfare Income</u></b>		
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 income for purposes of determining rent.	(24 CFR 5.615)	
<b><u>Income -- Adjusted</u></b>		
See "Adjusted Income"		
<b><u>Income - Annual</u></b>		
See "Annual Income"		
<b><u>Income Based Rent</u></b>		
Total Tenant Payment that is based on the family's income.		
<b><u>Income - Eligibility</u></b>		
See Eligibility Income		
<b><u>Income Exclusions (Mandatory)</u></b>		
For the first 12 months 100% and for the ensuing 12 months, 50% of the following earnings are excluded when calculating a family's rent for initial certification or for redetermination for the next 12 months: 1. Earnings of a family member who was previously unemployed for a period of at least 1 year 2. Earnings of a family member who earned less than 10 hours a week for 50 weeks at the minimum wage in the prior 12 months 3. Earnings of a family member who is in a job training or self-sufficiency program 4. Earnings of a family member who had been receiving welfare anytime in the previous six months 5. Earnings of a minor (See also Individual Savings Accounts)		(24 CFR 960.255)





<b><u>Income Exclusions (Optional)</u></b>		
See “Permissive Deductions”		
<b><u>Income Limits</u></b>		
The income limits for each county in the state are determined and published by HUD annually. Income limits are based on 30%, 50% and 80% of median for the area. The Authority’s current income limits are contained in the ACOP.		
<b><u>Individual Savings Accounts</u></b>		
This is an option which <b>may</b> be offered to tenants in lieu of ‘Income Exclusions (Mandatory)’ and ‘Phase-in of Earned Income’. These are modeled on the Family Self-Sufficiency ‘Escrow Accounts’.		(24 CFR 960.255(d))
<b><u>Interim Redetermination</u></b>		
A tenant may have their rent adjusted before the redetermination date due to changes in circumstances.		(24 CFR 960.209)
<b><u>Involuntary Displacement</u></b>		



<p>A resident of Orange County displaced by government action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise recognized pursuant to Federal disaster relief laws. This includes the following:</p> <ol style="list-style-type: none"> <li>1. A disaster such as fire or flood which results in the applicant’s unit being uninhabitable.</li> <li>2. Activity associated with a government body for a public improvement or development program or in connection with code enforcement or in connection with modernization activities of the LHA and which results in an applicant being forced to move.</li> <li>3. The applicant has vacated his/her housing unit as a result of current actual or threatened physical violence directed against the applicant or a family member by a spouse or other member of the applicant's household or the applicant lives in a housing unit with such an individual who engages in such violence. For the purposes of this section, the actual or threatened violence must have occurred recently or be of a continuing nature, must be verified by a law enforcement agency or court of Law and the perpetrator of the violence may not reside with the family after admission unless the Authority has given advance written approval.</li> <li>4. When a family member provides information on criminal activity to a law enforcement agency and based on the agency's assessment a recommendation is made for re-housing to avoid reprisals.</li> <li>5. Actual, threatened physical violence or intimidation against a person or property which is based on the person's race, color, religion, sex, national origin, handicap, or familial status.</li> <li>6. Applies when a family member has a mobility or other impairment which makes the person unable to use critical elements of the unit and the owner is not legally obligated to make changes to accommodate the person.</li> <li>7. Displacement caused by disposition of a multifamily project.</li> <li>8. Action by a Landlord to take possession of a unit for personal occupancy or for conversion to some other non-housing rental use.</li> </ol>		
<p><b>Kinship Care Giver</b></p>		
<p>An arrangement in which a relative or non-relative becomes the caregiver for a child or children but is not the biological parent of the child or children. The primary care giver need not have legal custody of such child or children to be a kinship care giver under this definition.</p>		



<b><u>Live-in Aide</u></b>		
<p>1. A person who resides with an elderly person(s), near elderly person(s) or person(s) with disabilities and who:</p> <ul style="list-style-type: none"> <li>a. is determined by the Authority to be essential to the care and well being of the person(s)</li> <li>b. is not obligated to support the family member</li> <li>c. would not be living in the unit except to provide the necessary supportive services</li> </ul> <p>2. A Live-in Aide is not listed on the Lease and cannot become a remaining family member for continued occupancy purposes.</p> <p>3. A Live-in Aide's income is not counted in determining the family's income.</p>	(24 CFR 5.403)	
<b><u>Local Preference</u></b>		
Any preference used by the Authority to select among applicant families. For the Authority's preferences, see the relevant section of the ACOP document.		(24 CFR 960.206)
<b><u>Local Resident</u></b>		
A person living or working in a municipality or has been hired to work in that municipality.		(24 CFR 960.206)
<b><u>Low Income Family</u></b>		
A family whose annual income does not exceed 80% of the median income for the area as determined by HUD, with adjustments for smaller and larger families.		
<b><u>Medical Expense</u></b>		
<p>Deductible medical expenses for the purposes of determining a family's adjusted income include but are not limited to:</p> <ul style="list-style-type: none"> <li>1. services of physicians and other health care professionals</li> <li>2. services of health care facilities</li> <li>3. health insurance premiums, including cost of Medicare</li> <li>4. prescription and non-prescription medicines</li> <li>5. transportation to and from treatment</li> <li>6. dental expense</li> <li>7. eyeglasses</li> <li>8. hearing aids and batteries</li> <li>9. attendant care (unrelated to employment of family members)</li> </ul> <p>These are expenses which are anticipated during the period for which annual income is computed and which are not covered by insurance.</p>	(24 CFR 5.603)	
<b><u>Medical Expense Allowance</u></b>		



For purposes of calculating adjusted income for elderly or disabled families only, medical expense allowance means the medical expense in excess of 3% of Annual Income, where these expenses are not compensated for or covered by insurance.	(24 CFR 5.611)	
<b>Minimum Rent</b>		
A household will pay a \$50 minimum rent. This minimum rent is the Total Tenant Payment, which is reduced by an allowance for utilities where the resident pays part or all of the utilities.		
<b>Minor</b>		
A minor is a person less than 18 years of age. Some minors are permitted to execute contracts, provided a court has declared them emancipated.		
<b>Mixed Population Development</b>		
A public housing development for elderly and disabled families. The Authority is not required to designate this type of development under 24 CFR 945 or prepare an allocation plan.		(24 CFR 960.405)
<b>Mixed Family</b>		
A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.	(24 CFR 5.504)	
<b>Monthly Income</b>		
One-twelfth of Annual Income	(24 CFR 5.603)	
<b>Monthly Adjusted Income</b>		
One-twelfth of Adjusted Income	(24 CFR 5.603)	
<b>Multifamily Housing Development</b>		
For purposes of 504, means a development containing five or more dwelling units.	(24 CFR 8.3)	
<b>Near-Elderly Family</b>		
A family whose head, spouse, or sole member is a near-elderly person (at least 50 but less than 62 years of age). The term includes two or more near-elderly persons living together, and one or more such persons living with one or more persons who are determined to be essential to the care or well-being of the near-elderly person or persons. A near-elderly family may include other family members who are not near-elderly.	(24 CFR 5.403)	
<b>Near Elderly Person</b>		



A person who is at least 50 years of age but below 62 who may be a person with a disability.	(24 CFR 5.603)	
<b><u>Negative Rent</u></b>		
See Utility Reimbursement		
<b><u>Net Family Assets</u></b>		
<p>1. The net cash value, after deducting reasonable costs (e.g., brokerage or legal fees, settlement costs, penalties for early withdrawal) that would be incurred in disposing</p> <ol style="list-style-type: none"> <li>Real property (land, houses, mobile homes)</li> <li>Savings (CD, IRA or KEOGH accounts; checking and savings accounts, precious metals)</li> <li>Cash value of whole life insurance policies</li> <li>Stocks and bonds (mutual funds, corporate bonds, savings bonds)</li> <li>Other forms of capital investments (business equipment) excluding interests in Indian trust lands and excluding equity accounts in HUD home ownership programs</li> </ol> <p>2. In the case of a trust fund not revocable by or controlled by any members of the family or household, the value of the trust fund will not be considered an asset as long as the fund continues to be held in trust. Any income from the trust shall be counted as income.</p> <p style="padding-left: 40px;">If a family disposed of an asset within the two years preceding the date of the application or redetermination at less than fair market value, the difference between what they received and what they would have gotten, had they received the fair market value is counted as an asset for purposes of determining net family assets.</p> <p style="padding-left: 40px;">In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be less than fair market value if the applicant or resident receives important considerations not measurable in dollar terms.</p>	(24 CFR 5.603)	
<b><u>Non-citizen</u></b>		
A person who is neither a United States citizen nor a national of the United States.	(24 CFR 5.504)	
<b><u>Over-Income Family</u></b>		
An individual or family who is not a low-income family at the time of initial occupancy. [Note that police officers who are over income may be permitted to reside in public housing as part of a security plan]		(24 CFR 960.503,505)
<b><u>Participant</u></b>		



A participant is a family which has executed a lease for Low Rent Public Housing or a HAP agreement for Section Housing Choice Vouchers.		
<b><u>Permissive Deductions</u></b>		
Permissive deductions are optional for a PHA and the lost revenue as a result of their application will not be made up from HUD subsidies. Once applied to a family they cannot be withdrawn until the next annual redetermination.		
<b><u>Pet Policy</u></b>		
Pets must be permitted in public housing but the PHA is permitted to adopt reasonable rules governing their possession.		<i>(24 CFR 960.701ff)</i>
<b><u>Phase-in of Earned Income</u></b>		
If a family member is qualified for the “Earned Income Exclusion (Mandatory)” and she/he continues employment in the subsequent year, any rent increase must be only 50% of what would have been due if calculated in full.		<i>(24 CFR 960.255(b)(2))</i>
<b><u>Portion of Development</u></b>		
Includes one or more buildings in a multi-building development one or more floors of a development or developments; a certain number of dwelling units in a development or developments.		<i>(24 CFR 945.105)</i>
<b><u>Pregnant Woman or Adopting Parent</u></b>		
An applicant, who is a pregnant woman or an applicant (male or female) who is in the process of obtaining legal custody of any individual who is not 18 years of age, shall be treated as if that unborn child or to be adopted child is a person for family composition determination.		
<b><u>Public Assistance</u></b>		
TANF, SSI, SS or other payments to families and individuals, based on need, which are made under programs funded, separately or jointly, by Federal, State or local governments.		
<b><u>Reasonable Accommodation</u></b>		
Making alterations or adaptations to provide access to otherwise qualified individuals with disabilities in the use of the program and facilities, without causing undue financial and administrative hardship or substantially altering the program or activity.		
<b><u>Redetermination</u></b>		



Also called re-examination or redetermination. The checking of family circumstances and income at least annually to determine if family composition or income changes would require a change in rent or unit size.		(24 CFR 960.253)
<b><u>Re-certification</u></b>		
See new term “Redetermination”		
<b><u>Resident</u></b>		
(Synonymous with resident or participant) The person or persons who execute the Lease as lessee of a dwelling unit through the PHA.		
<b><u>Service Provider</u></b>		
A person or organization qualified and experienced in the provision of supportive services, which is in compliance with any licensing requirements imposed by State or local laws for the type of service or services to be provided. The service provider may provide the service on either a for-profit or not-for-profit basis.		(24 CFR 945.105)
<b><u>Single Person</u></b>		
A person who lives alone or intends to live alone and is not an elderly person, a person with disabilities, a displaced person or the remaining member of a resident family.		(24 CFR 945.105)
<b><u>Skipping</u></b>		
A procedure whereby a PHA may select a household for admission into the Low Rent Public Housing or the Section 8 Housing Choice Voucher Program who has a lower position on the waiting list, in order to meet targeting requirements.	(24 CFR 5.653)	(24 CFR 960.202)
<b><u>Specified Welfare Benefit Reduction</u></b>		
A reduction in welfare benefits in whole or in part as determined by a welfare agency because of fraud or a refusal to participate in an economic self-sufficiency program.	(24 CFR 5.615)	
<b><u>Spouse</u></b>		
Spouse means the husband or wife of the head of household.		
<b><u>Sexual Orientation.</u></b>		
Sexual orientation means homosexuality, heterosexuality, or bisexuality.		



<b>TANF</b>		
Temporary Assistance to Needy Families. (The term which replaced AFDC).		
<b>Targeting</b>		
A requirement that a minimum 40% of all households admitted into Low Rent Public Housing annually shall be extremely low income and a minimum 75% of all households admitted into the Section 8 Housing Choice Voucher Program shall be extremely low income. (See “extremely low income” definition and “skipping” definition).	(24 CFR 5.653)	(24 CFR 960.202)
<b>Temporary, Non-Recurring, Sporadic Income</b>		





<ol style="list-style-type: none"> <li>1. Casual sporadic or irregular gifts</li> <li>2. Amounts which are specifically for or in reimbursement of the cost of medical expenses.</li> <li>3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal property losses.</li> <li>4. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran, for use in meeting the cost of tuition, fees, books, equipment, materials, supplies, transportation and miscellaneous personal expenses of the student. Any amount of such scholarships or payment to a Veteran not used for the above purposes that is available for subsistence is to be included in income</li> <li>5. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.</li> <li>6. Other <ol style="list-style-type: none"> <li>a. Amounts received under training programs funded by HUD</li> <li>b. Amounts received by a disabled person which are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for under a Plan to Attain Self Sufficiency (PASS) <ol style="list-style-type: none"> <li>a. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program</li> <li>b. Amounts specifically excluded by any other Federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937 (as amended 1996). Any amounts of such scholarships or payment to Veterans not used for the above purposes that are available of subsistence are to be included in income.</li> </ol> </li> </ol> </li> </ol>		
<b>Tenant Rent</b>		



<p>The amount payable monthly by the family as rent to the Authority. Where all utilities (except telephone) and other essential housing services are supplied by the Authority, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the Authority and the cost thereof is not included in the amount paid as rent. Tenant Rent equals Total Tenant Payment less the Utility Allowance.</p>	<p>(24 CFR 5.603)</p>	
<b>Total Tenant Payment (TTP)</b>		
<p>1. <u>Income-Based</u>: TTP is the greater of 30% of the Monthly Adjusted Income (as defined in this Policy) and 10% of the Monthly Annual Income (as defined in this Policy), but never less than the Minimum Rent (except for Hardship Waivers) or greater than the Ceiling Rent if any.</p> <p>2. <u>Flat Rent</u>: TTP will be the Flat Rent if the family chooses Flat Rent instead of Income-based rent. (See <i>Flat Rent</i>)</p> <p>If the resident pays the utilities, the amount of the Utility Allowance is deducted from the TTP. TTP does not include charges for excess utility consumption or other miscellaneous charges.</p>		<p>(24 CFR 960.253)</p>
<b>Transfer Request</b>		
<p>A household residing in housing supported, owned and/or operated by the PHA who requests a move from one location to another or from one program to another. Rules governing such transfers may be found in the relevant section of the ACOP.</p>		
<b>Transfer Rules</b>		
<p>The rules governing the transfer including preferences and procedures may be found in the relevant section of the ACOP.</p>		
<b>Uniform Federal Accessibility Standards</b>		
<p>Standards for the design, construction and alteration of publicly owned residential structures to ensure that physically handicapped persons will have ready access to and use of such structures.</p>	<p>(Standards are in <i>Appendix A to 24 CFR 40</i>)</p>	
<b>Utilities</b>		
<p>Water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection and sewerage services. Telephone service is not considered a utility.</p>	<p>(24 CFR 5.603)</p>	
<b>Utility Allowance</b>		



<p>If the cost of utilities (except telephone) for an assisted unit is not included in the Tenant Rent but is the responsibility of the family, an amount equal to the estimate made, as approved by the Authority or HUD, of the monthly costs of a reasonable consumption of such utilities for the unit, by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment. However, a tenant choosing the flat rent system is choosing a rent which already includes an adjustment for utilities.</p>	<p>(24 CFR 5.603)</p>	
<p><b><u>Utility Reimbursement</u></b></p>		
<p>The amount, if any, by which the utility allowances for the unit, if applicable, exceeds the TTP for the Family occupying the unit. When the Utility Allowance exceeds the family's TTP, the negative amount in excess of \$6.00 will be refunded to resident through a check each month. If the resident has any other outstanding charges, the negative balance will be applied to the charges. A negative amount of less than \$6.00 a month will be credited to the resident account and will continue to accumulate until offset by charges or the resident requests a reimbursement payment be made through a manual refund. Note that this does not apply to tenants choosing the flat rent option.</p>	<p>(24 CFR 5.615)</p>	
<p><b><u>Very Poor Family</u></b></p>		
<p>See Extremely Low Income Family</p>		
<p><b><u>Very Low Income Family</u></b></p>		
<p>A family whose annual income does not exceed 50% of the median income for the area.</p>		
<p><b><u>Veteran</u></b></p>		
<p>A person, male or female, who was discharged honorably from active duty of the Armed Forces of the United States of America,.</p>		
<p><b><u>Violent Criminal Activity</u></b></p>		
<p>Any illegal criminal activity which has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.</p>		
<p><b><u>Waiting List</u></b></p>		
<p>Applicant households organized according to HUD regulations and Authority preferences who are waiting for housing to become available.</p>		



## Appendix A-2

# **REASONABLE ACCOMMODATION POLICY**

## **I. Introduction**

- (1) The Orlando Housing Authority (“OHA”) does not discriminate against anyone based on race, sex, color, religion, national origin, ancestry, sexual orientation, age, familial status, physical disability, or mental disability in the access or admission to its programs or employment, activities, functions, or services.
- (2) OHA is subject to federal, state, and local civil rights laws, rules, and regulations. This Section 8 Reasonable Accommodation Policy is based on the following statutes, rules, and regulations: (1) Section 504 of the Rehabilitation Act of 1973 (“Section 504”); (2) Title II of the Americans with Disabilities Act of 1990 (“ADA”); (3) the Fair Housing Act of 1968 (“Fair Housing Act”); (4) the Architectural Barriers Act of 1968; (5) the respective implementing statutes, rules, and regulations for each aforementioned act; and (6) all other federal, state, and local fair housing laws, regulations, and policies which require the provision of reasonable accommodations to persons with disabilities.
- (3) OHA is committed to ensuring that individuals with disabilities have the opportunity to participate in, benefit from, and fully enjoy OHA’s premises, amenities, services, and programs. OHA has implemented this Reasonable Accommodation Policy to ensure that requests for reasonable accommodations are handled in a consistent and uniform manner.

## **II. Definitions**

- (1) A “reasonable accommodation” is a change, exception, modification, or adjustment of OHA’s rules, policies, practices, and procedures that may be necessary for a person with a disability to have an equal opportunity to use and enjoy OHA’s premises, amenities, services, and programs.
- (2) The definition of a “disability” for purposes of a reasonable accommodation follows the definitions contained in Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Federal Fair Housing Act, and any other applicable statutes, rules, or regulations, to wit:
  - a. “Disability” means a physical or mental impairment which substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.
  - b. “Major life activities” include but are not limited to: caring for oneself; performing manual tasks; seeing; hearing; eating; sleeping; walking; standing; lifting; bending; speaking; breathing; learning; reading; concentrating; thinking; and communicating. Major life activities also include the operation of a major bodily function, including but not limited to: functions of the immune system; normal cell growth; digestive; bowel; bladder; neurological; brain; respiratory; circulatory; endocrine; and reproductive functions.



- c. The term “disability” does not include current use or current addiction to illegal drugs. “Current” as used here means that it occurred recently enough to justify a reasonable person to believe that the use is current or that continuing use is a real and ongoing problem. Where there is evidence of prior use of illegal drugs and the requestor contends that he/she is not engaged in current use, the requestor must provide evidence of recovery and be willing and able to be lease compliant.
- (3) A “nexus” is an identifiable relationship between the requested reasonable accommodation and an individual’s disability.
  - (4) A “reasonable” request for an accommodation is one that: (a) does not pose an undue financial and/or administrative burden on OHA; (b) does not require a fundamental change to OHA’s housing programs; and/or (c) is structurally feasible.
  - (5) An “unreasonable” request for an accommodation is one that: (a) imposes an undue financial and/or administrative burden on OHA; (b) requires a fundamental change to OHA’s housing programs; and/or (c) is structurally unfeasible.
  - (6) A “fundamental change” to OHA’s housing programs is one that would require OHA to provide a program or service that it does not normally provide (e.g., counseling services, medical services, transportation services, etc.) or significantly deviate from OHA’s standard policies and procedures.
  - (7) A “requestor” is the person who submitted the reasonable accommodation request and/or who will stand to benefit from the reasonable accommodation request.

### **III. Reasonable Accommodation Policies**

- (1) OHA’s rules, policies, practices, and procedures frequently have different effects on persons with disabilities than persons without disabilities. As a result, treating persons with disabilities in the same way as persons without disabilities will sometimes inadvertently deny persons with disabilities an equal opportunity to use and enjoy OHA’s premises, amenities, services, and programs.
- (2) The purpose of a reasonable accommodation request is to afford persons with disabilities an equal opportunity to use and enjoy OHA’s premises, amenities, services, and programs. It is unlawful for OHA to refuse to make reasonable accommodations when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy OHA’s premises, amenities, services, and programs.
- (3) When documentation is necessary, OHA strongly recommends that applicants or residents use the OHA verification form. OHA may request only information that is necessary to evaluate the disability-related need for the accommodation. No additional documentation will be required where the disability and the related need for an accommodation is readily apparent or otherwise known to OHA. All information gathered during this process shall be kept confidential and shall not be shared with any other OHA staff persons unless they need the information to implement the



request, and shall be limited only to the information necessary to take the appropriate action. It is the responsibility of the person requesting the accommodation or modification to secure such documentation or to give OHA the information necessary to secure such documentation. All documentation relied upon by OHA shall come from a reliable source with sufficient professional and personal knowledge of the applicant/resident to answer the applicable questions. While OHA has the right to sufficient documentation and information to make a decision, it does not have a right to diagnosis, medical history, or medical treatment unless directly relevant to a reasonable accommodation or modification request.

- (4) OHA provides reasonable accommodations training to all new hires within 30 days of employment, and also provides annual reasonable accommodations training to all employees to ensure everyone is up to date on current reasonable accommodations issues and best practices. The reasonable accommodations training materials used by OHA have been prepared by the Housing and Development Law Institute (HDLI), a nonprofit public interest organization which serves as a nationwide legal resource to local agencies administering programs relating to Section 8, affordable housing, and urban redevelopment.
- (5) A notice of the right for persons with disabilities to make requests for reasonable accommodations and is posted in OHA's management offices and program offices, and is also included with all applications for housing programs, lease violation notices, eviction notices, voucher termination notices, and re-certification notices. The reasonable accommodation notices are also available in alternate formats for persons who are unable to read them. All notices provided to individuals regarding the denial of participation in OHA's programs or services include the reason for the denial and the right to request a reasonable accommodation that could potentially change the outcome of the decision made. All such notices also include the name, phone number, TTD number, fax number, and e-mail address of OHA's 504/ADA/RA Coordinator, who processes all of OHA's incoming reasonable accommodation requests.

) CURING NONCOMPLIANCE OF PROGRAM VIOLATION

- a. If a disabled individual who has committed a program violation requests a reasonable accommodation in order to come into compliance with OHA's program requirements, OHA must determine whether the non-compliance is likely to reoccur even if the requested accommodation or modification is implemented.
- b. OHA will request that the individual provide appropriate information or verification, within a reasonable time, to establish that non-compliance is not likely to reoccur if the accommodation request is granted.
- c. If the requested accommodation is not likely to solve the program violation, and continuation of the program violation will pose a threat to the health or safety of others, unreasonably disrupt the quiet enjoyment of other tenants, or constitute a fundamental alteration of the program, the accommodation request may be denied.
- d. OHA staff rely on objective and verifiable information to determine whether an accommodation will solve a program violation or whether it is likely to reoccur in the



future. At no time during this analysis do the OHA staff rely on hearsay, speculation, or assumptions.

#### **IV. Criteria for Eligibility**

For a reasonable accommodation request to be approved, the requestor must be disabled and it must be determined to be medically necessary in order to provide an individual with disabilities an equal opportunity to use and enjoy OHA's premises, amenities, services, and programs. To show that a requested reasonable accommodation or modification is medically necessary, there must be a nexus between the requested reasonable accommodation or modification and the individual's disability.

- (1) OHA evaluates requests for reasonable accommodations by determining if the following necessary elements are present:

##### **A. REQUESTS**

- a. OHA must receive a request for the reasonable accommodation. The request does not have to come directly from the disabled person. Any person may make the request on behalf of the disabled person.
- b. The request does not have to be in any particular form, nor do the words "reasonable accommodation" need to be used by the requestor. The request may be made electronically using OHA's reasonable accommodation website, physically using a paper application, or verbally (for documentation, consistency, and accuracy, OHA prefers electronic requests).
- c. The request may be submitted at any point in time during the disabled person's intake, admission, tenancy, or participation in any of OHA's programs or services.
- d. Reasonable accommodation requests will be made available in accessible formats. OHA will provide requestors with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.

##### **B. DISABILITY**

- a. The accommodation must be for a person who has a condition that meets the definition of disability as described above in Section II. Such eligible persons can include the head of household or any other member of the household.
- b. It is not necessary for OHA to know the specific details of the disability. OHA will request only information that is necessary to evaluate the disability-related need for the requested accommodation or modification.
- c. Information gathered in this process is kept confidential and is not shared with OHA staff persons outside of the Reasonable Accommodations Department unless they need the information to evaluate and/or implement the request.



- d. Documentation must come from a reliable third party with sufficient professional and/or personal knowledge of the requestor's disability. While the person providing documentation to verify the requestor's disability-related need is not required to have a medical degree or any medical expertise, OHA must have sufficient confidence in their knowledge, judgment, and competency to make such a determination.

C. NEXUS (NEED FOR REASONS SUBSTANTIALLY RELATED TO DISABILITY)

1. When the disability and/or need is not obvious or known to staff, reasonable accommodation requests will require verification that the individual meets the definition of disability, and when relevant, that the requested accommodation or modification is medically necessary to allow the individual to have an equal opportunity to use and enjoy OHA's premises, amenities, services, and programs.
2. When a disability and/or need is obvious or known to staff, further documentation regarding the disability is not required.
  - (i) For example, "known" or "obvious" disabilities include, but are not limited to: inability to walk; missing limb(s); blindness; deafness; a disability that has previously been established and documented; or where the person receives SSDI disability benefits.

(2) DISQUALIFICATION

- A. An individual is not eligible for a reasonable accommodation or modification in the following circumstances:
  1. He/she poses a direct threat to the health or safety of other individuals and this direct threat cannot be mitigated by a reasonable accommodation or modification.
  2. He/she would cause substantial damage to property.
  3. He/she is not otherwise qualified for the OHA program and this failure to qualify cannot be mitigated by a reasonable accommodation or modification.
  4. If the requested accommodation or modification would cause an undue financial or administrative burden to OHA.
    - (i) OHA will determine whether a request would impose an undue financial or administrative burden on a case-by-case basis. OHA's financial resources, the cost of the reasonable accommodation, the benefits to the requestor, and the availability of other, less expensive alternative accommodations that would effectively meet the requestor's disability-related needs must be considered in determining whether a requested accommodation poses an undue financial and administrative burden.





When a request is made that is would impose an undue financial or administrative burden, OHA staff members shall also work with the requestor to consider the availability of less expensive or burdensome alternative accommodations or modifications that would effectively meet the requestor’s disability-related needs.

5. If the request is made for reasons that do not substantially relate to a disability.

- (i) The requested accommodation or modification must: (1) be substantially related to the requestor’s disability; and (2) be medically necessary for the requestor to have an equal opportunity to fully enjoy OHA’s programs, facilities, employment, or premises. Both of these requirements must be met – one is not sufficient on its own to warrant the granting of a reasonable accommodation or modification request.

## **V. Appeal Procedure:**

Requestors may pursue an appeal hearing with OHA’s 504/ADA/RA Coordinator and Hearing Officer related to the following:

1. An unreasonably denied request for a reasonable accommodation/modification;
2. An unreasonably delayed response or completion of request for a reasonable accommodation/modification; or
3. Refusal or failure to implement an approved reasonable accommodation/modification.

All appeal requests shall contain the following information:

1. A clear and precise statement of the complaint;
2. Statement(s) clarifying how the action is discriminatory or how the decision is unreasonable if it is a denial of a requested accommodation/modification;
3. The requested remedy;
4. Evidence or supporting documentation/information; and
5. Name and address of the property

All appeal meeting requests shall be submitted via email to OHA’s Hearing Officer at [Hilda.Martinez@orl-oha.org](mailto:Hilda.Martinez@orl-oha.org), no later than 30 days after the date of OHA’s decision letter.

Once a request for an appeal hearing is received by OHA, the meeting shall be scheduled within 14 days to take place at a mutually agreeable date and time.

During the appeal hearing the requestor will:

- (1) Be given the opportunity to examine any OHA documents that are related to the reasonable accommodation/modification request. Copies of any document may be provided to the requestor at the requestor’s expense.
- (2) Be able to present witnesses or oral objections to any evidence.



- (3) Be able to present any relevant evidence.
- (4) Be able respond to any OHA allegation and to cross-examine any witnesses.
- (5) Be able to obtain representation at the individual's own expense.
- (6) Be able to request an interpreter to be provided by OHA at OHA's expense.
- (7) Be able to request reasonable accommodation as to the way the appeal hearing is conducted.
- (8) Receive a written decision within 10 days of the appeal hearing, which either overturns or upholds the decision of the 504/ADA/RA Coordinator.

Evidence may be considered without regard to admissibility under the rules of evidence applicable under judicial proceedings. Factual determinations relating to the individual circumstances of the participant shall be based on the evidence presented at the appeal hearing.

The Hearing Officer shall not be the same person who made the decision in question nor that person's subordinate in order to avoid a conflict of interest.

The Hearing Officer shall make a factual determination relating to the particular circumstances of the individual that shall be based on a preponderance of the evidence presented at the appeal hearing.

Upon request, and within 30 days after the appeal hearing, OHA's Executive Director may exercise his/her discretion to reconsider an OHA Hearing Officer's decision as a reasonable accommodation to the Appeal Process, but only when new information surfaces which may justify reconsideration of the Grievance Officer's decision.

OHA is not bound by any Hearing Officer decisions that are contrary to HUD regulations or requirements or are contrary to Federal, State, or Local law. If OHA's Executive Director or his or her Designee determines that OHA is not bound by the appeal hearing decision, OHA must promptly notify the requestor of the determination and the reason for such a decision. Any such decision by the Executive Director or his/her Designee shall be made in writing, shall explain its basis, and shall state that the requestor also has the right to file a fair housing complaint with HUD, the Florida Commission on Human Relations, or in a court of law.

Florida Commission on Human Relations  
4075 Esplanade Way Room 110  
Tallahassee, FL 32399  
Telephone: (850) 488-7082  
Toll-Free: (800) 342-8170  
Para Español: (850) 907-6831  
Fax: (850) 487-1007

For Those with Communication Impairments:  
The Florida Relay Service Voice (state wide): 711  
TDD ASCII: (800) 955-1339  
TDD Baudot: (800) 955-8771

U.S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity – Intake Branch  
40 Marietta Street, 16th Floor  
Atlanta, GA 30303



Spanish Hotline number: 678-732-2047  
English Hotline number: 800-440-8091  
Fax: (202) 485-9080 OR (202) 485-9081  
Scan/Email: [ComplaintsOffice04@hud.gov](mailto:ComplaintsOffice04@hud.gov)

Nothing in this appeal procedure shall limit a person's right to proceed with an administrative and/or court action relating to his or her disability.

OHA will not take adverse action against a requestor with a pending reasonable accommodation request or fair housing complaint if the action relates to the pending reasonable accommodation request. However, OHA reserves the right to take adverse action against a requestor with a pending reasonable accommodation request or fair housing complaint if the requestor presents a threat to the health and/or safety of other residents or tenants.

## **VII. Miscellaneous Provision:**

Any individual with a disability who makes a reasonable accommodation request may in writing authorize a third-party representative to act on his or her behalf in dealing with the OHA. Upon presentation of the appropriate written authorization, a third-party representative may fill out and sign the Request for Reasonable Accommodation form for an individual with a disability. The authorized third-party representative shall also be given access to all documents in the individual's file which relate to his or her reasonable accommodation request.

All current and new federal, state, and local reasonable accommodation procedures are incorporated into this policies and procedures document as of the date they are officially enacted, whether or not they are specifically referenced herein.

Disability status is verified by the OHA at the time an applicant is admitted to one of OHA's housing programs when they are selected (i.e., "drawn") from the waiting list. The reasons OHA does not verify reasonable accommodation needs of pre-applicants are: 5 or more years may pass before any given household reaches the top of the waiting list, and the reasonable accommodation needs of the household may change during this period of time. For example, the disabled person making the request may not need a wheelchair accessible unit in 2017, when they initially applied for housing. However, when OHA selects them from the waiting list and then contacts them to offer an apartment in 2023, the household may need a wheelchair-accessible unit, a live-in-aide, etc.





## Housing Discrimination Complaint Form

The Fair Housing Act makes it unlawful to discriminate in housing because of these **protected classes**:

- Race
- Color
- National Origin
- Religion
- Sex
- Familial status (families with children under the age of 18, or who are expecting a child)
- Disability (if you or a person you are associated with has a disability)

It is unlawful to do the following because of the **protected classes** identified above:

- Refuse to rent to you or sell you housing
- Tell you housing is unavailable when in fact it is available
- Show you apartments or homes only in certain neighborhoods
- Set different terms, conditions, or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Advertise housing to preferred groups of people only
- Refuse to provide you with information regarding mortgage loans, deny you a mortgage loan, or impose different terms or conditions on a mortgage loan
- Deny you property insurance
- Conduct property appraisals in a discriminatory manner
- Refuse to make reasonable accommodations or permit reasonable modifications for persons with a disability if the accommodation or modification (structural change) is necessary to afford such person a reasonable and equal opportunity to use and enjoy a dwelling.



- Fail to design and construct housing in an accessible manner
- Harass, coerce, intimidate, or interfere with anyone exercising or assisting someone else with his/her fair housing rights

If you believe your rights have been violated, complete the following form and send it to HUD by mail, fax, or email, or file your complaint directly online:

**Mail:** U.S. Department of Housing and Urban Development  
Office of Fair Housing and Equal Opportunity – Intake Branch  
40 Marietta Street, 16<sup>th</sup> Floor  
Atlanta, GA 30303

**Fax:** (202) 485-9080 OR (202) 485-9081

**Scan/email to:** [ComplaintsOffice04@hud.gov](mailto:ComplaintsOffice04@hud.gov)

OR

File your housing discrimination complaint **online** at [www.hud.gov](http://www.hud.gov)

Download our FHEO mobile app for iPhone or Android.



## Instructions:

(Please type or print) Read this form carefully. Try to answer all questions. If you do not know the answer or a question does not apply to you, leave the space blank. You have one year from the most recent date of the alleged discrimination to file a complaint. Your form should be signed and dated.

## How did you learn you could file a housing discrimination complaint?

(Ex: Fair housing brochure, FHIP, housing provider, HUD office, newspaper, TV, radio, Internet, friend, state or local government, another federal agency, another investigation)

## Personal Information:

Your name is: (Mr./Mrs./Ms./Miss) \_\_\_\_\_  
(First) (Middle name or initial) (Last)

Your mailing address is: \_\_\_\_\_  
(City) (State) (Zip)

Your daytime telephone number is: \_\_\_\_\_ Your mobile number is: \_\_\_\_\_

Your email address is: \_\_\_\_\_

## Who else lives with you?

Write "None" if you live alone.

Name Relationship (ex. Son, Wife) Date of birth, if a minor

Name Relationship (ex. Son, Wife) Date of birth, if a minor

Name Relationship (ex. Son, Wife) Date of birth, if a minor

Name Relationship (ex. Son, Wife) Date of birth, if a minor



## Who else can we contact if we cannot reach you?

---

Name of 1st alternate contact Relationship (ex. Neighbor, friend)

---

(Address) (City) (State) (Zip)

---

Telephone number (Indicate Work, cell, or home) email address

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Name of 2<sup>nd</sup> alternate contact Relationship (ex. Neighbor, friend)

---

(Address) (City) (State) (Zip)

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Telephone number (Indicate Work, cell, or home) email address

## What happened to you?

For example, were you denied a loan? Refused an opportunity to rent or purchase housing? Falsely told that housing was unavailable? Briefly describe what happened.

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What is the basis (reason) for the discrimination? Did it happen because of (check only the reason which applies). . .

\_\_\_ **Race.** If the reason was your race, what is your race? \_\_\_\_\_

\_\_\_ **Color.** If the reason was your color, what is your color? \_\_\_\_\_

\_\_\_ **National origin.** If the reason was your national origin,  
what is your country of ancestry? \_\_\_\_\_

\_\_\_ **Sex.** If the reason was your sex (gender), what is your sex (gender)? \_\_\_\_\_

\_\_\_ LGBT issue?

\_\_\_ Sexual harassment issue?

\_\_\_ Domestic violence issue?

\_\_\_ **Religion.** If the reason was your religion, what is your religion? \_\_\_\_\_

\_\_\_ **Familial status.** "Familial status" means minor children in the household, a pregnant female, or a person acquiring custody of a minor child.

\_\_\_ **Disability.** If the reason was your disability, is it \_\_\_\_\_ physical or \_\_\_\_\_ mental?

Did you request an accommodation or modification due to your disability? If so, what did you request?

What was the housing provider's response to your request?

Was it retaliation because you . . .

\_\_\_ Previously filed a housing discrimination complaint?

\_\_\_ Testified or otherwise participated in a previous discrimination investigation?

\_\_\_ Opposed or objected to discrimination?





**Why do you believe the reason(s) you checked above is the cause of the discrimination?** For example, if you checked “disability,” why do you believe the housing provider had a problem with your disability?

**Who do you believe discriminated against you?** For example, was it a property manager, owner, real estate agent, bank, company, housing authority, or some other organization?

Name(s) and title(s) (if any)

(Address)

(City)

(State)

(Zip)

Telephone number

email address



Where did the alleged act of discrimination occur? For example, was it an apartment complex? Single-family home? Mobile home park? Housing authority? Bank? Provide the address.

---

(Address)

---

(City)

(County)

(State)

(Zip)

When did the most recent act of discrimination occur? Enter the date.

\_\_\_\_/\_\_\_\_/\_\_\_\_  
(Month) (Day) (Year)

Describe what happened on that date.

Is the alleged discrimination continuous or ongoing? \_\_\_Yes \_\_\_ No

Please sign and date:

I declare under penalty of perjury that I have read this complaint (including any attachments) and that it is true and correct.

---

Signature

---

Date



## Appendix A-3

### LIMITED ENGLISH PROFICIENCY (LEP) PLAN

#### A. PLAN STATEMENT

The Housing Authority of the City of Orlando, Florida has adopted this plan to provide meaningful access to its programs and activities by persons with Limited English Proficiency (LEP). In accordance with federal guidelines the Public Housing Authority (PHA) will make reasonable efforts to provide or arrange free language assistance for its LEP clients, including applicants, recipients and/or persons eligible for public housing, Section 8/Housing Choice Vouchers, homeownership and other PHA programs.

#### B. MEANINGFUL ACCESS; FOUR-FACTOR ANALYSIS

Meaningful access is free language assistance in accordance with federal guidelines. The PHA will periodically assess and update the following four-factor analysis, including but not limited to:

- A. The number or proportion of LEP persons eligible to be served or likely to be encountered by the PHA.
- B. The frequency with which LEP persons using a particular language come into contact with the PHA.
- C. The nature and importance of the PHA program, activity or service to the person's life.
- D. The PHA's resources and the cost of providing meaningful access. Reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

#### C. LANGUAGE ASSISTANCE

- A. A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient (LEP) person and may be entitled to language assistance with respect to PHA programs and activities.
- B. Language assistance includes interpretation, which means oral or spoken transfer of a message from one language into another language; and/or translation, which means the written transfer of a message from one language into another language. The PHA will determine when interpretation and/or translation are needed and are reasonable.
- C. PHA staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English. If a client asks for language assistance and the PHA determines that the client is an LEP person and that language assistance is necessary to provide meaningful access, the PHA will make reasonable efforts to provide free language assistance. If reasonably possible the PHA will provide the language



assistance in the LEP client's preferred language.

The PHA has the discretion to determine whether language assistance is needed, and if so, the type of language assistance necessary to provide meaningful access.

The PHA will periodically assess client needs for language assistance based on requests for interpreters and/or translation, as well as the literacy skills of clients.

#### D. Translation of Documents

1. The PHA will weigh the costs and benefits of translating documents for potential LEP groups, considering the expense of translating the documents, the barriers to meaningful translation or interpretation of technical housing information, the likelihood of frequent changes in documents, the existence of multiple dialects within a single language group, the apparent literacy rate in an LEP group and other relevant factors. The PHA will undertake this examination when an eligible LEP group constitutes five percent (5%) of an eligible client group (for example: five percent (5%) of households living in the PHA's public housing) or one thousand (1,000) persons, whichever is less.
2. If the PHA determines that translation is necessary and appropriate, the PHA will translate the public housing lease and selected mailings and documents of vital importance into that language.
3. As opportunities arise, the PHA may work with other housing authorities to share the costs of translating common documents, which may include language groups, which do not (yet) reach the threshold level in the PHA's client population.
4. HUD should provide prototype translations of standard housing documents in multiple languages in a timely fashion. HUD should provide this service to local housing authorities and the hundreds or thousands of other HUD grantees whose limited resources hinder their LEP efforts.
5. The PHA will consider technological aids such as Internet-based translation services, which may provide helpful, although perhaps not authoritative, translations of written materials.

#### E. Audiovisual Materials

1. The PHA will use reasonable efforts to produce or obtain multiple translations of audiovisual materials it uses to inform or educate applicants, residents and other client groups. For example: the training video on housekeeping produced by PHA staff has four (4) language options.
2. The PHA will make such materials available for purchase by housing agencies and other organizations, to assist them in their LEP efforts.



F. Formal Interpreters

1. When necessary to provide meaningful access for LEP clients, the PHA will provide qualified interpreters, including PHA bilingual staff and contract vendors. At important states that require one-on-one contact, written translation and verbal interpretation services will be provided consistent with the four-factor analysis used earlier.
2. The PHA may require a formal interpreter to certify to the following:
  - i. The interpreter understood the matter communicated and rendered a competent interpretation.
  - ii. The interpreter is covered by the Florida Statutes and will not disclose non-public data without written authorization from the client.
3. Formal interpreters shall be used at the following:
  - i. Informal review hearing for denial of admission to public housing;
  - ii. Informal hearing for termination of public housing;
  - iii. Informal hearing for denial or termination of Housing Choice Voucher (Section 8) participation.
  - iv. Informal hearing for parties.
4. A PHA staff interpreter may not be a subordinate to the person making the decision.

G. Informal Interpreters

1. Informal interpreters may include the family members, friends, legal guardians, service representatives or advocates of the LEP client. PHA staff will determine whether it is appropriate to rely on informal interpreters, depending upon the circumstances and subject matter of the communication. However in many circumstances, informal interpreters, especially children, are not competent to provide quality and accurate interpretations. There may be issues of confidentiality, competency or conflict of interest.
2. An LEP person may use an informal interpreter of their own choosing and at their expense, either in place of or as a supplement to the free language assistance offered by the PHA. If possible, the PHA should accommodate an LEP client's request to use an informal interpreter.
3. If an LEP client prefers an informal interpreter, after the PHA has offered free interpreter services, the informal interpreter may interpret.



4. If an LEP client wants to use their own informal interpreter, the PHA reserves the right to also have an informal interpreter present.

#### H. Outside Resources

1. Outside resources may include community volunteers, PHA residents or Housing Choice Voucher/Section 8 participants.
2. Outside resources may be used for interpreting services at public or informal meetings or events if a timely request has been made.
3. The PHA maintains relationships with mutual assistance associations (MAA's) and other organizations that assist specific cultural and ethnic groups living in Orlando. To help their clients obtain or keep housing assistance through the PHA, these organizations may provide qualified interpreters for LEP persons.

### **E. MONITORING**

The PHA will review and revise this LEP Plan from time to time. The review will include:

- A. Reports from the PHA's computer business systems on the number of PHA clients who are LEP, to the extent that the software and staff data entry can provide such information. Such reports may be supplemented by staff observations.
- B. Reports from the computer business systems and other sources listing the languages used by LEP clients.
- C. A determination as to whether five percent (5%) or one thousand (1,000) persons from a PHA client group speak a specific language, which triggers consideration of document translation needs as described above.
- D. Analysis of staff requests for contract interpreters: number of requests, languages requested, costs, etc.

### **F. LEP PLAN DISTRIBUTION AND TRAINING**

The LEP Plan will be:

1. Distributed to all PHA supervisors.
2. Available in PHA Management Offices and the Rental Office/Section 8 Office.
3. Posted on PHA's website, [www.orl-oha.org](http://www.orl-oha.org)
4. Explained in orientation and training sessions for supervisors and other staff who need to communicate with LEP clients.



Contact Person: Human Resource Manager, 407-895-3300, ext. 2010, TDD: 407-894-9891



## Appendix A-4

### EFFECTIVE COMMUNICATION POLICY

The Orlando Housing Authority (OHA)'s Effective Communication Policy ensures the following:

1. OHA's policies and procedures do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities.
2. Applicants, participants, residents, employees and members of the public are advised of the right to effective communication in Orlando Housing Authority's programs, services and activities.
3. Interested persons, including persons with hearing, visual or cognitive disabilities, can obtain information concerning the existence and location of accessible services, activities, and facilities.
4. OHA and/or its agents and partners shall furnish appropriate auxiliary aids and services, when necessary, to afford an individual with disabilities an equal opportunity to participate in the OHA's programs, services and activities unless doing so would result in a fundamental alteration of the OHA's programs or an undue financial and administrative burden. *See 24 C.F.R. § 8.6.*
5. Upon request, OHA will provide alternative means of communication such as a sign language interpreter, TDD line, etc., OHA will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program; or an undue financial and administrative burden. In such a case, the OHA will make another accommodation that would not result in a financial or administrative burden.
6. The OHA will provide interpreters for persons whose primary language is not English.
7. The OHA's applicants, participants and residents will be made aware of the availability of forms and information in alternative formats.
8. All forms and documents that OHA utilizes to communicate with applicants, participants and residents make reference to a TDD or equally effective communication system, and where direct extensions are used for non-hearing impaired persons, a sentence advising that the direct extension may be used by persons with hearing impairments through the Florida Relay Service will be included.





## Appendix A-5

### **VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY**

VAWA 2013 provides stand-alone VAWA protections that apply to these programs, as well as additional HUD programs, and also to victims of sexual assault.

Among other things, VAWA amended Federal Housing programs. Although the law is called the “Violence Against Women Act,” it covers all victims of these crimes, whether they are male or female. The following is an overview of the VAWA and changes relating to public housing agencies and residents and to rental assistance program participants and landlords.

#### **1. Statement of Policy**

The Orlando Housing Authority may not deny assistance to an applicant on the basis of the applicant’s current or past status as a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for admission or assistance.

The Orlando Housing Authority may not terminate assistance to a participant in the Section 8 Housing Choice Voucher Program or a participant in the Low Rent Conventional Public Housing Program on the basis of an incident or incidents of actual or threatened domestic violence, dating violence, or stalking against that participant/resident.

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be “good cause” for terminating the assistance, tenancy, or occupancy rights of the victim of such victim.

Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the victim or threatened victim of that domestic violence, dating violence, or stalking and the victim is in immediate danger of physical harm.

#### **2. Bifurcation**

The Orlando Housing Authority may “bifurcate” rental housing assistance, i.e., split the lease or Section 8 voucher, and terminate the housing assistance of the person who engages in criminal acts of physical violence against family members or others without evicting or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. The Orlando Housing Authority may terminate any individual who engages in criminal acts of physical violence against family members or others, from an assisted household.

#### **3. Termination for Other Reasons**

VAWA does not prevent an owner or manager from terminating the tenancy of a Section 8 Housing Choice Voucher Program participant for any violation(s) of a lease not based on acts of violence against



the tenant or a member of the tenant's household who is a victim of domestic violence, dating violence or stalking. The owner or manager may not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.

VAWA does not prevent the Orlando Housing Authority from terminating the tenancy of a Public Housing resident for any violations(s) of a lease not based on acts of violence against the tenant or a member of the tenant's household who is a victim of domestic violence, dating violence or stalking. The Housing Authority may not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict the tenant or to terminate the lease. The victim will be required to trespass the offender from the OHA property.

#### **4. Actual and Imminent Threat to Others**

VAWA allows an owner or manager to terminate the tenancy of a Section 8 Housing Choice Voucher program participant if the owner or manager can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted.

The Orlando Housing Authority can terminate the rental housing assistance of a participant if it can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not terminated from assistance.

#### **5. Documentation**

When presented with a claim for continued or initial tenancy or assistance based on status as a victim of domestic violence, dating violence, stalking, or criminal activity related to domestic violence, dating violence or stalking, the OHA may request that the individual making the claim documents the abuse.

An individual may satisfy the documentation request by producing (1) the attached HUD approved certification form 5382, (2) a Federal, State, territorial or local police report or court record, or (3) documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of abuse, in which the professional attests under the penalty of perjury under 28 U.S.C. 1746 to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

If the individual does not provide the certification within fourteen (14) business days after certification has been requested in writing, the OHA is not restricted from otherwise lawfully terminating the rental assistance of the Section 8 Housing Choice Voucher participant or public housing resident. The Orlando Housing Authority Executive Director may extend the 14-day deadline for the LRP or Section 8 Program.

#### **6. Confidentiality**

All information provided to an owner, manager, or to the Orlando Housing Authority under VAWA including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be retained in confidence by an owner, manager or the Orlando Housing Authority. This information



shall not be entered into any shared database nor provided to any related entity, except to the extent that disclosure is requested or consented to by the individual in writing, or required for use in an eviction proceeding or otherwise required by law.



# HOUSING CHOICE VOUCHER EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

## 1. Emergency Transfers

OHA is concerned about the safety of its participants, and such concern extends to participants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>2</sup> OHA allows participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the participant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>3</sup> The ability of OHA to honor such request for participants currently receiving assistance, however, may depend upon a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether OHA has another dwelling unit that is available and is safe to offer the participant for temporary or more permanent occupancy.

This plan identifies participants who are eligible for an emergency transfer<sup>4</sup>, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to participants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that OHA is in compliance with VAWA.

## 2. Eligibility for Emergency Transfers

A participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit. If the participant is a victim of sexual assault, the participant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Participants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

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<sup>2</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>3</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

<sup>4</sup> For the Housing Choice Voucher Program, a transfer generally refers to voucher issuance.



### **3. Emergency Transfer Request Documentation**

To request an emergency transfer, the participant shall notify and submit a written request for a transfer to their eligibility specialist. Participants should use the attached form HUD-5383 to request an emergency transfer. If participant does not use form HUD-5383, the participant's written request for an emergency transfer should include either:

- a. A statement expressing that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under OHA's program; OR
- b. A statement that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the participant's request for an emergency transfer.

The OHA will provide reasonable accommodations for individuals with disabilities.

### **4. Confidentiality**

The OHA will keep confidential any information that the participant submits in requesting an emergency transfer, and information about the emergency transfer, unless the participant gives OHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the participant. See the Notice of Occupancy Right under the Violence Against Women Act For All Participants for more information about OHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **5. Emergency Transfer Timing and Availability**

OHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. OHA will, however, act as quickly as possible to assist in moving a participant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. OHA will assist in concert with the property owner.

If a participant reasonably believes a proposed transfer would not be safe, the participant may request a transfer to a different unit. The property owner may be unable to transfer a participant to a particular unit if the participant has not or cannot establish eligibility for that unit.

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



## 6. Safety and Security of Participants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the participant is urged to take all reasonable precautions to be safe.

Participants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1 (800) 799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1 (800) 787-3224 (TTY).

Participants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at (800) 656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Participants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

## 7. Local Organizations Offering Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

- a. Florida Coalition Against Domestic Violence Hotline  
Phone: (800) 500-1119  
TDD: (800) 621-4202  
Website: [www.fcadv.org](http://www.fcadv.org)
- b. Harbor House 24 Hour Hotline  
Phone: (407) 886-2856  
Website: [www.harborhousefl.com](http://www.harborhousefl.com)



**EMERGENCY TRANSFER  
REQUEST FOR CERTAIN  
VICTIMS OF DOMESTIC  
VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

**The requirements you must meet are:**

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

**(2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

**Submission of Documentation:** If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer



shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.





**TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER**

1. Name of victim requesting an emergency transfer: \_\_\_\_\_

2. Your name (if different from victim's) \_\_\_\_\_

3. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

4. Name(s) of other family member(s) who would transfer with the victim: \_\_\_\_\_

5. Address of location from which the victim seeks to transfer: \_\_\_\_\_

6. Address or phone number for contacting the victim: \_\_\_\_\_

7. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

8. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

9. Date(s), Time(s) and location(s) of incident(s): \_\_\_\_\_

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. \_\_\_\_\_

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice:

\_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

Form HUD-5383  
(06/2017)



## Appendix A-6

### **ENCOURAGING PARTICIPATION BY OWNERS OF UNITS LOCATED OUTSIDE AREAS OF LOW-INCOME OR MINORITY CONCENTRATION**

It is OHA policy to operate its Section 8 program to enable families to have a broad range of housing choice. There are three elements necessary for successful implementation of this policy:

- (1) Encouraging families searching for housing to expand their housing search to areas outside areas of low-income or minority concentration;
- (2) Establishing an appropriate Payment Standard to enable voucher-holders to afford to rent in such areas; and
- (3) Reaching out to owners of housing outside areas of low-income and minority concentration to encourage participation in the Housing Choice Voucher Program.

#### **A. Encouraging Families to Expand Housing Search**

At the required briefings that are held prior to issuance of a voucher, OHA staff responsible for conducting the briefings discuss the benefits of finding housing outside low-income and minority areas, and encourage the families to search for housing throughout the OHA jurisdiction. The OHA staff will also bring to the attention of the families the maps showing high poverty census tracts that are included in each briefing packet.

Subsequent to the briefing session, OHA Eligibility Specialists and supporting staff may meet with individual families who are unsuccessful in finding housing outside areas of high poverty or minority concentration, and will advise them of potential leads. Staff will always emphasize that the family has complete freedom of choice to find housing anywhere within OHA's jurisdiction (or outside OHA through the use of Portability procedures).

In order to promote a broader geographical choice in selection of units, OHA entered into a cooperative agreement with the Orange County Housing Authority to extend the geographical area jurisdiction of OHA to encompass all of Orange County.

#### **B. Revising Payment Standards**

As a result of the review of Payment Standards discussed in Chapter II Part B of this Administrative Plan, Payment Standards may be increased to enable voucher holders to afford housing outside high poverty areas and areas of minority concentration.

#### **C. Owner Outreach**

With respect to owner outreach, periodically OHA will contact real estate brokers, apartment owners and landlords to provide briefings about the Section 8 Housing Choice Voucher program. Owners and managers of rental properties in higher income non-impacted areas will be identified and invited to



attend the owner briefings. As necessary, the Section 8 Director and the Assistant to the Section 8 Director will meet with these individuals at their offices to try to convince them to be receptive to participation in the program.

OHA believes that potential new owners, in particular, must clearly understand how the Section 8 Housing Choice Voucher program works. Accordingly, OHA will use a professionally prepared video to brief owners, and will provide them with audio CDs in both English and other languages as necessary, as well as a professionally written Owner's Guide.

At the outreach briefings, OHA staff will answer questions concerning the rights and responsibilities of the owner, the family and OHA, and highlight the benefits of program participation to owners. At some of these briefings, presentations will be made by current satisfied owners.

From time to time, OHA will also convene focus group meetings of selected owners to identify ways in which OHA can improve its operation and overcome obstacles to increased owner participation in higher income and non-impacted areas.

#### **D. Assisting Families Encountering Illegal Discrimination**

During the briefing sessions, the types, forms and methods of discrimination are reviewed, and families are advised of the steps to follow if they believe they are encountering illegal discrimination because of race, color, religion, sex, national origin, age, familial status or disability. Complaint forms and phone numbers are included in the briefing packet.



**Appendix A-7**

**ADMINISTRATION OF NINETY (90) HCV TRANSFERRED FROM  
THE SANFORD HOUSING AUTHORITY (SHA)**

The Orlando Housing Authority administers ninety (90) Housing Choice Vouchers transferred from the Sanford Housing Authority effective January 1, 2011, in accordance with HUD's Public and Indian Housing Notice PIH2010-39.

The Department of Housing and Urban Development approved the transfer of ninety (90) Housing Choice Vouchers from Sanford Housing Authority (SHA) Housing Choice Voucher program to the Orlando Housing Authority (OHA) effective January 1, 2011. The Orlando Housing Authority will administer the Housing Choice Vouchers in Sanford/Seminole County jurisdiction.



## Appendix A-8

### **PROJECT-BASED VOUCHERS** **[24 CFR 983.1 through 983.262]**

#### **INTRODUCTION**

This chapter describes the United States Department of Housing and Urban Development (HUD) regulations and OHA policies related to the project-based voucher (PBV) program.

**General Requirements** – General provisions of the PBV program; including maximum budget authority requirements, relocation requirements and equal opportunity requirements.

**PBV Owner Proposals** – Policies related to the submission and selection of owner proposals for PBV assistance. It describes the factors that OHA will consider when selecting proposals, the type of housing that is eligible to receive PBV assistance, the cap on assistance at projects receiving PBV assistance, subsidy layering requirements, site selection standards, and environmental review requirements.

**Dwelling Units** –Requirements related to housing quality standards, the type and frequency of inspections, and housing accessibility for persons with disabilities.

Part IV: Rehabilitated and Newly Constructed Units. This part describes requirements and policies related to the development and completion of rehabilitated and newly constructed housing units that will be receiving PBV assistance.

**Housing Assistance Payments (HAP) Contract** –HAP contract requirements and policies; including the execution, term, and termination of the HAP contract. In addition, it describes how the HAP contract may be amended and identifies provisions that may be added to the HAP contract at the PHA’s discretion.

**Selection of PBV Program Participants** –Describes the requirements and policies governing how the PHA and the owner will select a family to receive PBV assistance.

**Occupancy** – Occupancy requirements related to the lease, and describes under what conditions families are allowed or required to move. In addition, exceptions to the occupancy cap (which limits PBV assistance to 25 percent of the units in any project) are also discussed.

**Determining Rent to Owner** – How to determine the initial rent to owner, and how rent will be re-determined throughout the life of the HAP contract. Rent reasonableness requirements are also discussed.

**Payments to Owner.** Describes the types of payments owners may receive under this program.

## **GENERAL REQUIREMENTS [24 CFR 983]**

### **OVERVIEW [24 CFR 983.5]**

The project-based voucher (PBV) program allows PHAs that already administer a tenant-based voucher program under an annual contributions contract (ACC) with the United States Department of Housing and Urban Development (HUD) to take up to 20 percent of its voucher program budget authority and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6]. PHAs may only operate a PBV program if doing so is consistent with the PHA's Annual Plan or MTW Plan and the goal of de-concentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)].

The program rules discussed within this plan are primarily those required by HUD. The Orlando Housing Authority (OHA) is authorized under the Moving to Work (MTW) Demonstration program to develop and adopt reasonable policies and processes to explore and test innovative methods of delivering Section 8 Voucher assisted housing to low-income families in Orange County. MTW policies and procedures may conflict with HUD regulatory requirements. Where no MTW policy or procedure exists, then standard Section 8 rules and regulations apply.

Under MTW authority, OHA is authorized to develop and adopt reasonable policy and process for project-based Section 8 tenant-based leased housing assistance.

OHA's MTW Annual Plan and Annual Reports are posted on the OHA website at [www.orl-oha.org](http://www.orl-oha.org).

Under MTW Demonstration Program, OHA is authorized to determine the percentage of housing voucher assistance to convert to project-based, and criteria for expending funds for physical improvements on those units that differ from the percentage and criteria requirements currently mandated in the 1937 Act and its implementing regulations. *This authorization waives certain provisions of Section 8(o)(13) of the 1937 Act and 24 CFR 983 as necessary to implement the Agency's Annual MTW Plan.*

OHA will operate an MTW Housing Choice Voucher Project-Based Voucher Program and reserve a maximum of \_\_\_\_\_ vouchers for project-based assistance. PBV assistance may be attached to existing, newly constructed, and rehabilitated or sponsor based housing.

### **TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE [24 CFR 983.2]**

Some of the tenant-based voucher program regulations also apply to the PBV program. Many of the PHA 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. Except as otherwise noted in this chapter, or unless specifically prohibited by the PBV program regulations, the OHA policies, including policies and processes developed under the MTW Demonstration Program for tenant-based voucher administration, may also apply to the PBV program and its participants.

### **RELOCATION REQUIREMENTS [24 CFR 983.7]**

Any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real



Property Acquisition Policies Act of 1970 (URA)[42 U.S.C. 4201-4655] and implementing regulations at 49 CFR part 24.

The acquisition of real property for a PBV project is subject to the URA and 49 CFR Part 24, Subpart B. It is the responsibility of the OHA to ensure that the owner complies with these requirements.

The cost of required relocation assistance may be paid with funds provided by the owner, local public funds, or funds available from other sources. PHAs may not use voucher program funds to cover relocation costs.

The acquisition of real property for a PBV project is subject to the URA and 49 CFR Part 24, subpart B. It is the responsibility of the PHA to ensure the owner complies with these requirements.

### **EQUAL OPPORTUNITY REQUIREMENTS [24 CFR 983.8]**

OHA must comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. This includes the requirements and authorities cited at 24 CFR 5.105(a). In addition, OHA must comply with OHA Plan certification on civil rights and affirmatively furthering fair housing, submitted in accordance with 24 CFR 903.7(o).

### **PROJECT BASED VOUCHER OWNER PROPOSALS**

#### **Overview**

The PHA procedures for owner submission of PBV proposals and for the PHA selection of PBV proposals are indicated below. [24 CFR 983.51]. Before selecting a PBV proposal, the PHA 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, FR Notice 11/24/08], and meets site selection standards [24 CFR 983.57]

### **OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 51]**

OHA will select PBV proposals in accordance with the selection procedures in the PHA administrative plan. OHA may select PBV proposals by either of the following methods:

- Section Method 1: OHA Request for PBV Proposals – The OHA may solicit proposals by using a request for proposals to select proposals on a competitive basis in response to the OHA request. The OHA may not limit proposal to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites. [24 CFR 983.51(b)(1)]
- Selection Method 2: OHA may select a proposal for housing assisted under a federal, state, or local government housing assistance program that was subject to a competition in accordance with the requirements of the applicable program, community development program, or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTCs have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three (3) years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance. [24 CFR 984.51(b)(2)]



- Selection Method 3: The OHA may select its own units for project basing with PBV Assistance under its MTW authority without engaging in a competitive process, subject to the approval of the OHA Board of Commissioners . Pursuant to its MTW Authority , the OHA may project-base assistance at properties other than public housing properties owned directly or indirectly by the OHA, including those owned by OHA affiliates or instrumentalities, without engaging in a competitive process [24 CFR 983.51(e)]. Projects selected must be approved by the OHA Board of Commissioners and are subject to the United States Department of Housing and Urban Development (HUD)'s requirements regarding environmental and subsidy layering reviews.

## **Solicitation and Selection of PBV Proposals [24 CFR 983.51**

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Selection Method 1: When the OHA implements Selection Method 1 above its procedures will involve public notice. The OHA's procedures for selecting PBV proposals must be designed and operated to provide broad public notice of the opportunity to offer PBV proposals for consideration by the OHA. OHA may advertise its request for proposals (RFP) for existing, rehabilitated and newly constructed housing in the newspapers of general circulation including non-English language newspapers and other means designed and actually operated to provide broad public notice which may include, but not be limited to the Orlando Sentinel, Orlando Times and La Prensa. The public notice of a PHA request for PBV proposals must specify the submission deadline. Detailed application and selection information must be provided at the request of interested parties.

OHA will publish its advertisement in the newspapers for at least one day per week for two (2) consecutive weeks. The advertisement will specify the number of units that OHA estimates that it will be able to assist under the funding that OHA is making available. The advertisement will contain a statement that participation requires compliance with Fair Housing and Equal Opportunity requirements and that the Federal Labor Standards provisions may be applicable. In order for the proposal to be considered, the owner must submit a proposal to OHA by the published deadline date, and the proposal must respond to all requirements as outlined in the RFP. Incomplete proposals will not be reviewed.

OHA may rate and rank proposals for existing, rehabilitated and newly constructed housing using the following criteria:

- Owner experience and capability to build, rehabilitate, and/or operate housing as identified in the RFP;
- The extent to which the proposal addresses the need and scope identified in the RFP??
- Extent to which the project furthers the PHA goal of de-concentrating poverty and expanding housing and economic opportunities;
- Extent to which the project preserves or replaces affordable housing units at risk of non renewal or loss of a previously committed affordable housing subsidy; and
- If applicable, the extent to which services for special populations are available on site or in the immediate area for occupants of the property.



- Other factors identified by OHA in the specific RFP for PBV assistance
- **Requests for Proposals for Sponsor Based Housing Units**
- Under its MTW authority, OHA may award project-based funding directly to a service provider that will administer the project-based rental assistance as Sponsor Based Housing. The objective of PBV Sponsor Based Housing is to enhance the delivery of supportive services to severely underserved populations under a housing first model. The service provider must utilize PBV Sponsor Based Housing to provide rental assistance for either transitional or permanent supportive housing units committed to the service program. Eligible units must be committed to the service provider under a long term master lease or agreement or as a set aside reserved for housing only a special needs population.
  - OHA will provide details that will include sponsor reporting requirements and restrictions on how PBV Sponsor Based Housing funds may be utilized in its Request of Proposals. A Sponsor Based Housing project may only be selected in response to an OHA Request for Proposals (RFP) and an award must be approved by the OHA Board of Commissioners.
  - OHA will advertise its RFP for Project-Based Sponsor Based Housing in newspapers of general circulation including non-English language newspapers and other means designed and actually operated to provide broad public.
  - In addition, OHA will post the RFP and proposal submission and rating and ranking procedures on its electronic web site ([www.orl-oha.org](http://www.orl-oha.org)).
  - OHA will publish its advertisement in the newspapers mentioned above for at least one day per week for two (2) consecutive weeks. The advertisement will specify the number of units that OHA estimates that it will be able to assist under the funding that OHA is making available.
  - The advertisement will contain a statement that participation requires compliance with Fair Housing and Equal Opportunity requirements and that the Federal Labor Standards provisions may be applicable.
  - In order for the proposal to be considered, the applicant must submit a proposal to OHA by the published deadline date, and the proposal must respond to all requirements as outlined in the RFP. Incomplete proposals will not be reviewed.
  - OHA will rate and rank proposals for Project-Based Sponsor Based Housing using the following criteria:
    - Extent to which there is a need for housing and services for special populations in the immediate area or for occupants of the project;
    - Service provider experience and capability to operate housing as identified in the RFP;

- Length, term and stability service providers funding source and commitment for available rental unit(s);
- Extent to which the service provider has maintained successful working agreements in operating service enhanced housing in partnership with affordable housing developers;
- Extent to which the project furthers the PHA goal of de-concentrating poverty and expanding housing and economic opportunities for families with disabilities; and
- Extent to which the project preserves or replaces affordable housing units at risk of non renewal or loss of a previously committed affordable housing subsidy;

Selection Method 2: OHA Selection of Proposals Subject to Competition under a Federal, State, or Local Housing Assistance Program. OHA may accept proposals for PBV assistance from owners that were competitively selected under another Federal, State or local government housing assistance, community development, or supportive services program that requires competitive selection of proposals (e.g. HOME, and units for which competitively awarded Low Income Tax Credits (LIHTCs) have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three (3) years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance.

In addition to, or in place of advertising, OHA may also directly contact specific owners that have already been selected for Federal, State or local housing assistance program based on a previously held competition, to inform them of available PBV assistance.

In order to both maximize the impact of its project-based vouchers and to minimize the number of application processes developers face, OHA may distribute project-based assistance via the competitive processes for the release of affordable housing funding distributed through a *Notice of Funding Availability (NOFA) for development, preservation or rehabilitation of affordable rental housing*. OHA will announce that it is accepting PBV proposals, directly within the NOFA offering. OHA will post any minimum threshold requirements, proposal submission procedures, the submission deadline date and the award process on OHA's electronic web site ([www.ori-oha.org](http://www.ori-oha.org)).

OHA may:

- Limit the number of vouchers available in a funding round or competition,
- Elect not to participate in a particular NOFA, funding round or competition, or
- Award less than the number of vouchers requested by an owner proposal.

All PBV awards must be approved by the OHA Board of Commissioners.

Selection Method 3: OHA may select projects under MTW authority without engaging in a competitive process. [24 CFR 983.51(e) and 983.59] Projects that may be selected for project-based voucher assistance without engaging in a competitive process include:

- Properties owned directly or indirectly by OHA that are not Public Housing;

- Properties owned directly or indirectly by the OHA, including those owned by OHA affiliates or instrumentalities
- OHA Public Housing modernization activities including the replacement on a one for one basis, of public housing units that are being permanently removed from the Public Housing program inventory.

A PBV award to projects selected without engaging in a competitive process must be approved by the OHA Board of Commissioners or listed and or approved in its annual MTW Plan.

The initial contract rent must be approved by an independent entity based on an appraisal by a licensed, state-certified appraiser. Properties owned or acquired by OHA and or its affiliates that are rent restricted at or below 120% of median income are not required to have a third party verify rent reasonableness. In addition, housing quality standards inspections must be conducted by the independent entity or a third party vendor contracted by the independent entity.

The independent entity that performs these program services may be the unit of general local government for the PHA jurisdiction (unless the PHA is itself the unit of general local government or an agency of such government) another HUD-approved public or private independent entity.

OHA will use an independent entity approved by the United States Department of Housing and Urban Development (HUD), to perform required rent determinations and housing quality standards inspections in PBV program units where OHA has an identity of interest in the property. A state-certified appraiser's market rent study used to determine initial contract rents for PBV program units may be based on a geographical area covering multiple sites located within that geographical area.

OHA will only compensate the independent entity and appraiser from OHA ongoing administrative fee income (including amounts credited to the administrative fee reserve). OHA may not use other program receipts to compensate the independent entity and appraiser for their services. OHA's independent entity and/or appraiser may not charge the family any fee for the appraisal or the services provided by the independent entity.

#### OHA Notice of Owner Selection [24 CFR 983.51(d)]

The PHA must give prompt written notice to the party that submitted a selected proposal and must also give prompt public notice of such selection. Public notice procedures may include publication of public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

OHA will give prompt written notification to the selected owner of a PBV program award. The award notice will include the number of vouchers awarded by bedroom size and state a deadline by which the project owner must enter into an agreement to enter into Housing Assistance Payment or a HAP contract to provide PBV assistance for the awarded units in the project. OHA will also notify in writing all owners that submitted proposals that were not selected.

Public review of PHA selection decision documentation.

The PHA must make documentation available for public inspection regarding the basis for the PHA selection of a PBV proposal.



### **HOUSING TYPE [24 CFR 983.52]**

The PHA may attach PBV assistance for units in existing housing or for newly constructed or rehabilitated housing developed under and in accordance with an agreement to enter into a housing assistance payments contract that was executed prior to the start of construction. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of PHA selection, the units substantially comply with HQS. Units for which new construction or rehabilitation was started in accordance with PBV program requirements do not qualify as existing housing.

### **PROHIBITION OF ASSISTANCE FOR CERTAIN INELIGIBLE UNITS [24 CFR 983.53]**

The PHA 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; and manufactured homes. In addition, the OHA may not attach or pay PBV assistance for a unit occupied by an owner and the PHA may not select or enter into an agreement to enter into a HAP contract or HAP contract for a unit occupied by a family ineligible for participation in the PBV program.

### **PROHIBITION OF ASSISTANCE FOR UNITS IN SUBSIDIZED HOUSING [24 CFR 983.54]**

A PHA may not attach or pay PBV assistance to units in any of the following types of subsidized housing:

- A public housing dwelling unit;
- A unit subsidized with any other form of Section 8 assistance (tenant-based or project-based);
- A unit subsidized with any governmental rent subsidy (a subsidy that pays all or any part of the rent);
- 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 (12 U.S.C. 1715z-1). However, the PHA may attach assistance to a unit subsidized with Section 236 interest reduction payments;
- A unit subsidized with rental assistance payments under Section 521 of the Housing Act of 1949, 42 U.S.C. 1490a (a Rural Housing Service Program). However, the PHA may attach assistance for a unit subsidized with Section 515 interest reduction payments (42 U.S.C. 1485);
- A Section 202 project for non-elderly persons with disabilities (assistance under Section 162 of the Housing and Community Development Act of 1987, 12 U.S.C. 1701q note);
- Section 811 project-based supportive housing for persons with disabilities (42 U.S.C. 8013);
- Section 202 supportive housing for the elderly (12 U.S.C. 1701q);
- A Section 101 rent supplement project (12 U.S.C. 1701s);
- A unit subsidized with any form of tenant-based rental assistance (as defined at 24 CFR 982.1(b)(2)) ( e.g. , a unit subsidized with tenant-based rental assistance under the HOME program, 42 U.S.C. 12701 *et seq.* );
- A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or by the PHA in accordance with HUD requirements. For this purpose, “housing subsidy” does not include the housing component of a welfare payment; a social security



payment; or a federal, state, or local tax concession (such as relief from local real property taxes).

Under MTW authority, OHA may determine property eligibility criteria, including types of units currently prohibited by Section 8 regulations, as well as shared living facilities. If the Agency chooses to use this authorization, it will provide a transition plan to both the affected residents and HUD prior to the end of the demonstration. *This authorization waives certain provisions of Section 8(p) of the 1937 Act and 24 CFR 983.53-54 and Subparts H and M as necessary to implement the Agency's Annual MTW Plan.*

To enhance the accessibility and the effectiveness of programs serving a special needs population, OHA may attach PBV assistance to units developed with Housing Opportunities of Persons with AIDS (HOPWA) or Mental Health Services Act (MHSA) Housing Program funding as long as the HOPWA or MHSA program funding does not duplicate any form of rental assistance for the family. PBV assistance awarded to HOPWA or MHSA program units may also be administered as Sponsor Based Housing if selected in response to an OHA invitation for proposals for Sponsor Based Housing.

### **PROHIBITION OF EXCESS PUBLIC ASSISTANCE [24 CFR 983.55]**

Subsidy Layering Requirements: The OHA may provide PBV assistance only in accordance with HUD subsidy layering regulations 24 CFR 4.130 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.

When subsidy layering review is conducted. The PHA may not enter an Agreement or HAP contract until HUD or an independent entity approved by HUD has conducted any required subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements.

Owner certification. The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements. The PHA does not need to conduct a subsidy layering review in the case of a HAP contract for an existing structure or if the applicable state or local agency has conducted such a review [FR Notice 11/24/08].

### **CAP ON NUMBER OF PBV UNITS IN EACH PROJECT [24 CFR 983.56]**

Under MTW authority, the OHA may limit the number of total number of dwelling units in a project that will receive PBV assistance during the term of the PBV HAP contract and may provide PBV assistance for up to 100% of units within a project.

### **SITE SELECTION STANDARDS [24 CFR 983.59]**

Under MTW authority, OHA will apply the following Site and Neighborhood Standards for the award of PBV assistance: comply with the Fair Housing Act and Title VI of the Civil Rights Act of 1964, and implementing regulations thereto, in determining the location of newly constructed or



substantially rehabilitated unit-based housing assistance. Compliance with PBV Goals, Civil Rights Requirements and HQS Site Standards. Sites selected to receive PBV Assistance must comply with the following requirements:

- The site must comply with the Fair Housing Act and Title VI of the Civil Rights Act of 1964, and implementing regulations thereto, in determining the location of newly constructed or substantially rehabilitated unit-based housing assistance. Units may be located in OHA's jurisdiction, including within, but not limited to, the following types of urban areas: (i) an area of revitalization that has been designated as such by the City of Orlando, Orange County and other jurisdictions where there is an Inter local Agreement to provide section 8 rental assistance, including Redevelopment Areas (ii) an area where public housing units were previously constructed and were demolished, (iii) a racially or economically impacted area where the assisted units are part of an OHA strategy to preserve existing affordable housing, (iv) an area where the Authority is undertaking a HOPE VI or other HUD-funded, master-planned development, (v) an area where a needs analysis indicates that subsidized housing represents a low percentage of the total number of housing units, (vi) an area with a low concentration of public housing units where existing public housing units are being relocated.
- PHA or an owner apply for PBV assistance must conduct a housing needs analysis indicating that there is a real need for the housing in the area; and

#### **ENVIRONMENTAL REVIEW [24 CFR 983.58, FR Notice 11/24/08]**

The OHA's 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 (NEPA) 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.

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.

The OHA 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. 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.

#### **DWELLING UNITS [24 CFR 983 -Subpart C]**

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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.



Under MTW authority, OHA may determine property eligibility criteria, including types of units currently prohibited by Section 8 regulations, as well as shared living facilities. If the Agency chooses to use this authorization, it will provide a transition plan to both the affected residents and HUD prior to the end of the demonstration. This authorization waives certain provisions of Section 8(p) of the 1937 Act and 24 CFR 983.53-54 and Subparts H and M as necessary to implement the Agency's Annual MTW Plan.

### **HOUSING QUALITY STANDARDS [24 CFR 983.101]**

#### **HQS for Special Housing Types**

The housing quality standards (HQS) for the tenant-based program, including those for special housing types, generally apply to the PBV program. The physical condition standards at 24 CFR 5.703 do not apply to the PBV program.

#### Lead-based Paint [24 CFR 983.101(c)]

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 [24 CFR 983.102]**

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 PHA 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 [24 CFR 983.103]**

#### Pre-HAP Contract Inspections

The PHA must inspect each contract unit before execution of the HAP contract. The PHA may not enter into a HAP contract covering a unit until the unit fully complies with HQS.

#### Turnover Inspections

Before providing assistance to a new family in a contract unit, the PHA must inspect the unit. The PHA may not provide assistance on behalf of the family until the unit fully complies with HQS.

Annual Inspections At least annually during the term of the HAP contract, the PHA must inspect 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 annual inspection requirement. If the contract unit(s) in a building fails the annual inspection, the PHA must re-inspect the contract unit(s).

Under MTW Authority, OHA may elect to utilize HQS inspection protocols developed under MTW authority for tenant-based voucher assistance in lieu of the annual inspection requirements detailed above.



### Other Inspections

The PHA must inspect contract units whenever needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. The PHA must take into account complaints and any other information coming to its attention in scheduling inspections.

The PHA must conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

In conducting PHA supervisory quality control HQS inspections, the PHA should include a representative sample of both tenant-based and project-based units.

### Inspecting PHA-owned Units

In the case of PHA-owned units, the inspections must be performed by an independent agency





## **Appendix A-9**

### **POLICIES ON USE OF ADMINISTRATIVE FEE RESERVE**

It is the policy of OHA to obtain Board of Commissioners approval for any charges exceeding \$25,000 against the administrative fee reserve. The Executive Director may approve charges to the administrative fee reserve up to \$25,000 without Board of Commissioners approval.

**Appendix A-10**

**SPECIAL PROVISIONS AFFECTING CONVERSIONS TO  
RENTAL ASSISTANCE DEMONSTRATION (RAD)  
PROGRAM - PROJECT-BASED VOUCHERS (PBVs)  
PURSUANT TO PIH NOTICE 2012-32, REV-2:**

The Orlando Housing Authority (OHA) proposes to convert units at one or more public housing properties to United States Department of Housing and Urban Development Rental Assistance Demonstration (RAD) Project Based Vouchers under the guidelines found in PIH Notice 2012-32, REV-1, and any successor Notices.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing the OHA with access to private sources of capital to repair and preserve its affordable housing assets. Upon conversion, the Authority's Capital Fund Budget will be reduced by the pro rata share of Public Housing Developments converted by the demonstration, and that the OHA also may borrow funds to address their capital needs.

Upon conversion to Project Based Vouchers, the OHA will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6 of PIH Notice 2012-32, REV-2. These resident rights, participation, waiting list and grievance procedures are appended to this Amendment as Attachment A.

As a Moving to Work (MTW) agency, OHA may use its MTW block grant funds to supplement contract rents for the RAD development. In that instance, no additional voucher funding will be provided by HUD. Regardless of any funding changes that may occur as a result of conversion under RAD, the OHA certifies that it will maintain its continued service level requirements.

Below, please find specific information related to the Public Housing Development(s) selected for RAD:

**Development #1**

<b>Name of Public Housing Development:</b>	<b>PIC Development ID:</b>	<b>Conversion Type (PBV or PBRA):</b>	<b>Transfer of Assistance:</b>
CITRUS SQUARE <b>Total Units: 87</b>	FL004000012	PBV	NONE
	<b>Pre-RAD Unit Type if different (i.e., Family, Senior, etc.):</b>  <b>No Change:</b> FAMILY	<b>Post RAD Unit Type: PBV</b>	<b>Capital Fund Allocation of Development:</b>  \$131,085 in 2015 (pro-rated) equally by unit for 127-unit AMP amount of \$191,354*
<b>Bedroom Type</b>	<b>Number of Units Pre-Conversion</b>	<b>Number of Units Post-Conversion</b>	<b>Change in Number of Units per Bedroom Type and Why</b>
Studio/Efficiency	0	0	0

One Bedroom	9	9	0
Two Bedroom	56	56	0
Three Bedroom	18	18	0
Four Bedroom	4	4	0
*Actual amount is somewhat higher because Citrus Square has general occupancy units with higher average bedroom size than the remainder of the AMP, which consists of 40 elderly/ disabled units)			

**Project Based Voucher (PBV) Resident Rights and Participation.**

**1. No Re-screening of Tenants upon Conversion.** Pursuant to the RAD statute, at conversion, current households are not subject to rescreening, income eligibility, or income targeting. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting, will not apply for current households.<sup>24</sup> Once that remaining household moves out, the unit must be leased to an eligible family. MTW agencies may not alter this requirement.

**2. Right to Return.** See section 1.4.A.4(b) regarding a resident’s right to return.

**3. Renewal of Lease.** Since publication of the PIH Notice 2012-32 Rev 1, the regulations under 24 CFR § 983.257(b)(3) have been amended requiring the Project Owner to renew all leases upon lease expiration, unless cause exists. MTW agencies may not alter this requirement.

**4. Phase-in of Tenant Rent Increases.** If a tenant’s monthly rent increases by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over 3 or 5 years. To implement this provision, HUD is specifying alternative requirements for section 3(a)(1) of the Act, as well as 24 CFR § 983.3 (definition of “total tenant payment” (TTP)) to the extent necessary to allow for the phase-in of tenant rent increases.

OHA Three (3) Year Rent Phase-In The OHA has established a policy setting the length of the phase in period at three (3) years The chart below explains the set percentage-based phase-in the Project Owner will follow according to the phase-in period established. For purposes of this section “standard TTP” refers to the TTP calculated in accordance with regulations at 24 CFR §5.628 and the “most recently paid TTP” refers to the TTP recorded on line 9j of the family’s most recent HUD Form 50058. If a family in a project converting from Public Housing to PBV was paying a flat rent immediately prior to conversion, the PHA should use the flat rent amount to calculate the phase-in amount for Year 1, as illustrated below.

<b>Year</b>	<b>Phase In Description</b>
<b>Year 1:</b>	Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the standard TTP
<b>Year 2</b>	Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 66% of difference between most recently paid TTP and the standard
<b>Year 3</b>	AR and all subsequent recertifications – Full standard TTP

*Please Note:* In either the three year phase-in or the five-year phase-in, once the standard TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward. MTW agencies may not alter this requirement.

**5. Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs.** Public Housing residents that are current FSS participants will continue to be eligible for FSS once their housing is converted under RAD, and PHAs will be allowed to use any remaining PH FSS funds, to serve those FSS participants who live in units converted by RAD. Due to the program merger between PH FSS and HCV FSS that took place pursuant to the FY14 Appropriations Act (and was continued in the FY15 Appropriations Act), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD. There are certain FSS requirements (e.g. escrow calculation and escrow forfeitures) that apply differently depending on whether the FSS participant is a participant under the HCV program or a public housing resident, and OHA must follow such requirements accordingly. All PHAs will be required to administer the FSS program in accordance with FSS regulations at 24 CFR Part 984, the participants' contracts of participation, and the alternative requirements established in the "Waivers and Alternative Requirements for the FSS Program" Federal Register notice, published on December 29, 2014, at 79 FR 78100. Further, upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.

As a current ROSS-Service Coordinator grantee, OHA will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future ROSS-SC grants, nor will its residents be eligible to be served by future ROSS-SC grants, which, by statute, can only serve public housing residents.

**6. Resident Participation and Funding.** In accordance with Attachment 1B, residents of Covered Projects with converted PBV assistance will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

**7. Resident Procedural Rights.** The following items shall be incorporated into both the Section 8 Administrative Plan and the Project Owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.

i. **Termination Notification.** HUD has incorporated additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24CFR § 983.257 related to Project Owner termination of tenancy and eviction (which MTW agencies may not alter) the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall not be less than:

- a. A reasonable period of time, but not to exceed 30 days:
  - i. If the health or safety of other tenants, PHA employees, or persons] residing in the immediate vicinity of the premises is threatened; or
  - ii. In the event of any drug-related or violent criminal activity or any felony conviction;
- b. 14 days in the case of nonpayment of rent; and

c. 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

ii. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD has established additional procedural rights to comply with section 6 of the Act. For issues related to tenancy and termination of assistance, PBV program rules require the Project Owner to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, to require that:

a. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi),<sup>26</sup> an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.

i. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).

ii. For any additional hearings required under RAD, the Project Owner will perform the hearing.

b. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.

c. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).

d. The Project Owner provides opportunity for an informal hearing before an eviction. Current PBV program rules require that hearing procedures must be outlined in the PHA's Section 8 Administrative Plan.

**8. Earned Income Disregard (EID).** Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in, as described in Section 1.6.C.4; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time. Under the Housing Choice Voucher program, the EID exclusion is limited only to persons with disabilities (24 CFR § 5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in section 5.617(b) limiting EID to disabled persons is waived. The waiver, and resulting alternative requirement, apply only to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion e.g., due to loss of employment; tenants that move into the property following conversion, etc.) is covered by this waiver.

**9. Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under

RAD will be able to finish out their Jobs Plus period of performance at that site unless significant re-location and/or change in building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at the Secretary's discretion, choose to end the Jobs Plus program at that project.

**10. When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the Housing Authority may only select an occupied unit to be included under the PBV HAP contract if the unit's occupants are eligible for housing assistance payments (24 CFR §983.53(d)). Also, a PHA must remove a unit from the contract when no assistance has been paid for 180 days because the family's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent)) (24 CFR §983.258). Since the rent limitation under this Section of the Notice may often result in a family's TTP equaling or exceeding the gross rent for the unit, for current residents (i.e residents living in the public housing property prior to conversion), HUD is waiving both of these provisions and requiring that the unit for such families be placed on and/or remain under the HAP contract when TTP equals or exceeds than the Gross Rent. Further, HUD is establishing the alternative requirement that the rent to owner for the unit equal the family's TTP until such time that the family is eligible for a housing assistance payment. HUD is waiving as necessary to implement this alternative provision, the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR 983.301 as modified by Section 1.6.B.5 of this Notice.<sup>27</sup> In such cases, the resident is considered a participant under the program and all of the family obligations and protections under RAD and PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract. Assistance may subsequently be reinstated if the tenant becomes eligible for assistance. The PHA is required to process these individuals through the Form- 50058 submodule in PIC.

Following conversion, 24 CFR §983.53(d) applies, and any new families referred to the RAD PBV project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time. Further, a PHA must remove a unit from the contract when no assistance has been paid for 180 days. If units are removed from the HAP contract because a new admission's TTP comes to equal or exceed the gross rent for the unit and if the project is fully assisted, HUD is imposing an alternative requirement that the PHA must reinstate the unit after the family has vacated the property; and, if the project is partially assisted, the PHA may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR §983.207 or, where "floating" units have been permitted, Section 1.6.B.10 of this Notice.

**11. Under-Occupied Unit.** If a family is in an under-occupied unit under 24 CFR 983.259 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available in the Covered Project. When an appropriate sized unit becomes available in the Covered Project, the family living in the under occupied unit must move to the appropriate-sized unit within a reasonable period of time, as determined by the administering Voucher Agency. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project, 24 CFR 983.259 is waived. MTW agencies may not modify this requirement.

#### **D. PBV: Other Miscellaneous Provisions**

**1. Access to Records, Including Requests for Information Related to Evaluation of Demonstration.** PHAs must agree to any reasonable HUD request for data to support program evaluation, including but not limited to

project financial statements, operating data, Choice-Mobility utilization, and rehabilitation work. Please see Appendix IV for reporting units in Form HUD-50058.

**2. Additional Monitoring Requirement.** The PHA's Board must approve the operating budget for the Covered Project annually in accordance with HUD requirements.

**3. Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** This section has been moved to 1.4.A.13 and 1.4.A.14.

**4. Establishment of Waiting List.** 24 CFR § 983.251 sets out PBV program requirements related to establishing and maintaining a voucher-wide, PBV program wide, or site-based waiting list from which residents for the Covered Project will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:

**i.** Transferring an existing site-based waiting list to a new site-based waiting list. If the PHA is transferring the assistance to another neighborhood, the PHA must notify applicants on the wait-list of the transfer of assistance, and on how they can apply for residency at the new project site or other sites. Applicants on a project-specific waiting list for a project where the assistance is being transferred shall have priority on the newly formed waiting list for the new project site in accordance with the date and time of their application to the original project's waiting list.

**ii.** Informing applicants on the site-based waiting list on how to apply for a PBV program-wide or HCV program-wide waiting list.

**iii.** Informing applicants on a public housing community-wide waiting list on how to apply for a voucher-wide, PBV program-wide, or site-based waiting list. If using a site-based waiting list, PHAs shall establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on the PHA's public housing community-wide waiting list have been offered placement on the converted project's initial waiting list. In all cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list given the number of applicants, PHA resources, and admissions requirements of the projects being converted under RAD. A PHA may consider contacting every applicant on the public housing waiting list via direct mailing; advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area; informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Applicants on the agency's public housing community-wide waiting list who wish to be placed onto the newly-established site-based waiting list must be done so in accordance with the date and time of their original application to the centralized public housing waiting list. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24CFR § 8.6 and with the obligation to provide meaningful access for persons with limited English proficiency (LEP).

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. To implement this provision, HUD is specifying alternative

requirements for 24 CFR § 983.251(c)(2). However, after the initial waiting list has been established, the PHA shall administer its waiting list for the converted project in accordance with 24 CFR §983.251(c).

**5. Mandatory Insurance Coverage.** The Covered Project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed project property.

**6. Agreement Waiver.** This section has been moved to 1.6.(B)(7).

**7. Future Refinancing.** Project Owners must receive HUD approval for any refinancing or restructuring of permanent debt during the HAP contract term, to ensure the financing is consistent with long-term preservation. (Current lenders and investors are also likely to require review and approval of refinancing of the primary permanent debt.)

**8. Administrative Fees for Public Housing Conversions during Transition Period.**

For the remainder of the Calendar Year in which the HAP Contract is effective (i.e. "transition period"), RAD PBV projects will be funded with public housing funds. For example, if the project's assistance converts effective July 1, 2015, the public housing Annual Contributions Contract (ACC) between the PHA and HUD will be amended to reflect the number of units under HAP contract, but will be for zero dollars, and the RAD PBV contract will be funded with public housing money for July through December 2015. Since TBRA is not the source of funds, PHAs should not report leasing and expenses into VMS during this period, and PHAs will not receive section 8 administrative fee funding for converted units during this time. For fiscal years 2014 and 2015, PHAs operating HCV program received administrative fees for units under a HAP contract, consistent with recent appropriation act references to "section 8(q) of the [United States Housing Act of 1937] and related appropriations act provisions in effect immediately before the Quality Housing and Responsibility Act of 1998" and 24 CFR § 982.152(b). During the transition period mentioned in the preceding paragraph, these provisions are waived, and PHAs will not receive section 8 ongoing administrative fees for PBVRAD units. After this transition period, the section 8 ACC will be amended to include section 8 funding that corresponds to the units covered by the section 8 ACC. At that time, the regular section 8 administrative fee funding provisions will apply.

**9. Choice-Mobility.** One of the key features of the PBV program is the mobility component, which provides that if the family has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, the PHA must offer the family the opportunity for continued tenant based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance. If as a result of participation in RAD a significant percentage of the PHA's HCV program becomes PBV assistance, it is possible for most or all of a PHA's turnover vouchers to be used to assist those RAD PBV families who wish to exercise mobility.

While HUD is committed to ensuring mobility remains a cornerstone of RAD policy, HUD recognizes that it remains important for the PHA to still be able to use tenant based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD has established an alternative requirement for PHAs where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP contract administered by the PHA exceeds 20 percent of the PHA's authorized units under its HCV ACC with HUD. The alternative mobility policy provides that an eligible voucher agency (OHA) would not be required to provide more than three-quarters of its turnover vouchers in any single year to the residents of Covered Projects. While a voucher



agency (OHA) is not required to establish a voucher inventory turnover cap, if such a cap is implemented, the OHA shall create and maintain a waiting list in the order in which the requests from eligible households were received. In order to adopt this provision, this alternative mobility policy must be included in an eligible PHA's administrative plan. To effectuate this provision, HUD is providing an alternative requirement to Section 8(o)(13)(E) and 24 CFR part 983.261(c). Please note that this alternative requirement does not apply to PBVs entered into outside of the context of RAD. MTW agencies may not alter this requirement. OHA will notify residents of the Choice Mobility prior to the anniversary date of RAD Conversion.

**10. Reserve for Replacement.** The Project Owner shall establish and maintain a replacement reserve in an interest-bearing account to aid in funding extraordinary maintenance and repair and replacement of capital items in accordance with applicable regulations. The reserve must be built up to and maintained at a level determined by HUD to be sufficient to meet projected requirements. For FHA transactions, Replacement Reserves shall be maintained in accordance with the FHA Regulatory Agreement. For all other transactions, Replacement Reserves shall be maintained in a bank account covered under a General Depository Agreement (HUD-51999) or similar instrument, as approved by HUD, where funds will be held by the Project Owner or mortgagee and may be drawn from the reserve account and used subject to HUD guidelines and as directed by HUD.

## Appendix A-11

# ORLANDO HOUSING AUTHORITY SECTION 8 ADMINISTRATIVE PLAN Georgetown Square Apartments Elderly - Only Waiting List

The United States Department of Housing and Urban Development (HUD) authorizes public housing authorities (PHAs) the opportunity to design and test innovative strategies that use Federal dollars efficiently, help residents find affordable housing opportunities and increase housing choices for low-income families.

The federal regulations authorize the project-based voucher (PBV) program. The Orlando Housing Authority, which already administers a tenant-based voucher program under an annual contribution contract (ACC) with HUD, also implements a PBV [24 CFR 983.6]. Project-based vouchers (PBV), in contrast, are attached to a specific unit whose landlord contracts with the state or local public housing agency to rent the unit to low-income families. Families can move without losing rental assistance if another **voucher** is available. The Program provides the OHA the flexibility to place twenty-eight (28) floating project-based vouchers (PBV) at Georgetown Square Apartments.

The Gardner Capital is the developer of Georgetown Square Apartments in partnership with the Sanford Housing Authority. The Orlando Housing Authority (OHA) has an Interlocal Agreement to manage the day-to day operations of the Sanford Housing Authority. The federal regulations allow the allocation of project-based vouchers (PBV) to developments that have gone through a competition. Georgetown Square won a tax credit award of 90 units from the State of Florida Housing Finance Corporation and therefore meets the requirements of the federal regulations. OHA is authorized to attach PBV assistance to housing at Georgetown Square Apartments at 400 Locust Avenue, Sanford, FL 32771. [24 CFR 983.52]. The PBV units are floating units. The number of PBV units does not exceed 25% of the Orlando Housing Authority's tenant-based housing choice voucher program units. The provision of housing for elderly persons is exempt from the housing authority's project-base voucher cap.

### Implementation of PBV Program Policies and Procedures

#### A. Administrative Plan

##### 1. Georgetown Square Competitive Selection of Proposals Process

One of the community needs identified in the Orlando Housing Authority's is for housing wherein the head of household is elderly." The Orlando Housing will enter into a Housing Assistance Payment Contract to provide 28 floating project- based voucher units at Georgetown Square Apartments.

##### 2. Applicants for PBV units must be selected from the Housing Authority's PBV Waiting List

- (1) Applicants will be selected from the Orlando Housing Authority's Georgetown Square Apartments Project-Based Voucher Waiting List

Preference will be given to eligible applicants that live, work, or have a job offer within the City of Sanford's community boundaries designated as Georgetown, in the Choice Neighborhood community designated as Goldsboro, the City of Sanford, and Seminole County, Florida. Eligibility is not limited to applicants from other communities. An elderly head household with income will receive the "work" preference

- (2) Applicant Screening

All applicants must be eligible for the Section 8 voucher program, the tax credit program, Georgetown Square Apartments, etc.

- (3) Occupancy of Wrong-Sized or Accessible Units

After initial tenancy, if the tenant participant is occupying the wrong-sized unit, based on availability, the participant will be transferred to an appropriately sized unit at the Georgetown Square Apartments. If an appropriately sized unit is not available, a plan of action will be developed to place them in an appropriately sized unit.

- (4) Vacancy Payments to the Owner

The maximum vacancy payment of two full months, minus the amount of rent (from the tenant) paid to the owner including the amount of the security deposit that is available from the tenant.

- B.** Agreement to Enter into a Housing Assistance Payments (AHAP) Contract And the Housing Assistance Payment (HAP) Contract

The AHAP is required when there is a new construction of rehabilitation project. This provision does not apply to the Georgetown Square Apartments PBV property.

The Housing Authority will execute a Housing Assistance Payment Contract with the owner-entity after the units have been constructed, passed Housing Quality Standard Inspections and other requirements.

- C.** Subsidy Layering Review (SLR) is Required for Georgetown Square Apartments

The Subsidy Layering Review is required when there is a new construction of rehabilitation project. This provision applies to the Georgetown Square property.

- D.** Environmental Review

In accordance with 24 CFR 983.58, an environmental review is required for all PBV units including existing units.

**E. Physical Accessibility**

Georgetown Square Apartments Project-Based Voucher units must meet accessibility requirements of 24 CFR 983.102. The Housing Authority will ensure that the percentage of accessible dwelling units complies with HUD requirements and that design and construction requirements are met.

**F. Equal Opportunity Requirements**

The Georgetown Square Apartment Project-Based Voucher Program will comply with all applicable equal opportunity and nondiscrimination requirements and the Housing Authority's Plan certification to comply with civil rights and to affirmatively further fair housing as required by 24 CFR 983.8.

## Appendix A-12

### PROJECT-BASED VOUCHER PROGRAM TO INCLUDE HOTMA AND NSPIRE REGULATIONS AS AMENDED

The Project-Based Voucher (PBV) Program is considered a community resource, both to support and preserve existing housing and to expand affordable housing development in Orlando/Orange County and Sanford/Seminole County jurisdiction. The Orlando/Orange County and Sanford/Seminole County real estate markets pose significant affordability challenges for low- and moderate-income households. Not only are Orlando/Orange County and Sanford/Seminole County known to be two (2) of the most expensive real estate markets in the country, and have a sizable student population. These factors severely limit the supply of affordable housing units in the area.

The Orlando Housing Authority's (OHA) Administrative Plan provides guidance for the implementation of OHA's PBV Program in Orlando/Orange County and Sanford/Seminole County. OHA's Moving To Work (MTW) flexibilities change regulations of the United States Department of Housing Development. The result is that OHA can create a local PBV program that differs in many respects from traditional PBV programs. See the Federal Regulations for policies governing the Rental Assistance Demonstration (RAD) properties.

See the federal regulations for the Housing Opportunity Through Modernization Act of 2016 (HOTMA) (Public Law 114–201) enacted on July 29, 2016. The HUD National Standards for the Physical Inspection of Real Estate (NSPIRE) also applies to the PBV Programs. The HOTMA and NSPIRE rules are incorporated in the OHA Administrative Plan by reference.

#### **Maximum Amount of PBV Assistance**

OHA has utilized MTW authority to waive the federal regulations indicated below. These changes are in keeping with OHA's overall philosophy to promote maximum participation in the PBV Program to assure continued availability of long-term affordable housing opportunities in the Orlando Housing Authority's jurisdiction.

1. The provisions of 24 CFR part 983.6 which limits PBV funding to just 20% of OHA's allocated budget authority. This means that OHA may assign more than 20% of its MTW voucher budget authority to PBV assistance; and
2. The provisions of 24 CFR part 983.56 which limits the number of units in a building that may receive PBV assistance to no more than 25% of the total number of dwelling units in the building. This means that OHA may assign PBV assistance to 100% of the units in any building regardless of the population served.
3. OHA has waived other provisions of the federal regulations through its MTW Annual Plan. See the Orlando Housing Authority's approved Moving to Work Plan that is available on the website of the United States Department of Housing and Urban Development.

## **B. Project Selection Procedures**

There are four (4) potential paths to obtain PBV assistance for a property:

1. Properties owned directly or indirectly by OHA may be selected at any time for PBV assistance without competition and without HUD approval.
2. OHA may issue a Request for Proposals (RFP) that outlines:
  - a. Number of PBV units available or the amount of funding available;
  - b. One (1) year submission deadline;
  - c. Community partners if any;
  - d. Required format of proposal;
  - e. Required submission format (mail, fax, electronic, etc.).
  - f. Term of Housing Assistance Contract;
  - g. Selection and evaluation criteria;
  - h. Owner/Developer eligibility guidelines;
  - i. Tenant selection guidelines;
  - j. Property eligibility guidelines;
  - k. Other special requirements if any.
3. OHA may select a proposal for housing assistance under a federal, state, or local government housing assistance, community development, or supportive services program that requires competitive selection of proposals (e.g., HOME and units for which competitively awarded Low Income Housing Tax Credits (LIHTC) have been provided).
  - a. The proposal must have been selected in accordance with such program's competitive selection requirements and;
  - b. The selection must have occurred within three years of the PBV proposal selection date.
  - c. The competitive selection proposal did not involve any consideration that the project did receive PBV assistance.
4. Expiring use properties that receive enhanced vouchers through Section 8(t) of the U.S. Housing Act may work with OHA to convert these to PBV assistance through OHA's MTW expiring use preservation program.

## **C. Housing Types**

OHA may attach PBV assistance to existing, newly constructed, or rehabilitated housing units in accordance with an owner/developer proposal and an OHA commitment letter.

1. To be considered existing housing, the units must substantially comply with HQS/NSPIRE at the time of project selection.
2. There are no minimum or maximum rehabilitation expenditure thresholds.

## **D. Subsidy Layering Requirements**

HUD or an independent entity approved by HUD must conduct a subsidy layering review and determine that the PBV assistance is in accordance with HUD subsidy layering requirements. OHA will not enter a PBV Housing Assistance Payments Contract for any new construction or rehabilitated PBV units until the subsidy layering review has been completed. For existing units, units that will pass HQS/NSPIRE at execution of contract, a subsidy layering review is not required.

**E. Site Selection Standards/Environmental Review**

1. General Standards

The following site selection standards at 24 C.F.R. 983.57 will be considered by the OHA prior to approving a PBV Project:

- a. Whether the census tract in which the proposed PBV development will be located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
- b. Whether a PBV development will be in a census tract where the concentration of assisted units will be or has decreased because of public housing demolition.
- c. Whether the census tract in which the proposed PBV development will be located is undergoing significant revitalization;
- d. Whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement;
- e. Whether new market rate units are being developed in the same census tract where the proposed PBV development will be located and the likelihood that such market rate units will positively impact the poverty rate in the area.
- f. If the poverty rate in the area where the proposed PBV development will be located is greater than 20 percent, the PHA should consider whether in the past five years there has been an overall decline in the poverty rate.
- g. Whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed PBV development will be located.
- h. OHA's PBV Program Affirmative Furthers Fair Housing, is in compliance with Section 504 and ADA regulations.

2. Projects in Orlando Housing Authority's (OHA) jurisdiction include Seminole County, OHA reviewed the site selection standards at 24 C.F.R. 983.57 for the Orlando Housing Authorities Jurisdictions. OHA 's Project-Based Voucher assistance for housing is consistent with the goal of de-concentrating poverty and expanding housing and economic opportunities in the entire Orlando Housing Authorities Jurisdictions. The following factors are considered: (1) the escalation

of market rents, and (2) the increasing difficulties that low-income household have locating housing in the Orlando Housing Authorities Jurisdictions to include Seminole County.

OHA may promote PBV participation in its jurisdictions. With the exception of existing housing, PBV assistance will not be attached to any property that has not sought and obtained all required site approvals from the City of Orlando, Orange County, the City of Sanford or Seminole County, to include but not limited to, the issuance of building permits and/or receipt of a Certificate of Occupancy shall constitute affirmative evidence that the City and/or have provided public notice of the development, has accepted public input and that the property meets all land use and environmental restrictions.

**F. Labor Standards**

If an Agreement covers the development of nine or more contract units (whether completed in stages), the owner and the owner's contractors and subcontractors must comply with the Davis-Bacon Act in relation to wages paid to laborers and mechanics employed in the development of housing. Where applicable, the Agreement will include the labor standards clauses required by HUD for insertion into contracts with contractors and subcontractors, such as those involving the Davis-Bacon Act.

The owner, contracts and subcontractors must also comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other applicable federal labor relations laws and regulations.

**G. OHA Owned Properties**

OHA's MTW Agreement with HUD, properties owned directly or indirectly by OHA may be selected at any time for PBV assistance without competition.

1. OHA staff and/or a contracted third party shall determine initial compliance with HQS/NSPIRE.
  - a. For new construction a Certificate of Occupancy issued by the governing jurisdiction shall be required prior to initial occupancy.
  - b. For existing housing, the apartment must pass an inspection by the Orlando Housing Authorities Jurisdiction which includes Seminole County Inspectional Services Department prior to initial occupancy and at turnover.
2. Rent reasonableness shall also be determined by OHA staff with the understanding that properties owned directly or indirectly by OHA will not be paid at a higher rate than other Project-Based properties in OHA's portfolio unless the higher rate was necessary to:
  - a. Serve a special population such as seniors or individuals with disabilities residing in assisted living facilities; and/or
  - b. Develop affordable housing in those areas of the City with little or no affordable housing opportunities.

**H. Project Selection**



Once OHA has selected a project for PBV assistance a Letter of Commitment shall be forwarded to the owner. The letter of commitment supersedes and replaces HUD's Agreement to Enter into a Housing Assistance Payment Contract. At a minimum, the Letter of Commitment shall indicate the following:

1. Method by which the PBV assistance was awarded, for example through an RFP process or through the expiring use preservation program.
2. The number of Project-Based vouchers awarded.
3. The size breakdown of the awarded vouchers.
4. The initial rent level for each voucher size awarded.
5. Breakdown of utilities to be paid by the owner for each voucher size awarded.
6. Proposed length of the Housing Assistance Payments (HAP) Contract.
7. A commitment by OHA to promptly enter a HAP contract as soon as the units have been completed and have passed HQS/NSPIRE inspections.
8. Where applicable, labor standard requirements.

At the discretion of the President/CEO or his/her designee, additional terms may be negotiated and added to the Letter of Commitment.

#### **I. Housing Assistance Payments (HAP) Contract**

1. The OHA uses a modified HAP contract for its local PBV Program and its MTW Expiring Use Preservation Program, both of which may be modified for individual projects at OHA's discretion. OHA reserves the right to modify the policies and terms of the HAP contract consistent with the demands of the project, special program and/or OHA's MTW Authority.
2. If it is determined that there may not be sufficient funding to continue housing assistance payments for all contracts units and for the full term of the HAP contract, OHA may terminate the HAP contract by notice to the owner. Alternatively, OHA may implement an across-the-board reduction in HAP. In the event of an across-the-board reduction in HAP, OHA may permit an affected landlord to terminate the HAP contract.
3. All HAP contracts are executed for a period that is no less than one year and no more than fifteen years and options to renew are at the discretion of OHA.
4. HAP contracts are executed as soon as possible but in no event shall they be executed prior to all units passing an HQS/NSPIRE inspection. In cases where the HAP contract is a multi-stage HAP contract, all units for each stage must pass HQS/NSPIRE prior to execution of that stage of the HAP contract.
5. OHA may allow owners to amend the HAP contract at any time to complete one of the two actions below. OHA must inspect substituted units prior to occupancy and the rent must be reasonable.
  - a. Substitute a different unit with the same number of bedrooms in the same building for a previously covered contract unit; or
  - b. Add additional contract units in the same building.
6. If the owner proposes substantial renovations to an assisted unit, OHA may allow owners to temporarily substitute a unit with the same number of bedrooms in a different building for a previously covered unit, subject to the following:
  - a. OHA must inspect the substituted unit prior to occupancy;
  - b. OHA will honor the rent of the original unit if it meets OHA's rent reasonableness standards.

**J. Rent to Owner**

1. The amount of the initial rent to an owner is determined at the beginning of the HAP term and is expressed as a dollar amount and percentage of FMR.
2. The gross rent for the unit must be determined reasonable in accordance with the Administrative Plan and the Federal Regulations as amended.
3. Through its MTW authority, OHA does not cap the rent to owner at the applicable tax credit rent.
4. The PBV owner must request rent increases in writing at least 60 days prior to the anniversary date of the HAP contract.
  - a. If a rent increase is properly requested and it is determined that the owner is in compliance with HQS/NSPIRE, OHA will adjust all the rents covered by the HAP contract by the applicable Operating Cost Adjustment Factor (OCAF) but will not exceed the initial percent of FMR at the time of contract execution.
  - b. No additional increases or special adjustments are allowed.
5. PBV rents can be decreased (at OHA's discretion) if it is determined that the reasonable rents in the locale have in fact decreased.
6. Rent may be renegotiated at the end of any contract term.

**K. Reduction in HAP Contract Units Due to Vacancies**

If any contract units have been vacant for 120 days or more since the owner notice of vacancy, OHA 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. Owners must notify OHA of any vacancy within 5 business days of the notice of or actual vacancy.

**L. Opening and Closing the Waitlist**

OHA may open and close Site Based Waiting List (SBWL)s, as needed, to maintain an adequate number of applicants to fill anticipated vacancies. OHA will follow policies on opening and closing the waitlist as stated in the Administrative Plan. Additionally, OHA will notify the public in accordance with Federal Regulations.

**M. Applying for PBV Assistance and Placement on the PBV Site Based Waitlists (SBWL)**

OHA will state the method used for placement on the SBWLs in the OHA's public notice. OHA will ensure that there is a clear audit trail to verify that each applicant has been placed on the applicable SBWLs in accordance with regulatory and agency requirements. The order on the SBWL is determined by the computer. Applicants may apply for any or all SBWLs for which they are qualified if that waiting list is open.

1. OHA will provide information about the PBV program to all HCV applicants. Applicants may be added to a SBWL under the following circumstances:
  - a. Applicants may apply directly to OHA.
  - b. Owners may direct applicants to apply at OHA. All communication and follow-up regarding an applicant's status on a SBWL before reaching the top of the list will be between OHA and the applicant.
  - c. OHA may provide current waitlist applicants for the Housing Choice

Voucher Program with an option of also applying to recently established, site-based waitlists. This will only occur when a new SBWL is being established. (24 CFR 983.251 (C) (3))

2. After initial implementation of a SBWL, and if that SBWL is open, existing applicants can request to be added to the SBWL, subject to the following:
  - a. A new date and time of application will be used for the placement on the newly chosen SBWL.
  - b. When an existing applicant has a change in family composition, due to birth, adoption, court ordered custody, marriage, divorce, death, or other decrease in family size, or the addition of a live-in aide, and the existing site choices do not have the appropriate bedroom size, OHA will allow the family to retain their original date and time of application. A new date and time of application will be applied to any new development selections for all other changes in family composition.

**N. Removal from a Site-Based Waitlist (SBWL)**

1. If an applicant (either a new admission or a transfer) is housed from any of the SBWLs or receives a Tenant-Based voucher if the applicant's name will not be removed from all Housing Choice Voucher waitlists.
2. If an applicant is deemed ineligible by an owner, the applicant will be removed from that site-based waitlist, but may remain on other site-based PBV and Tenant-Based waitlists. If a SBWL has Low Income Housing Tax Credit (LIHTC) and non-LIHTC units and an applicant is deemed ineligible solely due to LIHTC requirements, the applicant will remain on that SBWL. The Tenant Selection Plan at each site will dictate the site-specific screening elements.
3. An applicant may request removal from a SBWL at any time in writing but will lose the original date and time of application for that list when they are removed.

**O. Selection from the Waitlist and Unit Offer**

1. Current residents of units that were either existing or require rehabilitation that are eligible for participation have a right to return selection preference and may be referred to the property owner for placement in an appropriately sized PBV unit in the property. This includes residents that were over income at the time of the conversion to PBV that have remained unsubsidized residents in the property and are now income eligible.
2. OHA will use preference criteria, date and time of application and authorized unit size to order SBWLs.
3. When a PBV landlord notifies OHA of a vacancy, OHA will send applicants, ordered based on the hierarchies and preferences outlined in this plan, to the owner for screening.
4. PBV landlord may be required to contact potential pre-applicants.
5. Applicants who are removed from the waitlist(s) can reapply if/when the wait list is open, one year from the date the application is withdrawn.
6. If removal from the waitlist is due to an error by OHA, removed applicants will have their applications reopened.
7. If an applicant responds to the owner and states he/she is no longer interested in that PBV development or turns down the unit offer without good cause, the owner

must notify OHA in writing and OHA staff will remove the applicant from that SBWL.

8. PBV landlord may select residents from the applicants on OHA's SBWLs in the order that they appear. For this reason, it is important that they work with OHA staff to close out unresponsive or uninterested applicants in a timely fashion.
9. OHA will consider reasonable accommodations to vacant PBV accessible units. For these units, it will be the policy of OHA to seek out those households from its SBWLs that require the features and refer those applicants ahead of all other applicants. For households within the same category, OHA will offer the vacant accessible units based on preference, date and time of application/transfer request and unit size.

**P. Screening and Eligibility Determination**

OHA will refer applicants to owners. Owners have the right to screen and either accept or reject an applicant in accordance with their OHA approved Tenant Selection Plan.

1. All of the provisions pertaining to program eligibility found in the Administrative Plan apply to the PBV Program.
2. All PBV owners are required to develop written tenant selection procedures for their sites and shall maintain an up-to-date copy of these procedures and will be available to applicants and OHA upon request.
3. Knowing that time is of the essence and given that applicants self-certify the information used to determine their eligibility for a preference, the PBV owners will be encouraged to verify the applicant's preference status on the waitlist at the very beginning of the screening process. OHA will make the final determination of an applicant's preference status.
  - a. If it is determined that an applicant does not qualify for a preference for which he/she self-certified, the owner shall immediately notify OHA and OHA shall make the appropriate changes on all waitlists and shall notify the applicant in accordance with this Administrative Plan.
  - b. If the owner fails to verify the applicant's preference status prior to selecting the applicant for a PBV unit and OHA later determines the applicant does not qualify for a preference, OHA will be unable to lease the applicant into the unit.
4. Once an owner informs OHA that they have selected a household for an appropriately sized PBV unit, OHA may screen the applicant for program eligibility.
  - a. No participant may be leased up until OHA has determined eligibility.
  - b. If OHA determines that a household is not eligible for any reason, the household has a right to an informal review.
5. Should the ineligibility determination be reversed, the applicant will be placed back on all HCV waitlists in the same position they were in at the time of the finding of ineligibility.

If the original unit is still available at the time the determination is reversed, OHA will lease the applicant up as expeditiously as possible.

**Q. Family Briefing**

1. Once an applicant accepts an offer for PBV assistance, OHA will conduct a

virtual briefing. This session will provide households with a comprehensive understanding of the program, including their right to apply for access to a Tenant-Based voucher after one year and the process for doing so.

2. The briefing session will consist of ~~one~~ a virtual presentation and the distribution of the briefing packet. The session will cover the following topics:
  - a. Review of the PBV program guidelines;
  - b. Review of Project-Based Voucher terms;
  - c. Calculation of Total Tenant Payment (TTP);
  - d. Obligations of the family;
  - e. Security deposits;
  - f. Request for Tenancy Approval (RFTA);
  - g. Required HQS/NSPIRE inspections:
  - h. Lead based paint;
  - i. Discrimination: laws against, organizations to contact,
  - j. Lease review for prohibited terms
  - k. VAWA (Violence Against Women Act);
  - l. ADA/Reasonable Accommodations.
3. When a briefing includes any person with special needs and/or disabilities, OHA will take appropriate steps to ensure effective communication and an accessible location. Family members, representatives and service providers who assist families with special needs are encouraged to attend briefings.
4. When a briefing includes individuals that do not speak English as a primary language, OHA will provide translation services in accordance with its LEP (Limited English Proficiency) Plan. At the same time, applicants may bring their own translators if they wish, and OHA may elect to hold individual sessions in cases where English is a second language.
5. A new PBV participant must attend a briefing session before they get the Request For Tenancy Approval (RFTA).
6. Owners are required to provide tenant briefings regarding their site-specific policies and tenant responsibilities.

**R. Tenant Rent Calculation, Continued Occupancy and Recertification**

1. Rent calculation for PBV is based on the MTW Plan.
2. The determination of rent for the Tenant-Based program and the PBV program are as follows:
  - a. OHA rent calculations are 30% of the gross income minus the utility allowance or the rent floor.
  - b. The utility allowance to be used is based on the size of the PBV unit in which the participant resides.

**S. Household Right to Move**

1. After one year of occupancy, the PBV household may request to transfer to another PBV unit within the same site. Transfers within the site will be based on availability. The family must give thirty (30) days advance written notice (or less if a mutual termination agreement is executed), to his/her current PBV owner in accordance with the

- lease and provide a copy of the notice to OHA before he/she can vacate.
2. After one year of occupancy, all PBV households are eligible to request a Tenant-Based voucher.
    - a. The family must request a Tenant-Based voucher in writing. OHA will place these families on the TBV waitlist with the applicable preference if they are in good standing. For the purposes of a PBV household requesting a Tenant-Based voucher, a household in good standing is a household that:
      - i. Has not been the subject of a court issued execution within the past 12 months;
      - ii. May have an active repayment agreement and has made payments during each month for the last 3 months; and
      - iii. Is not the subject of a current OHA action to terminate.
    - b. PBV households that request a Tenant-Based voucher in writing and are eligible for continued participation in accordance with the Administrative Plan.
    - c. Tenant-Based vouchers will be issued subject to funding availability.
    - d. If Tenant-Based vouchers are available, the household must be ready, willing, and able to immediately accept the voucher.
    - e. At the time of submission of a passed inspection, the PBV household must provide OHA with a copy of the notice to vacate which was provided to the owner. Such notice must be provided in concert with the terms of the lease. Unless the transfer was due to an emergency and/or domestic violence as defined in federal regulations 24 CFR part 5.
    - f. If a project's Tenant-Based voucher is not available, OHA shall place the participant's name on the Tenant-Based waitlist chronologically based on date and time of written request.
      1. A household on the transfer list must be ready, willing and able to accept a Tenant-Based voucher within 60 days of notification.
      2. At the time of submission of the Leasing Packet, the PBV household must provide written notice to the owner with a copy to OHA.
      3. If the household cannot or will not accept a Tenant-Based voucher within 60 days of notification, they will be removed from the transfer list and will need to submit another written request to be placed back on the list with a new date and time.
    - g. Once received, the voucher will only be valid for 180 days from issuance for regular households and 210 days for disabled households. While normal tolling provisions apply, the Tenant-Based voucher will not otherwise be extended if the household has not found a unit prior to expiration.

**T. Over-Housed**

If household composition decreases to the point where the household is over-housed, the family will be required to relocate to an appropriately sized unit prior to their next regular recertification. Households may request an appropriately sized Tenant-Based voucher and relocate within 180 days of issuance.

1. Receipt of a Tenant-Based voucher through this avenue is one-time offer to households that are over-housed.
2. Vouchers issued to an over-housed PBV household will not be extended beyond the normal tolling provisions of this Administrative Plan.
3. Households that receive a Tenant-Based voucher but are unable to use the voucher will not be allowed to request another voucher for 24 months.

**V. Vacancy Payments and Claims**

1. Owners of PBV units may access a vacancy payment of 80% of the contract rent at the end of the participant's residency regardless of whether the participant vacates without notice.
  - a. The payment is made once the new voucher participant has moved into the apartment.
  - b. If the new participant is leased within the following month, the vacancy payment is prorated.
  - c. If at any time it is determined that OHA caused an extended vacancy, OHA may, at its discretion, agree to one additional vacancy payment.
2. Vacancy payments are only accessible to owners that have notified OHA within 30 days of a participant vacating the unit.
3. There are no damage claim payments in the PBV program.

**W. Termination of Tenancy**

1. 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.
2. Household Lease Termination - The household may terminate the lease at any time after the initial term. The household must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to OHA. Once a household terminates the lease, the household will no longer be part of the PBV program.