



CITY OF WICHITA FALLS HOUSING CHOICE VOUCHER PROGRAM

ADMINISTRATIVE PLAN

HOPWA PROGRAM

PROJECT BASED VOUCHER PROGRAM

Revised to conform to the changes contained in the Quality Housing and Work Responsibility Act of 1998 (QHWRA), changes to the Code of Federal Regulations, the March 16, 1999 Conforming Rule and the October 21, 1999 Section 8 Merger Final Rule

Administrative plan revised June 4, 2013

TABLE OF CONTENTS

INTRODUCTION..... 1

SPECIAL PROGRAMS..... 1

 Project Based Voucher Program (PBVP)..... 1

 Housing Opportunities for Persons with AIDS Program (HOPWA)..... 1

 Home Tenant Based Rental Assistance (TBRA)..... 1

A. HOUSING DIVISION MISSION STATEMENT..... 2

B. LOCAL GOALS AND HOUSING DIVISION’S COMMITMENT TO ETHICS AND SERVICE..... 2

PART I. STATEMENT OF OVERALL APPROACH AND OBJECTIVES.....2

I-A. PURPOSE OF THE PLAN [24 cf4 982.54].....2

 Rules and Regulations.....3

 Terminology.....3

I-B. AREA OF JURISDICTION..... 4

I-C. RESERVE ACCOUNTS.....4

 1. Administrative Fee Reserve.....4

 2. ACC Reserve..... 4

 3. Financial Responsibility.....4

I-D. FAIR HOUSING POLICY [24 CFR 982.54(D)(6)]..... 5

 2. Reasonable Accommodations Policy [24 CFR 100.202]..... 6

 3. Physical Accessibility.....7

 4. Program Accessibility for Persons with Hearing or Vision Impairment..... 8

 5. Improving Access to Services for Persons with Limited English Proficiency (LEP)..... 8

I-E GENERAL DEFINITIONS AND REQUIREMENTS (continued)..... 9

 6. Written Notice Requirement..... 9

 7. Definitions.....9

PART II – PHA POLICIES FOR SUBJECTS REQUIRED BY HUD.....9

II-A. SELECTION OF APPLICANTS..... 9

 1. Waiting List and Methods of Application..... 9

 a. Creation of Waiting List.....9

 b. Completion of Applications.....10

 1) Time and Location of Applications.....10

- 2) Assignment to Waiting List..... 10
- 3) Information Given to Applicants..... 10
- 4) Expected Turnover Rates..... 10
- 5) Ninety Day Renewal Requirement..... 10
- 6) Special Conditions..... 10
- 7) Waiting List Format..... 10
- c. Opening or Closing of the Waiting List..... 11
 - 1) Establishment of the Waiting List..... 11
 - 2) Closing of the List..... 11
 - 3) Reopening of the List..... 11
- 2. Working Preference and Selections from the Waiting List..... 11
 - a. Family Obligations, Denial and Termination of Assistance..... 12
- 4. Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence and Stalking..... 12
 - Notification..... 13
 - Victim Documentation..... 13
 - b. Breach of Family Obligations..... 13
 - c. Former Participants..... 13
 - d. Ineligible Applicants or Participants..... 13
- II-B. ISSUING OR DENYING VOUCHERS..... 13
 - 1. Selection of Families..... 13
 - a. Current Participant’s Preference..... 13
 - 2. Determination of Applicant Eligibility..... 13
 - a. Eligibility Factors..... 14
 - b. Family Composition..... 15
 - Definition of Family..... 15
 - Head of Household..... 15
 - Spouse of Head..... 15
 - Co-Head..... 16
 - Live-in Attendants..... 16
 - Split Household Prior to Voucher Issuance..... 17
 - Multiple Families in the Same Household..... 18

Joint Custody of Children.....	18
3. Social Security Numbers.....	18
4. Restricted Assistance to Non-Citizens.....	19
5. Verification of Income and Determination of Family Rent.....	19
Up-Front Income Verification.....	21
Use of Third-Party Verification to Supplement Enterprise Income Verification.....	21
Third-Party Written Verification.....	21
Third-Party Oral Verification.....	22
Review of Documents.....	22
Self-Certification/Self-Declaration.....	22
Defining Income and Sources of Income.....	22
Child Care Expenses.....	23
Medical Expenses.....	23
Family and Income Information.....	23
Review of Family Circumstances, Rents and Utilities.....	27
a. PHA Annual Review Items.....	27
b. Re-examinations.....	28
1) Annual Re-certification.....	28
2) Action or Inaction of the Family.....	28
3) Interim Re-determinations.....	28
a. Special Reviews.....	28
b. Unstable Incomes.....	28
c. Changes in Family or Income.....	28
d. Effective Dates or Changes.....	28
e. Time Frame for Reporting Changes.....	29
f. Effects of Reported Changes.....	29
g. Calculation of Rents and Housing Assistance Payments.....	29
h. Minimum Rent.....	29
6. Monitoring Calculations.....	30
7. Information When a Family is Selected.....	30
a. Verbal Briefing.....	30

- b. Scheduling Briefings.....30
 - 1. Notification..... 31
 - 2. The Briefing Information Packet..... 31
 - a) How to Find a Suitable Unit That Meets HQS..... 31
 - b) The Need to Shop for a Unit with a Reasonable Rent..... 31
 - c) The Known Landlords/Agents Who Have Expressed Agreement to Rent Under Housing Choice Voucher Program and the Availability of Units..... 31
 - d) The Implication of the Utility Allowance in the Payment Standard and Effect on the Total Amount of Rent to the Landlord/Agent (Contract Rent).....31
 - e) The Need to Have the Security Deposits for Both the Unit and for Any Tenant-Paid Utilities at the Time of Lease-up..... 31
 - f) Lease Approval Procedures by the PHA..... 31
 - g) Tenant Rights and Responsibilities..... 31
 - h) Landlord/Agent Rights and Responsibilities..... 31
 - i) The Requirement and Tenant Rights in the Portability Options of the Housing Choice Voucher Program..... 31
- c. Offer of Assistance..... 31
- d. Issuance of Housing Choice Vouchers and the Request for Tenancy Approval form..... 31
 - 1) Initial Term..... 32
 - 2) Request for Tenancy Approval (RFTA) form..... 32
- 8. Additional Information to Applicants..... 32
 - a. Requirement for ALL Communications with the PHA to be in Writing..... 32
 - b. Unauthorized Persons..... 32
- 9. Monitoring Participant Characteristics..... 33
- II-C. SPECIAL PURPOSE ADMISSIONS.....33
 - 1. Special (Non-Waiting List) Admissions..... 33
 - 2. Servicing Units for Another PHA Within Wichita County..... 33
- II-D. OCCUPANCY POLICIES.....33
 - 1. Definition of Family..... 33
 - 2. Definition of Continuously Assisted.....33
 - 3. Moving With Continued Tenant Based Assistance..... 33

4. Family Unit Size.....	34
5. Restriction on Being Added to Another Family’s Lease.....	35
6. PHA Occupancy Rate.....	35
7. Eligible Housing.....	36
8. Leasing to Relatives.....	36
9. Tenant or Landlord/Agent Legal Capacity.....	36
a. Legal Capacity.....	36
b. Tenant Legal Capacity.....	36
c. Landlord/Agent/Owner Legal Capacity.....	36
10. Manufactured Home Pad Rentals.....	37
II-E. ENCOURAGING PARTICIPATION OUTSIDE IMPACTED AREAS.....	37
1. Outreach to Income Eligibility Families.....	37
a. Public Service Announcements/News Releases.....	37
1) Methods of Media Outreach.....	37
2) Methods of Outreach to Groups.....	37
3) Methods of Outreach to Individuals.....	37
b. Paid Advertisement.....	37
c. Special Outreach to Groups Least Likely to Apply.....	37
d. Other Sources of Information.....	38
2. Housing Selection and Choice.....	38
a. Staff Assistance to Locate Housing.....	38
b. Available Housing Selection.....	38
II-F. RENT RERASONABLENESS.....	39
1. Factors of Rent Reasonableness.....	39
2. Rent Reasonable Adjustment Factors.....	49
3. Families That Rent in Place.....	40
II-G. ASSISTING FAMILIES CLAIMING HOUSING DISCRIMINATION.....	40
1. Monitoring Locations of Housing.....	41
2. Referral Assistance.....	41
3. Information on the Rental Assistance Program.....	41

a. Outreach to Landlords/Agents.....	41
b. Outreach to Groups.....	41
c. Outreach to Social Services.....	41
II-H. PHA POLICY ON PROVIDING INFORMATION ABOUT A FAMILY TO A LANDLORD/AGENT.....	42
1. Releasing Family Information to Landlords/Agents.....	42
2. Landlord/Agent Responsibility for Screening Their Tenants.....	42
a. Sole Discretion of the Landlord/Agent.....	42
b. Family’s Suitability for Tenancy.....	42
c. Information Provided to the Landlord/Agent.....	43
II-J. PHA ACTIONS TO DISAPPROVE A LANDLORD/AGENT.....	43
II-K. SUBSIDY STANDARDS.....	43
1. Family Unit Size (Bedroom Size).....	43
2. Family Composition – Pregnant Singles.....	43
II-L. FAMILY ABSENCE FROM UNIT.....	44
II-M. ASSISTANCE IN FAMILY BREAK-UPS.....	44
II-N. APPLICANT’S INFORMAL REVIEW PROCEDURES.....	44
II-O. PARTICIPANT’S INFORMAL HEARING PROCEDURES.....	44
1. Participant’s Right to Appeal.....	44
2. Disagreements or Complaints.....	44
3. Levels of Appeals.....	44
II-P. HOUSING CHOICE VOUCHER PROGRAM SUBSIDIES.....	45
1. Payment Standard.....	45
a. Current Payment Standard.....	45
2. Affordability Adjustment to Payment Standards.....	45
a. Timing of Adjustment.....	45
b. Factors for Adjustment.....	45
3. Restriction on Family’s Share.....	45
II-Q. SPECIAL HOUSING TYPES.....	46
1. Administration of Special Housing.....	46
2. HOME Tenant Based Rental Assistance (TBRA).....	46
3. HOPWA (Housing Opportunities for Persons with AIDS).....	46

II-R. FAMILY OWED PAYMENTS TO THE PHA.....46

- 1. Repayment Requirements.....46
- 2. Repayment Offer from PHA.....47
- 3. Repayment Agreements.....47

PART III. PHA POLICIES ON MATTERS NOT REQUIRED BY HUD.....48

III-A. OUTREACH PROCEDURES.....48

III-B. PORTABILITY AND FAMILY MOVES.....48

- 1. Family Moves Within the PHA Service Area.....48
- 2. Family Moves Outside the PHA Service Area.....48
 - a. Utilities and Inspections.....49
- 3. Waivers of HQS for Un-vented Heaters.....49
 - a. Use of Un-vented Heaters.....49
 - b. Encouragement to Use Vented Heaters.....49
- 4. Acceptability of the Unit.....49
 - a. No Assistance to be Paid.....49
 - b. Tenant Choice.....49
 - c. Sight Unseen Units.....50
 - d. Subsidy Level.....50
 - e. Marginal Units.....50
 - f. Yard Maintenance.....50
- 5. Failure of Unit to Meet HQS.....50
 - a. Landlord/Agent Failure to Maintain.....50
 - b. Tenant Failure to Maintain.....50

III-C. INTERNAL SCHEDULES.....51

- 1. Initial Inspection.....51
- 2. Actions if Unit Fails Initial Inspection.....51
- 3. Schedule Re-inspection.....51
- 4. Annual Inspection.....51
 - a. Required Annual Inspection.....51
 - b. Allowing Inspections.....52

III-D. TENANCY APPROVAL.....52

1. Acceptable Lease Formats.....	52
2. Security Deposits.....	52
3. Security Deposit Maximum.....	52
a. Leases Entered Into After October 2, 1995.....	52
b. State Requirements to Return Security Deposit.....	52
c. State Lock Change Requirement at Move-out.....	52
d. PHA Not Responsible for Rent Prior to Execution of Contract.....	53
4. Review of Rental Requirements.....	53
5. Penalties for Late Payment from PHA.....	53
III-E. CONTRACT COMPLETION.....	53
III-F. PAYMENTS TO LANDLORD/AGENT/TENANT.....	53
1. Internal Billing Procedure.....	53
a. Payment Register.....	53
b. Special Claims Payments.....	53
III-G. FINANCIAL RECORDS.....	54
III-H. INFORMATION AND ASSISTANCE FOR PARTICIPATING FAMILIES.....	54
1. Community Services/Agencies Referrals.....	54
a. Referrals by the Housing Division Staff.....	54
b. Assistance to Tenants and Landlords/Agents From the Staff.....	54
2. Complaints by Tenants.....	54
III-I. TERMINATION AND FAMILY MOVES.....	54
1. Family Responsibilities.....	54
a. Information at Briefing and Recertification.....	54
b. Termination for Family Action or Inaction.....	55
2. Move Outs.....	55
3. Eviction.....	55
4. Family Fraud or Other Program Violations.....	55
5. Landlord/Agent Responsibilities.....	55
6. Termination of Tenants for Threats of Violence.....	56
7. Failure to Meet or Maintain Unit HQS.....	56
8. Grounds for Termination of Assistance – Criminal Activity.....	56

9. Cancellation of the HAP Contract.....	56
10. Failure to Sign Consent Forms or Provide Information.....	57
11. PHA Review.....	57
III-J. MOVING AND PORTABILITY.....	57
III-K. CONTRACT DATES AND SPECIAL CLAIMS PAYMENTS.....	57
III-L. MONITORING PROGRAM PERFORMANCE.....	57
1. Management Policies.....	58
2. Monitoring the Program.....	58
3. Administrative Plan Revision.....	58
III-N. AUTHORIZATION OF A PROJECT-BASED ASSISTANCE.....	58
PART IV. BUDGETING AND STAFFING NEEDS.....	58

2013 Administrative Plan

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, that recodified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Housing Choice Voucher (HCV) Program, is described in and implemented throughout this Administrative Plan, known hereafter as the “Plan”.

The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by the **City of Wichita Falls Housing and Community Development Division, known hereafter as the “Housing Division”**. The officials of the Housing Division are known as the Mayor and Council Members, or collectively, as the City Council, and the City Manager. These officials generally serve in the same capacity as the directors of a corporation, establishing policies under which the Housing Division conducts business, ensuring that policies are followed by staff and ensuring that the Housing Division is successful in its mission. The staff is responsible for preserving and expanding the agency’s resources and assuring the HCV program’s continued viability.

The principal staff member of the Housing Division is the Administrator of Housing, hired by the City’s Director of Community Development/Assistant City Manager of Wichita Falls. The Administrator is directly responsible for carrying out the Department of Housing and Urban Development’s (HUD) HCV rules and regulations, program policies, the City’s personnel policies, as well as all federal, state and local fair housing laws and regulations. The Administrator of Housing and Assistant Director of Community Development are delegated the responsibility for hiring, training and supervising of the Housing Division’s staff in order to manage the day-to-day operations of the Housing Division to ensure compliance with federal and state laws and directives for the programs managed. In addition, the Administrator’s duties include budgeting and financial planning for the agency.

Special Programs:

Project Based Voucher Program (PBVP): The Housing Division may choose to implement a project based program. The Housing Division may set aside up to 20% of HCV funding to provide affordable housing opportunities under the project based feature of the HCV program. The policies administering the City of Wichita Falls Project based program are located in a separate document attached to the Administrative Plan.

Housing Opportunities for Persons with Aids Program (HOPWA): The Housing Division has chosen to implement a HOPWA program. The Housing Division operates a small-scale HOPWA program that is funded by the State of Texas. The participants of this program are required to apply for the Housing Choice Voucher program in accordance to the policies administering in the Administrative Plan.

Home Tenant Based Rental Assistance (TBRA): The Housing Division may choose to implement a TBRA program in the future. The city at this time does not have any TBRA units under the HOME program.

A. HOUSING DIVISION MISSION STATEMENT

The mission of the City of Wichita Falls Housing Division is to encourage independence, provide housing assistance and family stability throughout the city to the families we serve, by following HUD guidelines with consistent, professional customer service and teamwork.

B. LOCAL GOALS AND HOUSING DIVISION'S COMMITMENT TO ETHICS AND SERVICE
[24 CFR 982.1]

The Housing Division has the following goals for the program:

- Administer applicable federal and state laws and regulations to achieve high ratings in compliance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing – in compliance with program housing quality standards – for very low-income families while ensuring that family rents are fair, reasonable, and affordable.
- Encourage self sufficiency of participant families and assist in the expansion of family opportunities that address educational, socio-economic, recreational and other human services' needs.
- Promote fair housing and the opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
- Promote a housing program that maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.
- Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
- Create positive public awareness and expand the level of family, owner, and community support in accomplishing the Housing Division's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of the Housing Division's support systems and commitment to our employees and their development.

The Housing Division will make every effort to keep program participants informed of HCV program rules and regulations, and to advise participants of how the program rules affect them.

PART I. STATEMENT OF OVERALL APPROACH AND OBJECTIVES

I-A. PURPOSE OF THE PLAN [24 CFR 982.54]

The Plan is required by HUD. The purpose of the Plan is to establish policies for carrying out the HCV Program administered by the City of Wichita Falls in a manner consistent with HUD requirements and local goals and objectives contained in the City of Wichita Falls' Five Year and Annual Agency Plan. The

Plan is a supporting document to the Five Year and Annual Agency Plan, and is available for public review as required by CFR 24 Part 903.

The Housing Division is responsible for complying with all changes in HUD regulations pertaining to HCV program administered by the City of Wichita Falls. If such changes conflict with this Plan, HUD regulations will have precedence. The Housing Division will revise this Plan as needed to comply with changes in HUD regulations. The original Plan and any changes must be formally adopted by the City Council, and the revised section must be documented in the Five Year and Annual Agency Plan, and a copy provided to HUD.

The City Council, acting as the Housing Agency's Board, must formally adopt the administrative plan and any revisions. The administrative plan becomes the PHA's "official" policy when it is approved by the Council.

Because changes to the administrative plan require formal approval by the City Council or other governing body, this administrative plan addresses only those policies areas in which the PHA has discretion.

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program

Local rules that are made part of this Plan are intended to promote local housing objectives consistent with the intent of the federal housing legislation.

Rules and Regulations [24 CFR 982.52]

This Plan is set forth to define the Housing Division's local policies for operation of the HCV program administered by the City of Wichita Falls. All issues related to the HVC program not addressed in this document are governed by such Federal regulations, HUD memos, notices and guidelines, or other applicable law. The policies in this Plan have been designed to ensure compliance with the consolidated Annual Contributions Contract (ACC) and all HUD-approved applications for program funding.

A detailed list of the PHA responsibilities is contained in 24 CFR 982.153. Special items required for the Project Based Assistance are located in the PBV plan for that program.

Terminology

"Family" is used interchangeably with "Applicant " or Participant" and can refer to single person family.

"Tenant" is used to refer to participants in terms of their relation to landlords.

"Landlord", "Agent" and "owner" are used interchangeably.

I-B. AREA OF JURISDICTION.

The City of Wichita Falls Housing Choice Voucher Program defines its primary operational boundaries as those areas inside Wichita County from the Red River south to the Archer County line and from the Wilbarger/Wichita County line westward, extending eastward to the Wichita/Clay County line to include Electra, Iowa Park, Burkburnett, Wichita Falls, Pleasant Valley, Kamay and Valley View. During the initial first year, the participants must reside in this area. The PHA is required under federal government portability regulations to allow their participants to locate anywhere they may decide after the first year on the program. If there is no eligible PHA in that area that has their own Housing Choice Voucher assistance program, this PHA is required to service that family.

I-C. RESERVE ACCOUNTS

1. Administrative Fee Reserve
[Source: 24 CFR 982.152 and 982.155]

The Public Housing Agency (PHA) has two different reserves. The only one that the PHA has control of is the Administrative Fee Reserve. This reserve is comprised of those actual administrative fees earned by the PHA in prior years that exceeded the authorized operating costs of the program during any budget year.

a). The City of Wichita Falls PHA, after reviewing funding requirements for the successful operation of this agency with the Finance Department, has concluded that adequate operating funds will be available through the remaining term of the Annual Contributions Contract. To assure such level of funding will continue to be available in the future, the City of Wichita Falls has established a minimum threshold of \$125,000 that must be retained by the City of Wichita Falls in the Unrestricted Administrative Fees Reserve account. The Administrative Fees Reserve must be maintained as a resource to pay Housing Choice Voucher program administrative costs that may exceed the actual amounts of administrative fees earned during a PHA's fiscal year. Any amount to be used that will result in lowering the reserve below the established threshold will require approval by the City Council of the City of Wichita Falls, Texas. No Administrative Fees Reserve funds will be used for purposes other than housing related activities, and then only if the reserves will not be needed to meet the operational needs of the division.

2. ACC Reserve
[Source: 24 CFR 982.154]

This unfunded program reserve account is the amount of unexpended budget authority that is retained by HUD. Any fiscal year that the PHA does not spend the total budget authority under the Consolidated Annual Contributions Contract, the balance is retained by HUD and may be used to pay for future program operations.. HUD normally recaptures any amount that exceeds one month's operating funds.

3. Financial Responsibility
[Source: 24 CFR 982.153]

The Housing Agency operates as a division of the City of Wichita Falls. It is not an independent agency and has a portion of its financial support services provided by the City's Finance Department. The Chief Financial Officer must approve financial transactions involving expenditures of any funds from the Consolidated Annual Contributions Contract (CACC) other than Housing Assistance Payments, such as salaries and fringe benefits. Purchases outside of the office supplies must be approved through the Director of Community Development, or Housing Administrator and Purchasing Agent. Capital improvements over \$1,000 also require the City Manager's approval. The City Manager has been empowered by the City Council to approve expenditures of under \$25,000 for budgeted eligible activities.

Any expenditure over \$25,000 must be approved in an open public meeting by the Wichita Falls City Council. The City Council operates as this PHA's Board of Directors.

I – D. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

It is the policy of the City of Wichita Falls to comply fully with all federal, state, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- Violence Against Women Reauthorization Act of 2005 (VAWA)
- HUD Equal Access Rule

When more than one civil rights law applies to a situation, the laws will be read and applied together.

The Housing Division shall not deny any family or individual the equal opportunity to apply for or receive assistance under the HCV Program (Section 8) on the basis of race, color, sex, religion, familial status, age, disability, national origin, sexual orientation or gender identity (perceived or actual).

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

To further its commitment to full compliance with applicable Civil Rights laws, the Housing Division will provide Federal/State/local information to the families and owners regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the families briefing packet and available upon request at the front desk. The Housing Division will inform the family of the opportunity to rent in a broad range of neighborhoods. The Housing Assistance Payment (HAP) contract informs the owners of the requirement not to discriminate against any person because of race, color, sex, religion, familial status, age, disability, national origin, sexual orientation or gender identity (perceived or actual) in connection with the contract.

All Housing Division staff will be required to attend fair housing training and will be informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of the overall commitment to quality customer service. Fair Housing posters are posted throughout the Housing Division offices and the equal opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organization to keep current with new developments.

Except as otherwise provided in 24 CFR 8.21 (c)(l), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the Housing Division's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the Housing Division's office in such a manner as to be easily readable from a wheelchair.

The City of Wichita Falls' offices are accessible to persons with disabilities. Accessibility for the hearing impaired is provided through a TDD phone number that is the same as Housing Division's phone number.

Applicants or participants who believe that they have been subject to unlawful discrimination may notify the Housing Division either orally or in writing. The City of Wichita Falls also has a Fair Housing Administrator that can assist the applicant or participant with their complaint. The Fair Housing Administrator is a member of the Housing Department, but not a staff person in the Housing Division.

The Fair Housing Administrator will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

The Housing Division will attempt to remedy discrimination complaints made against the Housing Division and make every reasonable attempt to determine whether the applicant's or participant's assertions have merit and take any corrective action.

2. REASONABLE ACCOMMODATIONS POLICY [24 CFR 100.202]

A person with a disability may require special accommodations in order to have equal access to the HCV program.

The types of reasonable accommodations the Housing Division can provide include changes, exceptions, or adjustments to a rule, policy, practice, or service.

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that the Housing Division treat the information as a request for a reasonable accommodation, even if no formal request is made. The Housing Division will encourage the family to make its request in writing using a reasonable accommodation request form. However, the Housing Division will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the Housing Division, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Types of Reasonable Accommodations

When needed, the Housing Division must modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail.
- Conducting home visits.
- Using higher payment standards if the Housing Division determines this is necessary to enable a person with disabilities to obtain a suitable housing unit.
- Providing time extensions for locating a unit when necessary because of lack of

- availability of accessible units or special challenges of the family in seeking a unit.
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with Housing Division staff.
- Displaying posters and other housing information in locations throughout the Housing Division's office in such a manner as to be easily readable from a wheelchair.

The family must explain what type of accommodation is needed to provide the person with the disability full access to the Housing Division's programs and services.

If the need for the accommodation is not readily apparent or known to the Housing Division staff member, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability. Before making a determination whether to approve the request, the Housing Division may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that the Housing Division may verify the need for the requested accommodation.

The Housing Division must approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on the Housing Division, or fundamentally alter the nature of the Housing Division's HCV operations (including the obligation to comply with HUD requirements and regulations).

The Housing Division will provide a written decision to the person requesting the accommodation within 10 business days. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal review or hearing of the Housing Division's decision.

3. PHYSICAL ACCESSIBILITY

The Housing Division must comply with a variety of regulations pertaining to physical accessibility, including the following:

- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

The Housing Division's policies concerning physical accessibility must be readily available to applicants and participants. They can be found in three key documents:

- This Plan describes the key policies that govern the Housing Division's responsibilities with regard to physical accessibility.
- Notice PIH 2010-26 summarizes information about pertinent laws and implementing regulations related to nondiscrimination and accessibility in federally-funded housing programs.
- The Housing Division's Five Year Plan and Annual Plan provide information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of Housing Division facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the HCV program.

When issuing a voucher to a family that includes an individual with disabilities, the Housing Division will include a current list of available accessible units known to the Housing Division and will assist the family in locating an available accessible unit, if necessary.

Owners must permit the family to make reasonable modifications to the unit. The owner is not required to pay for the modification and may require that the unit be restored to its original state at the family's expense when the family moves.

4. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require the Housing Division to ensure that persons with disabilities related to hearing and vision have reasonable access to the HCV programs and services [24 CFR 8.6]. At the initial point of contact with each applicant, the Housing Division shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display/-teletype) communication will be available.

To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with Housing Division staff, one-on-one assistance will be provided upon request.

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

5. IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

The Housing Division will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Plan, LEP persons can be HCV applicants and participants, and parents and family members of applicants and participants.

The Housing Division has determined that it is reasonable to train and hire Spanish/English bilingual staff to be available to act as interpreters and translators and to pool resources with other City departments/staff to act as interpreters when needed.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their

own choosing, in place of or as a supplement to the free language services offered by the Housing Division. The interpreter may be a family member or friend.

I – E. General Definitions and Requirements Continued

6. Written Notice Requirement

[Source: 24 CFR 982.5]

All contact with applicants on the waiting list, except for the 90-day renewal of the application, must be done in writing. The ninety day renewal of applications can be done by telephone. After being issued a Housing Choice Voucher, all correspondence must be in writing. To have any validity, all contracts, transactions, notices, changes or certifications, between the PHA and the participant as a tenant, the tenant and the landlord, and the landlord and the PHA must be in writing.

7. Definitions

Most acronyms or terms used in this Plan and on HUD forms are defined in 24 CFR Part 5. Any additional terms are found in 24 CFR 982.4.

PART II. PHA POLICIES FOR SUBJECTS REQUIRED BY HUD

[Source: 24 CFR 982.54]

II-A. SELECTION OF APPLICANTS.

[Source: 24 CFR PART 982.54 (1) and 24 CFR PART 982 SUBPART E]

1. Waiting List and Methods of Application

[Source: 24 CFR 982.204] [Source: 24 CFR 982 5.233]

a). Creation of a Waiting List.

Except for special admissions directed by HUD, all participants must be selected from a single waiting list. The waiting list is covered in detail in 24 CFR 982.204. The PHA will accept applications for the Housing Choice Voucher Tenant Based programs from any interested persons as long as there are funds available and a reasonable chance of assisting the applicant within two years. Everyone will be given the opportunity to complete an application unless the waiting list has been officially suspended (closed) by the PHA publishing a public notice of that suspension in a local paper of general circulation.

All persons will be required to complete a handwritten application, which will be used to enter the data into the PHA's computerized database system. Any applicant found to be ineligible will be notified, in writing, of why they are ineligible and informed that they may elect to remain on the waiting list unless the applicant owes another Public Housing Agency funds, subject to the same 90 day renewals. However, if they are still ineligible when their name reaches the top of the waiting list, they will be removed from the list and informed of how and where they may appeal this determination. This situation may occur in cases of being over-income at time of application, a three year suspension for move without notice, or because of the One Strike and criminal records check policy.

HUD created a national repository available within the EIV (Enterprise Income Verification System) for debt owed and termination information of former program participants. PHA must access this system at time of application for rental assistance to determine a family's suitability for rental assistance, and avoid providing limited federal housing assistance to families who either: (1) Owe a debt to a PHA: or (2) have previously been unable to comply with HUD program requirements. PHA cannot allow a person who owes a debt to a PHA to be added to their waiting list or provide housing assistance funds for that family.

The PHA must notify the family in writing and provide a contact name so the family may resolve any issues with debts owed to that PHA.

b). Completion of Applications.

(1). Time and Location for Applying.

When the waiting list is open, an applicant can complete and return an application any time between the hours of 8:00 AM and 5:00 PM on Tuesdays at the Housing Division office in Room 301 of Memorial Auditorium, 1300 Seventh Street, Wichita Falls, TX. Applications will be reviewed for completeness but will not be accepted until completed in their entirety. The data on the handwritten application will be entered into the computer system. The handwritten application will be stamped with a mechanical Date-Time Stamp. This time and date serves as acceptance of the completed application. The handwritten copy will be placed on file in date and time order.

(2). Assignment to Waiting List

If there are eligible applicants that cannot be housed immediately, they will be placed on the waiting list based on the city's established preferences and then date and time stamp when the PHA received their completed application.

(3). Information Given to Applicants

Applicants will be given an estimate of the range of months until assistance can be expected to be available. The applicant is informed at the time of application that because of the turnover rate, lack of federal housing funds, the requirement to take families based on preferences and then date they apply and the number of persons on the waiting list, most applicants will not be assisted within the first 90 days of their application.

Applicants will also be informed that all communications between the PHA and the applicant from this point on will be in writing and that for this reason they must be sure to provide the PHA with an address where they will be sure to receive any mail. They are also informed that the mail is not forwarded and that any returned mail can result in their removal from the waiting list.

(4). Expected Turnover Rates

The average turnover rate (number of households leaving the program) is 17 per month. Once maximum lease-up is achieved, to maintain that maximum lease-up a minimum of 20 to 50 persons need to be called in for briefing per month. An average of 39% of those called in for briefings actually attend that briefing. Out of that 39% , 68% actually enter into a Housing Assistance Payment Contract by leasing a unit, it takes the issuance of 1.5 voucher to applicants to get one successful lease up. To increase success rates the staff encourages applicants/voucher holders to check every source for housing. The staff will over-issue vouchers to assist in the attempt to meet the PHA's full lease-up policy. Based on PHA records, 67% of new voucher holders find acceptable housing and are leased up within 30 days, 21% within 60 days, and 10% within the 90 days. When given additional extensions an additional 2% are finally assisted.

(5). Ninety Day Renewal Requirement

[Source: 24 CFR 982.204, c]

Applicants will be informed in person that they will have to renew their applications at the end of that 90-day period and every 90 days thereafter until they can be assisted. The application form has two bolded information blocks on both front and backsides of the form that states that the application must be renewed every 90 days to remain active on the waiting list. A pre-printed reminder form with instructions on how to renew the application is given to the applicant when they apply. The form has a blank space that the PHA uses to enter the first renewal date. The form also has a notice that all changes must be in

writing. Failure to update their application will cause their name to be removed from the waiting list. They will be informed that they may reapply at the next application time.

(6). Special Conditions.

Persons who work, attend training or school during the time period used for taking applications will be allowed to complete an application either before or after normal office hours on Tuesdays. Persons living outside Wichita Falls or a person with disabilities that are unable to come to the office can apply by mail. Mailed applications will be reviewed for correct information and if correct, will be date/time stamped at the start of office hours on the next Tuesday and entered into the computer program. Arrangements can be made with a 24-hour notice, for staff to accept applications outside of normal working hours.

(7). Waiting List Format

This waiting list will provide sufficient information to determine should any elderly/disabled, homeless or any other preference be mandated by HUD in the future to determine selection order for assistance as vouchers become available. The list will contain enough information to meet Fair Housing and Equal Opportunity requirements. Income data at time of application must comply with the 75% extremely low-income requirements.

c). Opening or Closing of the Waiting List.

[Source: 24 CFR 982.206]

(1). Establishment of The Waiting List.

As the local rental assistance program has been in operation for over thirty years and there are always more persons applying for the program than there are funds available to provide assistance, a waiting list has been established and is used for applicant selection. The Housing Division office will provide program eligibility information and encourage a number of interested organizations and parties serving low income families to provide information to their clients.

(2). Closing the List

If it will take more than 24 months for a family to be assisted, the PHA will publish a public notice announcing the closing of the waiting list and stating how long the PHA expects it to be closed.

(3). Reopening the List

If new vouchers become available or those persons currently on the waiting list are being assisted within 6 months, a notice will be placed in the local newspaper. This notice will state that the waiting list is open, that assistance is available within a reasonable time and how persons may apply to be placed on the waiting list.

2. Working Preference and Selections from the Waiting List. (CFR 982.207)

Families with an adult member that have been working for a period of 90 consecutive days prior to the selection process will be selected from the waiting list ahead of a family that does not. Family heads, co-heads, spouses, or single person families that are receiving Social Security Disability or Supplemental Social Security Income for their inability to work will be treated as if they are working families. Families claiming self-employment as a working preference must provide a current tax return with a schedule C or CEZ form for verification.

The Housing Agency must give an equal preference to a single family (with or without a working preference) if the head, co-heads and spouse, or sole member is age 62 or older, or is a single person with disabilities.

The remaining applicants will be selected from the waiting list by date and time of completed application.

The Federal regulations mandate that no less than 75% of new admissions have incomes at or below 30% of the Median Family Income by family size. At the present time the PHA is able to meet the requirement through the application process. If the PHA determines in mid April, based on the available waiting list data, that it may not meet the 75% requirement by September 30 it will adjust the selection method. Until we meet the 30% income requirement, the order in which families are selected will be to pick only families at or below the 30% level, based on the application date and time order. After enough applicants meet this requirement the PHA will resume the normal selection process.

a). Family Obligations, Denial and Termination of Assistance

(Source: 24 CFR 982. Subpart L)

(1). The PHA may deny assistance for a person or family, if any member of the family was ever terminated from any housing assistant program, (project-based or tenant-based), Housing Choice Voucher Program, or evicted from public or Indian housing for any reason, if the offending member is part of the household. The PHA may also deny admission to the tenant-based Housing Voucher programs for any of the grounds stated in the program regulations, such as failure to pay public housing rent, failure to pay debts to a PHA, or committing fraud in any federal housing program. The PHA may consider admission to the program, after a three-year waiting period, for those persons evicted or terminated from assisted housing for drug or violent criminal activities.

(2). The PHA chooses to use indictment as the level of "preponderance of evidence" for termination under the HUD Drug-Free Housing Policy. If convicted, the three-year wait to reapply will begin with the date of conviction not indictment. The three-year waiting period will not be applicable, if a person was terminated from the program for drug or violent criminal activities and the indictment is later dropped or the person is not convicted of the crime. In the instance of a dropped indictment, it is the responsibility of the previously assisted tenant to notify the PHA of these circumstances. Upon notification, the PHA will provide immediate assistance. (3). Prohibited Admissions Criteria [24 CFR 982.202(b), Equal Access Rule, VAWA 2005]

HUD rules prohibit denial of program assistance to the program based on any of the following criteria:

- Age, disability, race, color, religion, sex, national origin, sexual orientation or gender identity
- Where a family lives prior to admission to the program
- Where the family will live with assistance under the program (Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside the Housing Division's jurisdiction under portability)
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
- Whether the family includes children
- Whether a family decides to participate in a family self-sufficiency program
- Whether or not a qualified applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant is otherwise qualified for assistance

(4). Prohibition Against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking

The Violence against Women Act of 2005 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit the Housing Division from denying an applicant admission to the HCV program "on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking, if the applicant otherwise qualifies for assistance or admission."

Notification

The Housing Division acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under the Housing Division's policies. Therefore, if the Housing Division makes a determination to deny assistance to an applicant family, the Housing Division will include in its notice of denial VAWA information and will request that an applicant wishing to claim protection under VAWA notify the Housing Division within 10 business days.

Victim Documentation [24 CFR 5.2007]

If an applicant claims the protection against denial of assistance that VAWA provides to victims of domestic violence, dating violence, or stalking, the Housing Division will request in writing that the applicant provide documentation supporting the claim.

b). Breach of Family Obligations.

The PHA may deny or terminate assistance if there is breach in the family obligations stated in 24 CFR 982.551.

The federal rules provide for denial of participation to an applicant or termination of housing assistance to a participant if a family has breached or breaches its Housing Choice Voucher Family Obligations, or commits fraud in connection with a federal housing assistance program. The PHA will also deny participation or terminate assistance for failure to fulfill a repayment agreement the tenant has entered into. If a tenant continuously fails to correct a breach of family obligations, either by their action or inaction, the PHA will consider this a pattern and shall deny readmission for a three-year period. Failure to correct tenant caused damages or tenant caused HQS failed items during the re-certification process can result in denial to move to a new unit with continued assistance or in termination of assistance. Failure to allow scheduled inspections is also a breach of family obligation.

(c). Former Participants

(1). Families who have formerly participated in federal rental assistance programs and moved without proper written notification, as required in the Family Obligations, are deemed to be ineligible for a period of three (3) years from the date of that move.

(2). In addition to the above guidelines, the PHA will also deny housing assistance if an applicant has not repaid money owed to this or any other PHA in connection with the public housing or Housing Choice Voucher programs.

d). Ineligible Applicants or Participants

Anyone found to be ineligible when their name comes to the top of the list will be notified, in writing, at the address they furnished on the application. The notification shall include information for requesting an informal review.

II-B. ISSUING OR DENYING VOUCHERS. [Source: 24 CFR PART 982.302].

1. Selection of Families

a). Current Participant's Preference
[Source: 24 CFR 982.403]

If a change in the family size or composition of a current participant occurs with the result being that a participant is now under or over housed, the PHA must issue a Voucher for that family to move to the correct family unit size and assure adequate funding for that family.

2. Determination of Applicant Eligibility

[Source: [24 CFR part 5 subpart D, E, F]

There are three major factors that are used to determine eligibility of applicants. The applicant cannot exceed the very low-income limits (50% of area median income by family size) established by HUD for the applicant's family size. The applicant must also meet one of the familial situations identified by the PHA. Eligibility is established and revised by the most current federal laws, regulations and guidelines.

A third factor is that the applicant must not have a criminal record for drug or alcohol abuse or a history of domestic violence. All tenants being certified at initial lease-up will be screened on the internet for a listing under the Sex Offenders Act. A criminal records check with the local police department will be conducted prior to initial lease-up. A separate consent form for the police records check must be signed by all tenants over 18 years of age or at re-certification time for those that have reached 18 years of age during that period. Families are encouraged to avoid delays by gathering the verification required ahead of the actual certification date. The staff will provide reasonable accommodation to aid persons with handicaps or disabilities that need assistance in the completion of the application. The Housing Division offices inside Memorial Auditorium are accessible areas that allow mobility-restricted applicants to apply.

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

INTRODUCTION

The City of Wichita Falls' Housing Division is responsible for ensuring that every individual and family admitted to the Housing Choice Voucher (HCV) program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by the Housing Division to confirm eligibility and determine the level of the family's assistance.

A. ELIGIBILITY FACTORS [982 .201(b)]

The Housing Division accepts applications only from families whose head or spouse is at least 18 years of age or emancipated minors under State law.

To be eligible for participation, an applicant must meet the Department of Housing & Urban Development's (HUD) criteria, as well as any permissible additional criteria established by the Housing Division.

The HUD eligibility criteria are:

- Qualify as a family as defined by HUD and the Housing Division.
- Have income at or below HUD-specified income limits
- An applicant must furnish Social Security Numbers for all family members as required
- Qualify on the basis of citizenship or the eligible immigrant status of family members
- Consent to Housing Division's collection and use of family information as provided for in

Housing Division-provided consent forms

- Housing Division must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or Housing Division.

The family's initial eligibility and evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for the final eligibility processing for issuance of a Voucher.

B. FAMILY COMPOSITION [24 CFR 982.201(c)]

The applicant must qualify as a family. A family may be a single person or a group of persons. The terms family and household have different meaning in the HCV program. *Household* is a broader term that includes additional people who, with Housing Division's permission, live in the assisted unit, such as live-in aides, foster children, and foster adults.

Definition of Family

A "family" may be a single person or a group of persons. The definitions of a "disabled family", "elderly family", "family", and "near elderly family" are as follows:

Disabled family means a family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living with one or more-live-in aides.

Elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more-live-in aides.

Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

- (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:
 - i. A family with or without children (a child who is temporarily away from the home because of placement in a foster care is considered a member of the family);
 - ii. An elderly family;
 - iii. A near elderly family;
 - iv. A displaced family; and
 - v. The remaining member of a tenant family

Near-elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

a). Definition of Family

HUD regulations (CFR 982.201) require that the Housing Division determine if any other group qualifies as a family. The City of Wichita Falls also defines a family as:

Two or more individuals who are not related by blood, marriage, adoption, or other operation of law, but who either can demonstrate that they have lived together previously in a stable relationship or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.

Head of Household

The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law. Emancipated minors who qualify under State law will be recognized as head of household.

Spouse of Head

Spouse means the husband or wife of the head.

For proper application of the Non-citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-Head

Co-Head means an individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Attendants

A Family may include a live-in aide provided that such live-in aide:

- Is determined by the Housing Division to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with disabilities,
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members:

- Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
- Live-in aides are not subject to Non-Citizen Rule requirements.
- Live-in aides may not be considered as a remaining member of the tenant family.

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

A live-in aide may only reside in the unit with the approval of the Housing Division. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly or disabled.

The Housing Division will approve a live-in aide if needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability. Approval of a live-in aide for reasonable accommodation will be in accordance with CFR 24 Part 8 and the reasonable accommodations section in Chapter I of this Plan.

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

- The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- The person commits drug-related criminal activity or violent criminal activity; or
- The person currently owes rent or other amounts to the Housing Division or to another Housing Division in connection with Section 8 or public housing assistance under the 1937 Act.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the Housing Division will make the decision of who will remain on the waiting list taking into consideration the following factors:

- Which family member applied as head of household
- Which family unit retains the children or any disabled or elderly members
- Role of domestic violence in the split
- Recommendations of social service agencies or qualified professionals such as children's protective services

Only one of the new families may retain the original application date. Other former family members may make a new application with a new application date, if the waiting list is open.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the Housing Division. If the family breakup results from an occurrence of domestic violence, dating violence, or stalking, the Housing Division must ensure that the victim retains assistance, as long as the family meets the documentation requirements.

Multiple Families in the Same Household

When families apply that consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

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

When both parents are on the waiting list and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

b). Income Sources

[Source: 24 CFR part 5.609]

Income sources are defined by federal regulations. Exceptions and exclusions are listed and updated by HUD on a regular basis. HUD publishes tables on Annual Median Family Income, adjusted for family size, on an annual basis. The methods of calculating the Total Tenant Payment and family's share are determined by federal regulations. The PHA will get a Request for Release of Information (HUD form 9886 or it's replacement) signed for each person over 18 years of age. The applicants will also sign the other consent forms required by requested agencies.

c). Requirement for Extremely Low Income Persons

All new participants must be defined as very low income and have incomes less than 50% of the median family income adjusted for family size. Seventy-five percent of all new families admitted to the program during any fiscal year shall be from the extremely low-income group (30% of less of the AMI) to comply with 24 CFR 5.201 (b)2(l). If an applicant has an income change (either increase or decrease) between the issuance of a voucher and lease-up, the income at lease up is the income that is used toward the income targeting requirements.

Lower income families (80% of median) that have been continuously assisted since July 1984 can still continue to be assisted. Special Admissions, Prepays and Opt-Outs and other families for which HUD has provided targeted vouchers are not calculated in the 75% requirements.

3. Social Security Numbers. [Source: 24 CFR part 5 subpart B]

(a.) Social Security Numbers are required to be provided, by the family, for all family members if they have been issued a number and card by the Social Security Administration. Applicants may not become participants until the documentation is provided, but they may retain their place on the waiting list during the period they are awaiting verification.

(b.) All family members on the application must either: (a.) Submit Social Security Number documentation in the form of a valid card issued by the Social Security Administration or other methods approved in the federal guidelines: or (b.) sign a certification that they have never been assigned a Social Security Number. If the individual is under 18, a parent or guardian must execute the certificate.

(c.) Receipt document issued by local SSA office when applying for duplicate SS card.

(d.) DD Form 214 Certificate or Discharge From Active Duty. Any participant who obtains a Social Security Number after initial certification must disclose this information at the next regular reexamination.

4. Restricted Assistance to Non-Citizens. [Source: 64 FR 25726-25733 (May 12,1999): 24 CFR part 5 subpart E]

Federal regulations require that persons receiving assistance must be citizens of the United States. The regulations require that the applicants provide information on their status as citizens. Subpart E of 24 CFR Part 5 directs how to calculate prorated rents for mixed families.

Eligibility for federal housing assistance is limited to U.S. citizens and applicants who have eligible immigration status. Persons claiming eligible immigration status must present appropriate immigration documents which must be verified through the Immigration and Naturalization Service (INS).

Every applicant for and participant in the voucher program must sign a certification for every household member either claiming status as:

- A U.S. citizen
- An eligible alien, or
- Stating the individual's choice not to claim eligible status and acknowledge ineligibility.

For household members claiming U.S. citizenship, only a declaration signed by the household member is required. For an adult, the adult must sign the declaration. For a child, the declaration must be signed by an adult (who will be residing in the unit) who is responsible for the child. All new adult and child additions to the household must have their status determined prior to admission to the household. Non-citizens claiming eligible status must provide all of the following evidence:

- The signed declaration of eligible immigration status;
- One of the INS documents specified in the rule;
- A signed verification consent form describing transmission and use of the information obtained.

5. Verification of Income and Determination of Family Rent

During this phase of the certification process the applicants and participants will be informed by the staff that HUD has a computer-matching program in cooperation with the IRS and Social Security Administration that can be used to compare the information in that database against information furnished by the family. HUD will notify both the tenant and the PHA of any income discrepancies and the tenant will be required to clear up any discrepancy noted.

Third party verification is the desired form of income verification. However, if the third party provider does not/will not provide the information after a follow-up contact by the Housing Counselor, the PHA will consider other forms of verification after a two-week period. The file will be documented as to the attempts to receive the third party verification. If these attempts are futile, the PHA will accept copies of original pay stubs (preferably four consecutive, current stubs), or receipts of income or bank statements.

The verification process during the time of application, interim and annual reexamination is a critical task in the administration of the City's assisted housing programs. The City's Housing office verifies all factors relating to eligibility determinations. These include: family composition and type, annual income, assets and asset income, child care and medical expenses, social security numbers, and citizenship or eligible immigration status.

All verifications are valid for 60 days prior to issuance of a Voucher and 120 days for a re-exam. A quality control check is made of at least 10% of all files by the Housing Administrator.

Required Consent

The verification process requires the family to provide and disclose information that is true and complete. Each member of the family who is at least 18 years of age, and each family head and spouse, regardless of age, shall sign one or more consent forms including HUD Form 9886. The City will ensure that appropriate consent forms are used to obtain specific information.

Verification of Income [PIH Notice 2013-3: Temporary Compliance Assistance]

The Housing Division will adopt the following temporary provisions allowed by PIH Notice 2013-3:

- Accept self-certification of assets up to \$5,000.

Assets of \$5,000 or less generate minimum income, verification of these assets is costly for the Housing Division, and can lead to increased errors and audit findings.

The Housing Division will use the admission and recertification application as the only certification by the family. The Housing Division will not require that the family provide any supporting documentation (bank statements, etc.).

If the net family assets exceed \$5,000, the Housing Division will continue to follow the verification policy in chapter 5.

The Housing Division will continue to report all assets on the HUD form 50058, including assets which do not exceed \$5,000.

- Streamlining of annual exams for elderly/disabled families

If an elderly/disabled family is 100% on fixed income, such as Social Security/SSI, the Housing Division will apply any published cost of living adjustment (COLA) to previously verified amount.

The Housing Division will still give the family the option to provide information related to any allowed and deductions for which they qualify.

The Housing Division may choose to conduct the recertification over the telephone or by mail.

- Approval of exception payment standard up to 120% FMR if necessary for reasonable accommodation.

The Housing Division may choose to approve an exception payment standard up to 110% FMR if necessary for reasonable accommodation without seeking HUD approval. This will allow for reduced administrative time in families leasing accessible units. The Housing Division must document that the unit is rent reasonable and includes accessible features needed by persons with disabilities.

The temporary provisions will be in effect until expiration of PIH Notice 2013-03 on March 31, 2014 or any HUD approved extensions.

IV. B. PIH Notice 2013-04: Guidance on Verification of Excluded Income

The Housing Division will accept self-certification for fully excluded income. Fully excluded income includes food stamps, earned income of minors, live-in-aide's income, foster care, etc. (See Exhibit 5-2).

The Housing Division is not required to verify fully excluded income as per HUD's verification hierarchy and document the absence of 3rd party verification. The Housing Division is not required to report fully excluded income on the HUD form 50058.

Verification of Income Continued

Information is verified through the five methods of verification acceptable to HUD in the following order:

1. Enterprise Income Verification (EIV)
2. Third-party written verification
3. Third-party oral verification
4. Review of documents
5. Certification/self-declaration

Up-Front Income Verification Up-front income verification tools, including TASS, SWICA (State Wage Information Collection Agencies), and the Work Number, are utilized whenever possible. When HUD announces the availability of the EIV system for the City of Wichita Falls, the City will utilize additional EIV tools, including a centralized computer matching system. The State of Texas Child Support Interactive Website is utilized with written consent from the family, as well as automated state benefit call centers with written consent of the family.

Use of Third-Party Verification to Supplement Enterprise Income Verification - Electronic income verification replaces, to the maximum extent possible, the more time-consuming and less accurate third-party verification process of contacting individual employers identified by families or reviewing outdated income verification documents. However, third-party verification may continue to be necessary to compliment electronic income verification. Electronic income verification should not be considered an automatic substitute for other third-party verification. Rather, electronic income verification may supplement other verification documentation, such as original, current tenant-provided documents.

Third-Party Written Verification – Third-party verification is used to verify information directly with the source. Third-party written verification forms are sent and returned via mail, fax, or e-mail. The family is required to sign an authorization allowing the information source to release the specified information.

One attempt to obtain third-party verification is made before relying on another method.

Third-party verification forms, including computerized printouts, may not be hand carried by the family under any circumstances. The City will send request for third-party written verification to the source at all times regardless of whether the family provides a computerized printout.

The City will allow two weeks for return of third-party verifications. If third-party verification is not used, the City will document the reasons in the file.

For applicants, verification may not be more than 60 days old at the time of voucher issuance. For participants, they are valid for 120 days from date of receipt.

Third-Party Oral Verification – Oral third-party verification is used when written third-party verification is delayed or impossible. When third-party oral verification is used, staff is required to record in the tenant file, with whom they spoke, the date of conversation, and the facts provided. If oral third-party verification is provided by telephone, the staff person must originate the call. If third-party verification is not available, the City will compare the specified information to any documents provided by the family.

Review of Documents – In the event that third-party written or oral verification is unavailable or information has not been verified by a third party within four weeks, the City will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents contain complete information.

All such documents, excluding government checks, will be photocopied and retained in the family file. When documents cannot be photocopied, staff viewing the documents will document the tenant file.

The following documents will be accepted from families:

- Printed wage stubs
- Computer printouts from employers
- Signed letters provided that the information is confirmed by phone
- Official documents from federal, state or local agencies
- Bank statements

The City will not accept photocopies but will accept faxed documents.

If third-party verification is received after documents have been accepted as provisional verification and there is a discrepancy, the City will contact the third-party source and family to resolve differences.

The City will allow one week for families to provide documents when third-party verification is impossible to obtain.

The City will not delay the processing of an application beyond 45 days because a third-party information provider does not return a verification in a timely manner.

Self-Certification/Self-Declaration - When information cannot be verified by a third party or by review of documents, families will be required to submit a self-certification. Self-certification means a notarized statement signed under penalty of perjury in the presence of a witness. The City will allow up to one week for a family to provide self-certification or self-declaration if other forms of verification are impossible to obtain.

Many times the third party verification is received weeks or months after the income determination. The Housing Counselor(s) will review the information and compare the income, hours, pay scale etc. to determine if the calculation of projected income is correct. If adjustments are necessary, the tenant will be called in to recalculate the income.

a). Defining Income And Sources Of Income

[Source: 24 CFR part 5.609]

The federal regulations at 24 CFR 5.609 (a) determine what sources of income are counted and at 24 CFR 5.609 (b) what sources of income are not included in the calculations. Federal regulations require the PHA to project a tenant's income twelve months into the future. One way to project income is to verify the income previously received. The PHA will use a variety of ways to logically and fairly predict a tenant's projected income.

A tenant's income is to be verified by a third party and the Housing Counselor(s) will then arrive at a gross annual income. The gross annual income of a family is determined as a result of taking the amount received during varied pay periods and making the figure an annualized amount. To arrive at an annual income; (1.) use the monthly income as reported times twelve, (2.) take the weekly pay times 52 (weeks), (3.) a payroll every two weeks is multiplied by 26, (4.) amounts for paydays that occur twice a calendar month are calculated by taking the gross amount times 24, or (5.) for incomes based on a hourly pay scale multiple by 2080 hours. The applicant or participant may be asked about any overtime that they receive on a regular basis. Income tax returns can be viewed to verify persons that receive tips or that income from self-employment. Regulations also require tenants to supply income information on the value of assets and income received from assets.

If a tenant receives payment of utilities or other expenses from a third party or combination of third parties (such as relatives, friends, churches, United Way, or Interfaith Ministries, etc.) and these payments are on a recurring basis (more than three times in a one year period) the PHA must consider this as income. This is income to the tenant regardless of whether the tenant made the payment or the benefactor made the payment on the tenant's behalf. The tenant must disclose all income received from all sources or face termination from the program for unreported or under-reported income.

The PHA may, at their sole discretion, exclude income received for certain CDBG funded training programs. HUD may mandate other types of income to be excluded.

If a tenant wishes to claim deductions for either childcare costs or medical costs as applicable, it is the tenant's responsibility for providing the documentation for these expenses.

Special Procedures For Verification of Erratic Child Support Income

The full amount of child support payments awarded is counted as income unless it is verified that the payments are not being made.

The following documentation is required to verify that the family receives less than the court ordered amount of child support:

- Current print out from the child support enforcement agency indicating the dates and amount of payments actually received
- If payments have stopped, faxed verification received from the State of Texas Attorney General's Office. This verification will provide the amount of the court ordered child support as well as the date and amount of the last payment actually received.
- With family's written permission, information accessed on the internet through the State of Texas Child Support Interactive website which provides the date and amount of the last 12 payments made. Depending on the frequency of the payments, this will provide a three to twelve month payment history.

(1). Child Care Expenses.

Childcare expenses are amounts anticipated to be paid by a family for the care of children under 13 years of age if the care is necessary to enable a family member to do any of the following: actively seek employment, be gainfully employed, or further the member's education. More than one family member may be enabled to engage in any one of these qualifying activities for child care purposes.

The City uses third-party written verification to verify childcare expenses by mailing a Child Care Verification Form directly to the childcare provider. Childcare expenses are deductible only to the extent

that they are not reimbursed, they reflect reasonable charges for childcare, and the expenses incurred to enable a family member to work do not exceed the amount earned. Staff will compare the hours during which childcare is provided to the hours family members are working or engaging in one of the other qualifying activities to determine if child care is necessary to enable the qualifying activities.

Child care expenses are only considered valid if 1) the income made available to the family by the family member working or going to school exceeds the child care costs, 2) the child care enables a family member to work or attend school, and this is documented, 3) the participant provides a statement (third party verification) from the child care provider that the participant actually paid for the child care, 4) If care is provided by an individual, provide the name, address, rates charged, and their tax identification number or social security number that the income will be reported to IRS. Payments over \$600 in a year to an individual will require an a record of payment in the form of an IRS form 1099 or W2.

The City may use reasonable costs used by the local Child Care Management System as a guide in determining reasonableness for childcare expenses.

(2). Medical Expenses.

Those tenants that may have medical expenses will be informed on the best manner to document these expenses and reminded that these records can help to reduce their share on the rent.

The medical expense deduction is permitted only for households in which the head or spouse is elderly or disabled. Medical expenses are expenses anticipated to be incurred during the 12 months following certification or reexamination which are not covered by an outside source such as insurance. The medical allowance is intended to anticipate regular, ongoing and anticipated expenses during the coming year.

IRS Publication 502 is used as guidance in determining allowable medical expenses which may include:

- Services of doctors and health care professionals
- Services of health care facilities
- Medical insurance premiums
- Prescriptions and non-prescriptions if prescribed by a physician
- Transportation to treatment
- Dental expenses, eyeglasses, hearing aids, batteries
- Live-in or periodic medical assistance
- Monthly payment on accumulated medical bills. The allowance may include only the amount expected to be paid in the coming 12 months.

The City will request third party written verification of medical expenses. Privacy laws are making it more difficult to verify medical expenses, however. If a health care provider does not respond to a request for verification of a medical expense, the City may review tenant-provided documents.

Disability Assistance Expense Deduction

Families are entitled to a deduction for unreimbursed medical expenses to cover care attendants and auxiliary apparatus for each member of the family who is a person with a disability, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older, and who are able to work because of such attendant care or auxiliary apparatus.

When imposing the employment income ceiling, the City will consider:

- If the assistance enables more than one person to be employed, the incomes of those persons will be combined to determine the ceiling
- If an auxiliary apparatus enables the person with a disability to be employed and frees another person to be employed, the allowance cannot exceed the combined incomes of those two people.

If both child care and a disability expense are needed to enable a person in the family to work, the employment income used to justify the child care allowance for employment purposes may not be used to also justify the disability assistance allowance. For example:

The family pays:	Child Care	\$100 per week
	Disability assistance	\$100 per week
	Total	\$200 per week

The combined care enables an adult to work and earn \$150 per week. The total for both the disability assistance allowance and the childcare allowance for employment purposes may not exceed \$150 per week.

The care and apparatus deduction includes, but is not limited to, the unreimbursed costs associated with:

- Attendant care: In-home care, adult day care, nursing, housekeeping, personal care, and errand services, and interpreter for persons who are hearing impaired, or a reader for persons with visual disabilities.
- Auxiliary apparatus: Including wheelchairs, walkers, scooters, ramps, adaptations to vehicles, service animals and special equipment to enable a blind person to read or type. The cost of maintenance and upkeep of the auxiliary apparatus is also included.

(3). Family and Income Information

At both certification and reexamination, tenants will be briefed that the level of their assistance is based on the information they provide about their income, their family size, number of reported dependents, child care, income assets or medical expenses combined with handicapped/disabled expenses. The tenants will be reminded that they are required to provide correct information. The participants are reminded that information given now and for all future changes must be in writing.

Verification Mandatory Deductions

In determining adjusted income, the City is required to deduct the following amounts from annual income:

- \$480 for each dependent
- \$400 for any elderly or disabled family
- The sum of the following, to the extent that the sum exceeds 3% of annual income:
 - Unreimbursed medical expenses of any elderly or disabled family; and
 - Unreimbursed 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 to be employed.
- Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

Dependent Deduction

A dependent is a family member other than the head or spouse (except foster children and foster adults) who is any of the following: under 18 years of age, a person with a disability, a full time student who is 18 years of age or older.

Minor status is verified with a birth certificate (certified copy or hospital issued), and social security card showing name, sex, social security number, date of birth and relationship to head of household.

Full time student status is verified by written third-party verification using the City's Full Time Student verification form mailed to the educational institution. The institution defines what full-time student means for its student population. Options which may be used for verifying full-time student status include: oral third party verification by contacting the institution's registrar's office, a current enrollment status letter showing the school's name and address, dates of enrollment and total number of classes or credits attempted in a given quarter or semester. Verification requests should be mailed directly to the school and completed verification should be received directly from the school.

Deduction for Disabled Families

A disabled family is a family whose head, spouse or sole member is a person with disabilities. Disability status will be verified in the same manner as described above.

Deduction for Elderly Families

An elderly family is a family whose head or spouse is at least 62 years of age. Elderly status can be verified by birth certificates and social security cards. Third party written verification of social security benefits received from the local SSA office contains the birth date of the recipient. These can be used to verify birth date in place of a birth certificate.

Verification of Assets

Family Assets

The City will utilize the current balance for savings and checking accounts. The City will require the information necessary to determine the current cash value of a family's assets (the net amount the family would receive if the asset were converted to cash).

To document an asset, a third-party verification form is mailed or faxed by the City directly to the financial institution. If third-party verification is not available, the following may be accepted:

- Letters or documents provided directly by the financial institution or broker
- Passbooks, checking account statements, certificates of deposits, bonds, or financial statements supplied by a family if completed by a financial institution or broker
- Real estate tax statements if the approximate current market value can be deduced from them
- Financial statements for business assets
- Copies of closing documents showing selling price and distribution of sales proceeds

- Appraisals of personal property held as an investment
- A family's self-certification describing assets or cash held at the family's home or in safe-deposit boxes

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

At admissions and reexaminations, the City will obtain each family's certification that it has or has not disposed of assets for less than fair market value during the two years preceding the effective date of the certification or recertification. If the family certifies that it has disposed of assets for less than fair market value, the certification must show: (a) all assets disposed of for less than fair market value, (b) the date they were disposed of, (c) the amount the family received for each asset, and (d) the market value of each asset at the time of disposition. Third-party verification will be obtained whenever possible.

Income From Assets

Savings or Checking Account Interest and Dividend Income - Acceptable methods of verifications include, in this order:

- City verification forms filled out or other statements supplied by the financial institution or, if these are not available, account statements, passbooks, or certificate of deposit statements supplied by the family
- Broker statements showing the value of stocks or bonds and the earnings credited to the family. (Earnings can also be obtained from current newspaper quotations or orally for brokers.)
- IRS Form 1099 from a financial institution provided that the City adjusts the information to project earnings expected for the next 12 months.

Interest Income from Mortgage and Similar Arrangements - Acceptable methods of verification include, in this order:

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

Net Rental Income from Property Owned by Family - Acceptable methods of verification include, in this order:

- IRS Form 1040 with Schedule E (Rental Income)
- Copies of latest rent receipts, leases, or other documentation of rent amounts
- 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.
- Lessee's written statement verifying rent payments to the family and the family's self-certification of net income realized

- (4). Review of Family Circumstances, Rents, and Utilities.
 - a.) PHA Annual Review Items

The PHA staff will review Utility Allowances, Voucher Payment Standards, Rent Reasonableness and any possible changes to the Housing Quality Standards at least on an annual basis. These reviews should be scheduled to be completed and any changes be available to be effective when the FMRs become effective. Reviews will be in accordance with the most current information and guidelines available.

b.) Re-examinations
[Source: 24 CFR 982.516]

1). Annual Re-certification

All participants will be re-certified at least annually. The PHA will maintain a file, by month, of required re-examination dates. The annual re-certification process will follow the regulations for initial certification, except photocopies of existing data may be transferred to any new file in the case of moving to a new address.

2). Action or Inaction of the Family
[Source: 24 CFR 982.552]

Failure of the family to respond to correspondence scheduling appointments for re-certification, inspections, providing the required information, updating consent forms, and other required actions can cause tenant termination from the program.

3). Interim Re-determinations
[Source: 24 CFR 982.516]

(a). Special Reviews

Special reviews may be scheduled every 30 days for families, except for cases under a doctor's care, that have reported no verifiable income, or that have an income less than the current TANF, Social Security retirement or SSI amounts. These families will be referred to as many sources of assistance within the community as possible to get the level of income assistance they deserve.

(b). Unstable Incomes.

Special reviews may be scheduled every 90 days for families with unstable incomes that cannot be projected with any degree of reason.

(c). Changes in Family or Income

Special reviews or Interim reexamination will be completed when the family requests a change based on any changes in family income, family expenses or family composition. Tenants are required to report any decrease in income or in changes (increase or decrease) to the family composition within 30 days of the change. Tenants are informed of this requirement during their initial certification and at each regular reexamination. All tenants will also be informed of the computer-matching program that will notify the PHA of any discrepancy between reported income and IRS/Social Security income data.

A special review may also be required if evidence is provided by other federal or state agencies or individuals, or as a result of a quality control audit that indicates the need to do a re-examination before the next scheduled review date.

(d.) Effective Dates of Changes

All efforts will be made to insure that any change that reduces the tenant's share will be placed in effect as soon as possible, but no later than the first of the next month after the change is reported. Any increases in Total Tenant Payment or Family Share from an interim or regular reexamination will become effective 30 days after the next rental due date following the change in income, not necessarily the date the change is reported. Unreported increases in income will be charged when the voucher holder has failed to provide required information within 30 days of income or family change and a repayment agreement offered.

(e.) Time Frame for Reporting Changes

Tenants are required to report all changes in income or family composition within thirty days. The tenant does not have to work for a full thirty days, if they work 1 day or 29 days and then leave employment, this income must still be reported within the thirty day period. To receive the benefit of the decreased family share the changes must be reported before the 25th of the month to allow processing time. Tenants will be reminded during certification and reexamination that HUD has a computer-matching program that provides the PHA with any discrepancies in reported income.

(f.) Effects of Reported Changes

Any increase in income or decrease in income must be reported. If the tenant has a reduction in income the PHA can reduce their share based on this reduction. This reduction will be effective as described above. When the tenant starts to receive income again they must also report any changes until their share is back to that prior amount of the decrease, or until the next regularly scheduled reexamination.

During the year between annual re-examinations if the amount of increased income will affect the Total Tenant Payment or Family Share with an increase of less than \$25 a month, no changes in the HAP will be made until the next recertification date. This doesn't apply to families who have received an earlier reduction in family share because of decreases in income until their income is back to the amount prior to the reduction.

(g.) Calculation of Rents and Housing Assistance Payments

[Source: 24 CFR part 982 subpart K]

The Housing Counselor(s) will be responsible for the calculation of the Family Rent. The Family Rent is based on the information of income and documentation for deductions provided by the applicant and verified by a third party. The calculation method will be in accordance with federal regulations.

(h.) Minimum Rent

The minimum rent for Housing Choice Voucher participants is \$50.00. All voucher families will contribute the highest of thirty percent (30%) of monthly adjusted income or ten percent (10%) of monthly gross income, or the minimum rent toward the rent plus any rent above the applicable Payment Standard.

The minimum rent requirement may be waived under certain circumstances. Financial hardship status may be granted for a ninety (90) day period beginning the month following the family's written request in the event of the following:

1. The family has lost eligibility or is awaiting an eligibility determination to receive federal, state or local assistance, including a family having a non-citizen household member lawfully admitted for permanent residence and who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996;
2. The family income has decreased due to changed circumstances such as separation, divorce, abandonment;

3. One or more family members have lost employment;
4. The family would be evicted as a result of imposing the minimum rent requirement;
5. There has been a death in the family; or
6. There are other hardship situations determined by the PHA on a case by case basis, i.e. emergency hospitalization.

Financial hardship exemption only applies to payment of minimum rent, not to rent based on the formula for determining the Total Tenant Payment. (TTP)

Other requests may be considered at the Housing Administrators or his/her designees discretion.

When the tenant initiates a request for a hardship exemption that the PHA determines is temporary in nature:

1. Rent may be suspended, during the ninety (90) day period beginning on the day the request is made. At the end of the ninety (90) day period, the minimum rent is reinstated retroactively to the date of suspension and the HAP is again adjusted.
2. The PHA will allow the family a maximum of twenty four (24) months to make payment of any delinquent minimum rent payments accrued during the suspension period. However, the family must execute a hardship repayment agreement with a minimum payment of \$20.00 per month. (See Section II-R 1-3)
3. The family may not be evicted for non-payment of rent during this ninety (90)-day period.

When the tenant initiates a request for a hardship exemption that the PHA determines is long term in nature:

1. The PHA may exempt the family from the minimum rent requirements so long as such hardship continues.
2. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.
3. Family is subject to the terms of the hardship repayment agreement policy.(See Section II-R 1-3)

Hardship determinations are subject to the PHA's Informal Hearing Process and families are exempt from any escrow deposit that may be required under regulations governing the hearing process for other determinations.

6). Monitoring Calculations

The Director of Housing and/or Housing Administrator shall review five percent (5%) of the determinations in order to ensure accuracy of the calculations. The PIC system computer database program also automatically calculates income and deductions to help reduce human error. Quality control inspections and audits are done in accordance with SEMAP grading.

7. Information When A Family is Selected

a). Verbal Briefing

[Source: 24 CFR 982.301 (a)]

The Briefing is a two-step process with the first part being a verbal briefing to explain the program in general. The second part is an information packet as required by HUD in 24 CFR 982.301 (b).

b). Scheduling Briefings

(1). Notification

When the applicant is among the next group of families to be assisted from the waiting list, the Housing Counselor III or the Housing Administrator will schedule an appointment for the applicant to attend a certification briefing. Applicants will be sent a letter stating the date, time and location of the briefing session. They will be informed of the information to be brought in, along with a specific date and time to provide time to review this information prior to the scheduled session. All necessary data to complete their application and verify their eligibility must be available prior to the briefing session. Failure to provide the necessary documentation by the prescribed date, without justifiable cause, will result in removal of their name from the waiting list and the next eligible family will be notified.

An applicant can submit a written request to reschedule to the next briefing as long as the office receives the letter 24 hours prior to the briefing date. An applicant's eligibility will be determined based on the most current federal regulations and guidelines. Failure to attend this briefing session appointment, without justifiable cause, will result in removal of their name from the waiting list. The family will be notified and offered the opportunity to reapply.

(2). The Briefing Information Packet

HUD has established a minimum list of items to be in the packet and the City has added additional items of information.

The information packet, as required by HUD in 24 CFR 982.301 (b), should explain:

- (a). How to find a suitable unit that meets HQS
- (b). The need to shop for a unit with a reasonable rent
- (c). The known landlord/agents who have expressed agreement to rent under Housing Choice Voucher program and the availability of units
- (d). The implication of the utility allowance in the Payment Standard and the effect on the total amount of rent to the Landlord/agent (contract rent)
- (e). The need to have the security deposits for both the unit and for any tenant paid utilities at the time of lease-up
- (f). Lease approval procedures by the PHA
- (g). Tenant rights and responsibilities
- (h). Landlord/agent rights and responsibilities, and
- (i). The requirements and tenant rights in the portability options of the Housing Choice Voucher program.

Participants will be reminded that all information provided by the applicant in their application has to be verified and that all future transactions involved during the application process or in the assistance program must be in writing.

c). Offer of Assistance
[Source: 24 CFR 982.309]

This PHA only provides Housing Choice Vouchers, as this is the only type of assistance that can be offered. Refusal to accept will remove the family from the waiting list. Applicants will be reminded they can reapply at any of the regular application days.

d). Issuance of Housing Choice Vouchers and the Request for Tenancy Approval form
[Source: 24 CFR 982.302]

(1). Initial Term

Each applicant to receive assistance will be issued a Voucher, which is good for a 60-day period. To maintain the needed records to tract lease up rates, the Voucher will expire at 5:00 P.M. on the 60th date of issuance. The PHA will automatically extend this period for an additional 30 days if family requests an extension, in writing, making the voucher active for a total of 90 days. The family will be requested to explain what the problem in finding a unit is so that the staff can evaluate their outreach program to landlords. Assistance to the applicant can be offered if they are having problems finding a unit.

The staff will explain the best methods to locate a unit and explain how the applicant can increase their chance of a successful hunt. To make the program accessible to a family member with disabilities, the PHA will extend the voucher for an additional 30 days over a normal extension (120 days total).

In the case of portability, the extension may also be extended up to 120 days if the tenant has requested the extension in writing or the receiving PHA notifies this office of a need to extend the voucher.

(2). Request for Tenancy Approval (RFTA) form

The Request for Tenancy Approval is a form that tells the PHA the necessary information needed about the terms and conditions of a lease. The PHA will review the proposed lease and rental conditions for acceptable provisions. If the PHA receives no RFTA within 30 days, the family will be offered additional assistance in their housing search. If no RFTA is received within 45 days, the applicant will be contacted to determine if any problems exist and additional assistance will be offered to the family to find a unit. No contact from the family and failure to submit a RFTA by the 60th day can result in the withdrawal of the offer of assistance (voucher). See the section on extension above.

8. Additional Information to Applicants

Along with the eligibility requirements listed above, the PHA will strongly remind the applicants of the following:

a). Requirement for ALL Communications with the PHA to be in Writing

All notices between the Landlord/agent and the tenant, the tenant and the PHA, and the PHA with either the tenant or the Landlord/agent will be in writing.

b). Unauthorized Persons

[Source: 24 CFR 982.551(h) (2)]

It is part of the Family Responsibilities to keep the PHA informed of the composition of their family. Failure to meet this responsibility can result in loss of the family's assistance.

Applicants and participants will be warned that persons not on the lease are not part of the household, even if blood, marriage or legal instrument relates them. Only persons listed on the lease may reside in the unit. The income of all persons residing in the unit are used to determine the family's share of the rent. Failure to keep unauthorized persons from being in the unit can result in loss of assistance for the family. Landlords may define in their lease if the tenant may have overnight guests and for what length of time. If not specified in the lease the PHA has established three days as the ideal length for stays for anyone not living more than 100 miles away. If the landlord approves, out-of-area guests can stay up to one week.

Any person not listed on the lease cannot be considered a remaining family member under the program guidelines. Attendant care persons (Live-In-Aides), whose incomes are not counted for determining the eligibility or the rent of the family, are not parties to the lease even if listed on the lease. They would not be considered the remaining member of the tenant family in the event the lessee dies or vacates the dwelling unit. Information that there is an attendant care person in the household may be listed on the lease. However, that does not make them a party to the lease. It is best to have the live-in-aide listed by name on the lease.

9. Monitoring Participant Characteristics

The Housing Administrator will monitor and review the characteristics of applicant families to ensure that:

- (1). income levels of participants and applicants will be in conformance with current HUD regulations and
- (2). that there is sufficient federal funding available to pay for all contracts before a new contract is entered into.

II-C. Special Purpose Admissions

[Source: 24 CFR 982.203]

1. Special (Non-Waiting List) Admissions

The Federal Register and Title 24 Code of Federal Regulations (24 CFR) 982.203 provides a full list of permitted special or non-waiting list admissions. Special admissions can occur when HUD provides a fixed amount of assistance that is directly targeted to a specific group of identified persons, and further instructs the PHA to provide assistance to that group. This section covers assisted complexes that choose Pre-Payment and project-based expiring contracts where the Landlord/agent decides to Opt-Out. Public and Indian Housing (PIH) notices are issued on a regular basis that have detailed instructions on this assistance and how the PHA will administer the same. The PHA is ready to accept all the units that become available in the area.

2. Servicing Units for Another PHA within Wichita County

If HUD should make Housing Choice Voucher rental assistance from other PHA's in the surrounding areas available, this PHA will agree to administer these units. The PHA would do this only if this agency can be formed into a metro area type PHA and all units and funding are combined into a single funding authority and with a single waiting list.

II-D. OCCUPANCY POLICIES

1. Definition of Family

[Source: 24 CFR part 5.403 and 24 CFR 982.201]

This is covered in the section on page 22-23 above.

2. Definition of Continuously Assisted

The definitions in 24 CFR 982.4 defines Continuously Assisted as an applicant that was already receiving assistance under any 1937 Housing Act Program when the family was admitted to the rental assistance program and who has never been removed from the program.

3. Moving With Continued Tenant Based Assistance

[Source: 24 CFR 982.314]

The participating family is restricted from moving during the initial term of the lease, usually for a period of one year. After the initial term of the lease, the PHA further restricts the voluntary movement of tenants to one move per year except for: cases of health, safety (family abuse, etc.), education, or employment or by mutual agreement of tenant and landlord to reduce the lease period. This requirement also applies to portable units being administered by other PHAs. Any assisted move must be with written notice, as specified in the lease, to both the Landlord/agent and the PHA before the move takes place. If the tenant is in violation of 24 CFR 982.552, they may be denied permission to relocate with continued assistance.

4. Family unit Size

[Source: 24 CFR 982.402 (b) and (d)]

HUD requires that the PHA must provide assistance to the family for the smallest family unit size possible. The suggested standards for family unit size are in the Housing Choice Voucher Program Guidebook 7420.10G, on page 5-42 and are used by this PHA as the standard.

The family unit size standards established by HUD are included in the Housing Quality Standards Section Regulations (24 CFR 982.401 (d) (2) (ii)) and state that no more than two persons will be required to share living/sleeping rooms.

Not all enclosed areas can be counted as bedrooms. To be counted as a bedroom, the room must meet HQS, and the room must provide a private area where family members may sleep. If the only method to enter one area is to pass through another room, that space may be counted as a living/sleeping area but will not be counted as a bedroom. The kitchen and bathroom will not be counted as sleeping rooms. The living room may be counted as a sleeping room. Units must have the minimum number of bedrooms/sleeping rooms required for that family's size and composition. Participants may lease a unit with less bedrooms than listed on their voucher. However, the unit must have one bedroom or sleeping room for each two persons.

The PHA has the discretion to set minimum and maximum persons for family unit sizes as long as the unit meets the above requirements of one bedroom/sleeping room for each two persons. The PHA allows the family to decide if the living room is to be treated as a living/sleeping room. The family is eligible for a certain family unit size based on the number of persons in that family. This is also the subsidy standard for that family. The PHA cannot require the family to accept a sleeping room in lieu of a bedroom; however, the family has the right to choose this option as long as the sleeping rooms meet HQS. Two persons of the opposite sex will never be required to occupy the same bedroom since the living room may be used as a sleeping room.

The PHA is motivated to help the greatest number of families within the established budget authority. Larger unit sizes increase the amount of subsidy paid on behalf of a tenant family, reducing the amount of funds available to help other families. Therefore, the PHA adopts a strict policy of authorizing bedroom size according to the chart contained in the Housing Choice Voucher Program Guidebook 7420.10G, p. 5-42.

These minimum standards state that the dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room. Some participants feel that they should have a bedroom for each child because of age differences of same sex children or the fact that the parent and child may be the same sex and thus required to share a bedroom. Unless or until HUD requires the PHA, in writing, that this agency must provide separate bedrooms in these cases the PHA will continue to issue based on the regulation. If there is a medical reason the PHA may authorize a larger number of bedrooms for the family size.

Live-in-aides are not counted as family members nor is their income included in rent calculations, but they are counted when determining family unit size and are required to have a bedroom of their own.

FAMILY UNIT SIZE AUTHORIZED

Standard for the Issue of Housing Choice Vouchers			Standard for acceptability of Units Size (HQS rules)	
HCV Bedroom Size	Minimum No. Of Persons in Household	Maximum No. Of Persons in Household	Unit Size	Maximum Occupancy – Assumes Living Room is used as a sleeping room
0- bedroom	1	1	0- bedroom	1
1-bedroom	1	2	1-bedroom	4
2-bedroom	2	4	2-bedroom	6
3-bedroom	3	6	3-bedroom	8
4-bedroom	6	8	4-bedroom	10
5-bedroom	8	10	5-bedroom	12
6-bedroom	10	12	6-bedroom	14

*24 CFR 5.405 (c) states that single individual who is not elderly, disabled, handicapped or displaced, shall not receive housing assistance for a unit for which the subsidy standard exceeds that of a one bedroom.

The Housing Division will assign two people per bedroom, regardless of age and/or relationship. The Housing Division will consider granting an exception for any of the reasons specified in the regulation: the age, sex, health, handicap, or relationship of family members or other personal circumstances.

The family must request an exception to the occupancy standards in writing. The request must explain the need or justification for a larger family unit size, and must include appropriate documentation. Requested based on health-related reasons must be verified by a knowledgeable professional source (e.g., doctor or health professional), unless the disability and the disability-related request for accommodation is readily apparent or otherwise known. The family's continued need for an additional bedroom due to special medical equipment must be re-verified at annual reexamination.

5. Restriction on Being Added to Another Family's Lease

If the family or person was terminated from the program for cause, they may not be added to any other family's lease until a three-year period is over.

6. PHA Occupancy Rate

A minimum occupancy rate of 95% of the baseline unit authorization is the goal to be maintained by the PHA. The future availability of expiring vouchers will be monitored to determine the number, family-unit size and approximate date of availability of a voucher in order to maintain this occupancy rate. A monthly bedroom utilization report will be used internally for this purpose. Changes in the expected turnover rate may allow the PHA to have more units under lease than were authorized by the older CACC listing the number of units. The PHA may over issue more vouchers than can be supported with the approved budget authority based on the expected success rate for past applicants. The PHA will not enter into a contract that cannot be funded within the CACC or its expected renewal funding.

The PHA will review, at least quarterly, turnover rates, success rates of applicants to lease up, expected family unit sizes to be taken from the waiting list, the income requirements for providing assistance to 75% of all new voucher holders to be at the 30% of AMI, and budget restraints that may affect the program.

7. Eligible Housing

[Source: 24 CFR Part 982.352 and 353]

Other than shared housing, sleeping room only, units owned by relatives, or units under contract for deed or sale to the applicant/tenant can be leased under the Housing Choice Voucher program provided they have reasonable rents and an acceptable lease and can meet HQS. Units can be leased within the service area of the PHA. The PHA allows leasing within the 100 year floodplain as there are no restrictions on leasing these locations on the open market. The tenant should be informed of this condition and encouraged to buy both renters and flood insurance.

8. Leasing To Relatives

Source 24 CFR part 982.306 (d)

The PHA must not approve a lease if the landlord/agent is a parent, child, grandparent, grandchild, sister or brother of any member of the family unless the PHA determines that the unit provides reasonable accommodation for a family member with disabilities. This restriction applies to persons receiving assistance after May 8, 1998. Anyone in place with continued assistance since May 8, 1998 may remain in place, unless there are changes in family composition causing an under or over housed condition. If the disabled person leaves the household, the exception will cease and the family will have to relocate. Both tenants and landlords will certify that they are not related. Failure to correctly report the relationship can result in the landlord being required to repay any HAP received. The family could be terminated from the program for failure to meet Family Responsibilities if they fail to correctly report any relationship to the owner.

9. Tenant or Landlord/agent Legal Capacity

a). Legal Capacity

Both the landlord/agent and tenant must have the legal capacity to enter a lease under State law. "Legal capacity" means that the tenant can be bound by the terms of the lease (contract), can understand the terms of the lease, and may enforce the terms of the lease against the landlord/agent.

b). Tenant Legal Capacity

In Verlink Marshall et al vs. Housing Authority of the City of Taylor, the District Court held that the Housing Authority's practice of requiring the head of household to be either majority age or an emancipated minor did not violate the Housing Act of 1937. Therefore, this PHA elects to define legal capacity as an individual or head of household as a person 18 years of age or older, or an emancipated minor. Emancipated minors will be required to submit copies of the court papers to verify their status.

c). Landlord/agent/owner Legal Capacity

An owner must establish they have a legal right to lease the requested unit through the recorded deed records, bill of sale or property tax notice. An agent or executor of an estate must provide documentation of their legal appointment to act on behalf of the landlord/owner. When a landlord/agent enters into a HAP contract they are certifying they have the legal capacity to rent the unit. Entering into a HAP contract without the legal capacity to do so nullifies and voids all contracts and leases, and is subject to prosecution for fraud to recover any funds paid as a result of the nullified lease.

10. Manufactured Home Pad Rentals

This PHA chooses not to implement the provision that Housing Choice Voucher assistance can be used to rent a manufactured home site, while the "tenant" owns the home. Since the applicant is technically a homeowner/landlord/agent, this PHA chooses not to make HCV assistance available because the applicant may not have the desire, savings, or motivation to bring the manufactured housing unit up to HQS. The PHA will continue to allow HCV tenants to rent manufactured homes as long as the home and pad space is considered together in the gross rent.

II-E. ENCOURAGING PARTICIPATION OUTSIDE IMPACTED AREAS

1. Outreach to Income Eligible Families

[Source: 24 CFR 982.153]

a). Public Service Announcements/News Releases

(1). Methods of Media Outreach

The PHA will brief the news media, as needed, on any changes in the Housing Choice Voucher program. All local media have been very cooperative in providing free information on the programs either as news items or as public service announcements to the general public. Paid news releases and public service ads will be in accordance with HUD advertising guidelines and mention the Equal Opportunity Housing statement or display the logo.

(2). Methods of Outreach to Groups

The PHA will distribute available information and materials to interested parties through its office and the following: the Public Housing Authority offices, neighborhood groups, Sheppard Air Force Base Off-Base Housing Referral Office, NAACP, United Way and area civic clubs. These methods will afford the widest possible base for publicizing the program.

(3). Methods of Outreach to Individuals

Each year the PHA places information on Fair Housing on the back of the water bills for the City. If needed, a notice can be placed on the bills encouraging persons to apply for HCV rental assistance.

b). Paid Advertisement

If the on-going free methods of advertising for the programs do not provide a pool of eligible applicants in the correct demographic proportions, a paid advertising program will be utilized as needed. If a waiting list does not exist when any additional increment of units is authorized, all forms of media including paid advertising will be used to inform interested groups and individuals.

To the extent administrative funds are available, the PHA will publish advertisements in the (Wichita Falls) Times Record News, The Express (a free supplement mailed to area homes), The Thrifty Nickel (a free weekly paper available at stores, food outlets, etc.), and the North Texas Journal, a minority newspaper. If paid advertising is used, these ads will include the "Equal Housing Opportunity" logo. In the case of free advertising or in news items an effort will be made to include the logo or statement.

c). Special Outreach to Groups Least Likely to Apply

Based on previous experience, persons of all races that are elderly, disabled, handicapped or those working persons with very low incomes are not expected to apply for housing assistance without special outreach. To stimulate applications from the above groups, information on the Housing Choice Voucher program will be disseminated to organizations specializing in rehabilitation (i.e., Beacon Lighthouse of the Blind, Texas Rehabilitation Center, North Texas Rehabilitation, Individual Development Center, Work Services, Inc., MHMR, ARC, senior citizen groups, Region IX Education Center, church groups, and other area service organizations that can assist in informing these selected groups).

d). Other Sources of Information.

Information is provided to the Wichita Falls Chamber of Commerce and Industry, Texas Work Force Commission, Social Security Administration, and Department of Human Services on the Housing Choice Voucher programs. These offices often serve as referral services to other agencies that can provide housing information. It has been determined that because of the wide-spread information services described in the above paragraphs that no additional action will be required to provide outreach to the expected-to-reside category. A landlord newsletter has been created and distributed. This newsletter contains appropriate information and updated program revisions.

2. Housing Selection and Choice

The PHA encourages the greatest degree of freedom in housing choice to increase spatial dispersal as much as possible (within program restrictions) while providing decent, safe and sanitary assisted housing in areas outside those in which lower income and minority households are normally concentrated.

a). Staff Assistance to Locate Housing

The City of Wichita Falls will continue to make every effort to assist applicants and participants in locating suitable housing in any area of the city they desire. The staff may provide direct assistance to mobility-restricted families in the housing search.

Families are encouraged to look at all types of rental units, in every area of town, during their housing search.

Persons with a disability or handicap that are requesting reasonable accommodation shall put that request in writing to the Housing Administrator or the Director of Community Development. A formal written reply will be prepared explaining what, if any, accommodation will be made.

b). Available Housing Selection

The quantity and quality of housing available to program participants, outside of racially and financially impacted areas of the City, is considered to be marginally sufficient.

The improvement in the local economy has reduced the number of vacant units and has served to increase the open market rents. The FMR for the local area was reduced in 1995 by HUD, based on 1990 Census information. Along with changes in the method of calculation to determine the FMR from the 50th percentile to the 40th percentile of the market rents, a widening gap between FMR and open market rents has occurred. The twenty percent increase in the CPI and 50% increase in rental rates during this period has caused sharply higher open market rents that, in turn have increased the difficulty of finding units within the current payment standard even with the increases in FMRs over the past few years.

The PHA has adjusted its payment standard to a range between 95% to 110% of the FMR to increase the chances of voucher holders finding acceptable units within the vouchers timeframe. There are barely enough readily identified units in the price range for the successful operation of the program. The staff will have to increase their marketing to increase the numbers of landlords and property choices. There

are a number of older apartment complexes that have never been involved with the Housing Choice Voucher Program or Section 8 Program because in the past they had large numbers of persons waiting to rent their units. The recent increases in newer apartment units have reduced or eliminated these waiting list as families moved to the newer units. Staff will have to seek out these complexes, and encourage their participation in the program.

Past experience has demonstrated that positive landlord/agent response to the Housing Choice Voucher program is present in the City. For the current and future needs of the program, the number of units and acceptable housing quality is there. Staff will have to try harder to encourage participation. The major problem seems to be in the single family portion of the market. Due to the age of the existing single family stock, many units have trouble meeting minimum HQS requirements and lead requirements. Along with improved landlord relationships the tenants expectations are going to have to be tempered to face the economic facts that some units will be outside the current payment standards. Tenants must be reminded during briefings that the purpose of the program is to provide modestly priced units, and that they must stay within the funds available.

The recent opening of one LITHC projects (Woodview Apartments), funded with local bond monies, has increased the number of available units by close to 100 units. Not all units are filled by Housing Choice Voucher holders, but they did provide sources of lower rent units. Staff feels that this dramatic increase in lower priced units should make it possible to find acceptable units. The construction of several new open market apartment complexes should help to reduce the pressure on rental properties. These complexes have higher rents than the Housing Choice Voucher families can afford, but they open up other apartment units as families move to the new complexes. The loss of Holliday Creek Gardens, a project-based complex with 179 families, has contributed to the pressure on limited number of units that lower income families can expect to have available.

II-F. RENT REASONABLENESS

1. Factors of Rent Reasonableness

[Source: 24 CFR part 982.507]

No unit will be leased under the Housing Choice Voucher program that is not rent reasonable.

HUD requires that the agency certify that the rent on any unit placed under contract is reasonable when compared to unassisted units of the same general quality in the same general area with the same general amenities as the requested unit. The main cost factor on the open market is location, with quality being a close second. Another factor in evaluating the rent is the total number of habitable rooms in the unit. Dens, family rooms, laundry rooms, additional bathrooms and dining rooms can be factors used by the landlord/agent in justifying a higher rent on a unit. Some rooms used for other purposes may also be included as living/sleeping room if the room meets all the requirements of a habitable room. Once the minimum number of sleeping areas has been satisfied, failure of a room to meet bedroom requirements does not mean that the unit fails HQS, however it can affect the rent reasonableness of the unit.

The agency is building a computer database of unassisted units in the Wichita Falls area. The database has information on the 9 factors HUD uses for rent reasonableness. Working with local realtors and using information from internet sites, formerly assisted units, 2010 Census data, Sheppard Air Force Base Off-base Housing Office, data from the North Texas Rental Property Owners Association, information from newspapers and existing owners, the PHA has access to data on over 8,000 rental units. That figure is greater than 55% of the all rental units available in the city. (The database will not have that many entries because 4,000 of these units are in apartment complexes and the database will use only one of each type of rental unit [number of bedrooms, units with extra bath, and units with fireplaces, etc.] from that complex in the database.) The computer system will have data in the form of

points assigned to all the factors required for the rent reasonableness test. The program looks at the data entered for the proposed unit and compares it with 3 unassisted units that have data stored in the system and prints a report that is placed in the tenant's file.

When the RFTA is first received in the office, a staff member will check the location, proposed rent, type of structure, number of bedrooms, and utilities for type and who pays each. The proposed rent is then compared with the data on units of the same bedroom size and type in the census tract or general area where the unit is located. The staff member will tentatively determine if the rent is reasonable. After the inspector returns from the inspection and has reviewed the inspection form and our rent reasonable worksheets, the staff will then decide if the current information justifies the initial rent reasonable determination. If the inspection report does not support the information provided on the RFTA (for example a lesser number of bedrooms or incorrect utility information), the owner will be contacted and a new rent negotiated based on the data found during the inspection.

2. Rent Reasonable Adjustment Factors

The proposed unit will be compared to the other unassisted units in the database and adjustments made to increase or lower the proposed rent based on what the comparable unassisted units have that the proposed unit does or does not offer. The database is designed to award points based on location, structure type, size, age, quality, amenities, facilities, utilities provided and services. Points are more heavily weighted on location and quality to incorporate those factors in the comparable data. Total points will be reviewed and compared, and the results used to negotiate any rent changes with the landlord. At the present time, any unit that is within 6% of the average rent and points for the three unassisted units will be considered reasonable. This figure may need to be adjusted up or down as more experience is gained of the local market and the rent reasonable program.

The rent reasonable worksheet can be amended and the points increased for any items repaired. These improvements can be used to increase the points awarded and thus the rent that the owner has requested. A final comparison can be done to check rent reasonableness with the new information.

The PHA encourages landlord/agents to install energy efficient central heating systems in their units. Any landlord/agent wishing to improve their unit to facilitate a rent increase will be briefed on the CDBG funded Investor-Owned Rental Rehabilitation Program or be encouraged to renovate the rental units on their own.

3. Families That Rent in Place

The PHA will not consider the requested rent to be reasonable, if the unit was previously leased to the family on the open market for less than the rent now being requested from HCV. The dwelling unit does not qualify for an increase in rent up to the payment standard, just because it is now being leased to a HCV tenant.

For currently assisted units, comparing the condition of last year's inspection against the current condition can also be a major factor in evaluating a rent increase on existing units. The unit is still compared to unassisted units.

When a family re-certifies and the owner requests an increase in the rent, or for changes in the payment arrangements on the utilities that will result in a higher rent to the tenant, a new rent reasonable form will be completed. The changes will not be approved or the rent increased if there is not justification for such an increase.

II-G. ASSISTING FAMILIES CLAIMING HOUSING DISCRIMINATION

[Source: 24 CFR 982.304]

In any case of alleged discrimination, as described in 24 CFR 982.304, the PHA will refer the case to the regional HUD office. The City can also help the family file a claim over the internet.

1. Monitoring Locations of Housing.

To encourage sufficient units located outside racially or financially impacted areas, the PHA will monitor the location of all leased units. If sufficient units in non-impacted areas are not evident, an intensified outreach to landlord/agent and property managers outside the impacted areas will be accomplished.

a. The PHA will maintain maps designating minority and low-income concentrations. A list of landlord/agent who have expressed a desire to participate in the program will be available to all applicants and provided to all participants. This list will include units both inside and outside of these impacted areas.

b. The PHA will be responsible for explaining the program to any interested persons, both prospective landlord/agents and applicants. A HCV brochure is available that explains the program in detail to both landlord/agents and tenants. Those landlord/agents who have signed a Request for Lease Approval, or Request for Tenancy when this form becomes available, will have the program explained and any questions answered on a one to one basis.

2. Referral Assistance

All eligible applicants and participants will be provided referral assistance during the search to locate suitable housing. The Housing Division will maintain a current list, by bedroom size, of landlord/agents who have expressed an interest in the Housing Choice Voucher program and that have units available. This unit listing will be made available to applicants and participants. Families are also encouraged to use newspapers, yard signs, real estate offices, friends and "word of mouth" referrals in their search for housing. All persons seeking housing will also be referred to other subsidized apartment complexes, the Public Housing Authority, and to other landlord/agents of available units that have been completed under the local Rental Rehabilitation Program. The staff will also provide information on units, which are LITHC or other types of assistance, which requires the complex to accept lower income families.

3. Information on the Rental Assistance Program

a). Outreach to Landlord/agents

The Housing Administrator or Director of Community Development will meet with real estate agents, apartment managers, property landlord/agents and rental property developers to encourage their understanding and participation in the Housing Choice Voucher program.

b). Outreach to Groups.

The Housing Administrator or Director of Community Development will contact and provide information in the best forms possible, written or verbal, to groups representing the elderly, disabled, handicapped, or otherwise disadvantaged. These meetings will be designed to stimulate applications and participation from these groups, which in the past, have not applied in the proportions expected.

c). Outreach to Social Services.

The Housing Administrator or Director of Community Development will maintain contact with the widest range of social service agencies and groups to provide outreach to all eligible families, who may not otherwise have knowledge of the program and the procedures for applying.

All tenants are given a Housing Discrimination form during their briefing. The PHA will make computer access to the HUD website available, where the family can fill out a Housing Discrimination form online. Persons feeling they have been discriminated against may also use the toll free 800 telephone number to report their complaint directly to HUD.

II-H. PHA POLICY ON PROVIDING INFORMATION ABOUT A FAMILY TO A LANDLORD/AGENT [Source: 24 CFR 982.307]

1. Releasing Family Information to Landlord/agents

The PHA will furnish, if known, the current landlord and the previous landlord. The landlord/agents will be informed about the guidelines on setting and collecting of security deposits. Landlord/agents will be strongly encouraged to collect the maximum amount of security deposit to which they are entitled based on open market practices and their own security deposit practices. The landlord/agent has the right, and the PHA will explain the obligation to properly screen the applicant's past rental history and the right of the landlord/agent to inquire. The landlord/agent cannot deny rental assistance to families based on race, familial status, color, religion, sex, national origin, handicaps, or age. The landlord will be reminded that they may deny occupancy (the same as they may with unassisted families) based on the following areas: (i) past record of late or non-payment of rental obligations, (ii) abuse, damages or neglect of property in the past, or (iii) references of previous landlords.

2. Landlord/agent responsibility for screening their tenants.

a). Sole Discretion of the Landlord/agent

The PHA provides the following information from 24 CFR 982.307 to the possible landlord/agent. The landlord/agent has the sole discretion on who can live in an assisted unit at admission and during the entire period of the family's participation, as long as federal or local requirements are met. Landlord/agents are permitted and encouraged to screen families on the basis of their tenancy histories. A landlord/agent may consider a family's background with respect to such factors as:

- (i) Payment of rent and utility bills;
- (ii) Caring for a unit and premises;
- (iii) Respecting the rights of others to the peaceful enjoyment of their housing;
- (iv) Drug-related criminal activity or other criminal activity that is a threat to the life, safety or property of others; and
- (v) Compliance with other essential conditions of tenancy.

The property landlord/agent may elect not to rent to a family, if he/she has reason to believe that the family or a particular member of that family has bad references or a history of non-payment of debts. If after acceptance of a family and entering into a lease, the family wishes to add a new family member, the landlord can refuse to accept that person into the family. The landlord/agent must then notify the family of the denial and allow at least 30 days for the family to find suitable housing if they want that individual to be in the unit.

b). Family's Suitability For Tenancy

Listing a family on the PHA waiting list, or selecting a family for participation in the program, is not a representation by the PHA to the landlord/agent about the family's expected behavior, or the family's

suitability for tenancy. The Request For Lease Approval or Request for Tenancy has a statement that the PHA has not screened the family's behavior or suitability for tenancy and that this screening is the responsibility of the landlord/agent.

c). Information Provided to the Landlord/agent.

The PHA must give the landlord/agent: (1) The family's current address (as shown in the PHA records); and (2) The name and address (if known to the PHA) of the family's landlord at their current and/or prior address. When a family wants to lease a dwelling unit, the PHA may offer the landlord/agent other information in the PHA possession, about the family, including information about the tenancy history of family members. The PHA will normally inform the landlord/agent only that they need to check with the previous landlords, especially the landlord/agent immediately before the current landlord. The PHA must give the family a statement of the PHA policy on providing information to landlord/agent. The PHA will give the same types of information on families to landlords and agents.

II-J. PHA ACTIONS TO DISAPPROVE A LANDLORD/AGENT [Source: 24 CFR 982.306]

The PHA will not enter into contracts with any landlord/agent that is listed as debarred, suspended, or subject to denial of participation under 24 CFR part 24. The PHA will not approve a unit if the federal government has instituted action against the landlord/agent.

The main reason for denial would be the historical refusal of the landlord/agent to maintain the unit at HQS after entering into a lease. A landlord/agent may also be disapproved if he/she has a history of failing to evict tenants for drug-related, violent criminal, or other threatening activities. Disapproval is also permitted if the landlord/agent has engaged in drug-related or violent criminal activity. The PHA will review 24 CFR 982.306 (c) for a more extensive listing of disapproval items. The City of Wichita Falls Housing Division will not enter into contracts for units owned by persons or firms that owe local real estate taxes or assessments on ANY property in the taxing district regardless of whether the property is being leased to a HCV tenant.

II-K. SUBSIDY STANDARDS

[Source: 24 CFR 982.404]

1. Family Unit size (Bedroom Size)

The term "Family Unit Size" has a very precise meaning for this program. The amount of assistance provided to the family is based on "Family Unit Size" and the number of bedrooms the family must have within the unit to meet HQS. Participants will be assigned the smallest bedroom size appropriate to their family size and composition. The occupancy standards in Paragraph 4-8 of HUD Handbook 7420.7 will be used as the standard, for the minimum and maximum number of family members, except that a very small child (under 2 years old) may share a one bedroom unit with a single parent. A room that could be used for sleeping can make the unit acceptable for HQS but may not justify the rent asked for the unit.

2. Family Composition - Pregnant Singles

[Source: 24 CFR 982.201]

A single female who is pregnant is eligible to be classed as a multi-person family even though at the present time there is only one person. If the pregnancy is not evident, medical verification is required. If the applicant is still pregnant at the time her name comes to the top of the waiting list, she will be housed as a two-person family. (If the pregnancy terminates without the live birth of a child prior to selection from the waiting list, the female will then be treated as a single person.) If the pregnancy terminates after selection from the waiting list, the female is considered a "remaining member" of a tenant family.

II-L. FAMILY ABSENCE FROM UNIT

[Source: 24 CFR 982.312]

The rules governing family absences from the dwelling unit are covered in 24 CFR 982.312. The unit is vacant when no family members listed on the lease are residing in the unit. The family must inform the PHA and the landlord/agent, in writing, of any family circumstances causing an absence as soon as possible but not later than 30 days of the vacancy. The landlord can declare the unit abandoned if no notice is received within 30 days. Vacations, outside the area, for a period of no more than 30 days are permitted, but only with written notice to both the PHA and landlord. These absences can also be for stays in a nursing home, assisted living units, hospital, when the tenant is providing live in medical care at another location, or for a single member family being incarcerated in prison or jail. The maximum number of days that all family members may be absent from the unit is 90 consecutive calendar days, as long as written notice was provided to landlord and PHA within the first 30 days the unit is vacant.

II-M. ASSISTANCE IN FAMILY BREAK-UPS

[Source: 24 CFR 982.315]

HUD regulations at 24 CFR 982.315 require that the PHA shall determine which family member will be the remaining family member who will continue to receive the rental assistance in the case of family breakup. For families that break up as a result of domestic violence, the PHA will provide assistance to the non-offending partner, and normally to the spouse who retains the children. In cases of mutual separation, the assistance will stay with the family member that retains custody of the children. If two family members (no children) split under mutual agreement, the person remaining in the unit will continue to receive the assistance. If a court has determined that one member of the family will receive the housing, the court ruling will bind the PHA.

II-N. APPLICANT'S INFORMAL REVIEW PROCEDURES

[Source: 24 CFR 982.554]

Applicants shall have the right to an informal review for most decisions made by the PHA during the application and eligibility determination process. The entire process is described in the Housing Division's grievance procedure that is handed out during application acceptance and is again given during the voucher briefing.

II-O. PARTICIPANT'S INFORMAL HEARING PROCEDURES [Source: 24 CFR 982.555]

1. Participant's Right to Appeal

If a family is terminated from the program, they will be notified in writing as to the cause for termination and the right to appeal. Participants shall have the right to an informal hearing for any action that increases their share of the rent or in cases where the PHA reduces or terminates assistance. The PHA will maintain records on any complaint or appeal.

2. Disagreements or Complaints

Both landlord/agents and tenants have the right to present any complaint or disagreement to the PHA (i.e., vacancy or damage claims, contract or lease interpretation, etc.).

3. Levels of Appeals

If differences cannot be resolved on an informal basis with the Housing Counselors, a review or hearing will be requested with the Housing Administrator. In the event a solution is not made then, the Director of Community Development will be consulted. If none of the above informal meetings produce agreement, a formal review or hearing will be arranged with the City Manager's office. The final stage of this grievance procedure is non-binding arbitration services of the Better Business Bureau. Counsel may represent the appellant, if desired, at any or all the above steps.

II-P. HOUSING CHOICE VOUCHER PROGRAM SUBSIDIES

[Source: 24 CFR 982.402]

1. Payment Standard

The merger of the certificate and voucher programs into the Housing Choice Voucher program, effective November 22, 1999, phased out all certificates by the tenant's second reexamination. Until that time the following will hold true:

a). Current Payment Standard.

HUD requires that the payment standard not be less than 90% of the Fair Market Rent for the area. If it is determined that an adjustment is needed, the PHA will adopt the new payment standard to be effective on re-certification after an effective date set by the PHA. The new payment standard will be applied to all new participants, families that move or enter into a new lease, or to families with a current HAP contract at the next anniversary date of the contract. The payment standard for the Housing Choice Vouchers is based on a range of 90% to 110% of current FMR, the highest level the PHA can approve without HUD action.

2. Affordability Adjustment To Payment Standards

a). Timing of Adjustment.

The PHA will annually consider adopting an affordability adjustment to the payment standard. Large changes in the FMR or open market rents, up or down, will cause the PHA to consider adjustments to the payment standard. The PHA will begin analyzing local factors related to the Voucher participants at the time of the notification of the proposed FMR by HUD. The PHA will attempt to make any changes to the payment standard at the same time as the FMR is revised.

b). Factors for Adjustment.

The factors to be used in the analysis will be:

- (1.) Participant rent burden (the percent of the total tenant payment to the adjusted household income of the Voucher participants),
- (2.) Participant rent burden relative to the quality of the units selected by participant families as measured by the rent reasonable comparison and the most current HQS inspection,
- (3.) Participant rent burden relative to availability of units by bedroom size and location,
- (4.) Actual gross rents for specific bedroom sizes being paid on current tenants and
- (5.) The change in the FMR published by HUD.

3). Restriction on Family's Share.

A family will not be permitted to lease a unit at initial lease-up that has a gross rent that is more than 40% of their adjusted monthly income. If the family leases at the 40% level on initial lease-up it can be expected the rent will be increased at renewal. Most families exceeding the 40% recommended level are

leasing units larger than the voucher they were issued. This PHA will highly recommend that the tenant consider finding a unit that will be at or below this 40% rent level at reexaminations.

HUD develops their programs based on the fact that they consider 30% of monthly adjusted income to be an unacceptable rent burden. To permit a family that is going to exceed the 40% limit without encouragement to seek other housing opportunities is to allow the family to undertake a rent burden that is unfair to that family. The Housing Choice Voucher program was designed to prevent or eliminate this high rent burden.

II-Q. SPECIAL HOUSING TYPES

1. Administration of Special Housing

The City of Wichita Falls has no Moderate Rehabilitation units, Group Quarters other than military barracks or any other type of shared housing units which are considered Special Housing. The local area has a large number of available and unoccupied "Granny Flats", "mother-in-law units", and garage apartments which reduce the local need for shared housing.

2. HOME Tenant Based Rental Assistance (TBRA)

The PHA does not have any TBRA units under the HOME program. The City has not ruled out the use of HOME funds for this type of assistance.

3. HOPWA (Housing Opportunities for Persons with Aids)

The City of Wichita Falls operates a small-scale HOPWA program that is funded by the State of Texas. Most of the procedures are the same as the Housing Choice Voucher program. The participants of this program are required to apply for Housing Choice Vouchers when they apply for the HOPWA program. The City has decided to make this program and Housing Choice Vouchers as seamless as possible, and therefore adopted the more stringent HCV requirements over the HOPWA Guidelines. Movement from the HOPWA program on to the Housing Choice Voucher program opens a spot for someone not now assisted by the HOPWA funding.

HOPWA participants must apply for HCV assistance. Once a HOPWA tenant is offered HCV assistance, they must accept that assistance unless they currently reside outside the city limits of Wichita Falls and they wish to remain in the Health Department's Service Area. In the event of the death of the Head of Household, HOPWA assistance can be provided to the remaining family member for a period of 90 days.

II-R. FAMILY OWED PAYMENTS TO THE PHA

[Source: 24 CFR 982. 552]

The PHA has the sole discretion of determining the monthly repayment amount, taking into consideration the tenant's income and circumstances. The amounts and details of repayment agreements are as follows: Under no circumstances shall the monthly payment be less than \$20.00 and the maximum length of time to repay amounts owed to the PHA is twenty-four months. A family owing the PHA money will not be permitted to move to another unit until the repayment agreement has been concluded.

The Repayment Agreement will be in DEFAULT on the 2nd day of the month in which a full monthly repayment was not received by the Housing Agency. If the agreement is not brought current by the last day of that month, the debt will be considered due and payable in full by the 15th day of the following month. The debt must be repaid in full, not just the monthly repayment amount. On the 16th day of the month following the original payment due (45 days past due), the Housing Agency will terminate the

tenant's HCV assistance if the entire debt has not been repaid. The tenant's assistance will terminate 30 days after that notice, to allow the landlord to receive proper notification. If a tenant fails to make a timely payment, there is nothing a tenant can do to stop the termination of assistance. The tenant will be encouraged to repay the debt; however, repayment of the debt after the 45th day will not stop or delay termination of assistance.

If the total amount owed to the PHA exceeds \$3,000, the family can request that the Repayment Agreement term be extended to a maximum of thirty-six months.

Persons leaving the program owing the PHA for damages, vacancy or unpaid rents, or a repayment agreement for unreported or under reported income shall repay these amounts in full prior to being eligible for readmission from the waiting list. Each application for assistance will be screened for amounts owed to this PHA, or any other federally subsidized housing program. The applicant will be informed of the amount owed and to whom. This lead-time should help families clear their debts before reaching the top of the waiting list. If a family has not repaid those debts and provided proof of repayment by the time the applicant is asked to attend a briefing, they will be given a grace period of no more than 15 days in which to clear the debt(s). The applicant will be rescheduled for a subsequent briefing once the debt has been repaid. However, if the applicant cannot or does not repay the debts during the grace period, the HCV application will be denied, and the family will have to reapply for assistance.

1. Repayment Requirements

Applicants and participants will be counseled, during certification and re-certification briefing, of the PHA's policy on claims repayment and their responsibility to reimburse the PHA for any monies paid by the PHA on their behalf to the landlord/agent for damages, vacancies or unpaid rents. Funds recovered for damages, vacancy and unpaid rent will be returned to the housing assistance account and used to reduce the funds requested from HUD. Repayments for unreported or underreported income are tracked. The PHA may retain 50% of these collections for their own administrative use.

2. Repayment Offer from PHA

The PHA is the sole source for both the offer of and the approval of any repayment agreement. Families wishing to remain on the program will be required to enter a repayment agreement and to repay any amounts paid to the landlord/agent by the PHA on their behalf during the current certification period. The monthly repayment amount may be reduced to the minimum amount, and/or the length of time may be extended by the PHA, up to twenty-four months, in cases where tenant income has decreased. If the total amount owed to the PHA exceeds \$3,000, the family can request that the Repayment Agreement term be extended to a maximum of thirty-six months. No move will be permitted for any family that is still under a repayment agreement. Persons leaving the program owing monies to the PHA will have to repay those moneys in full prior to being eligible for re-admission.

3. Repayment Agreements

[Source: 24 CFR 982].

Participants will be informed that only one repayment agreement will be allowed during program participation. Program participants (as of October 5, 2004) who have not previously entered into a repayment agreement, or who have been in and completed a prior repayment agreement that incur a second set of claims will have their assistance terminated within thirty (30) days. If termination does occur, tenant must reapply to the Waiting List. All funds must be repaid to the PHA prior to receiving future assistance. The federal regulations do not permit portability of families owing money to the PHA.

A Hardship Repayment Agreement may be granted, as needed, providing no prior Hardship Repayment is in existence. If a second set of claims are incurred, they are exempt from the one time program participation policy.

PART III. PHA POLICIES ON MATTERS NOT REQUIRED BY HUD

III-A. Outreach Procedures

Generally, the outreach procedures described in item II E, will be employed. In the event this effort does not produce an application group consistent with the goal, an intensification of advertising through the area media and a concentration of outreach programming in neighborhood action groups will be utilized. The City has joined the North Texas Rental Property Owners Association and this should assist in a better relationship and more understanding of the Housing Choice Voucher program with owners.

III-B. Portability and Family Moves

[Source: 24 CFR 982.353-355]

1. Family Moves within the PHA Service Area

If a family wishes to move to a new unit within the program area, they will be offered a voucher to look for new housing. The family will be reminded to notify the Housing office, in writing, if they decide to vacate their unit. The date of this notification will be indicated in the family's file. The family will be advised that to continue on the program they must contact the landlord/agent in writing and verify that all rent and utility bills are current and paid to date. It is the family's responsibility to have the landlord sign and return the Intent to Move form to the PHA.

2. Family Moves Outside the PHA Service Area

If a family wishes to move outside the PHA program area, a review briefing will be given on portability requirements. The PHA, as either the initial or receiving PHA, will make every effort to absorb the assistance in its own program and encourage the absorption of the rental assistance by the receiving PHA's program.

The local agency is restricting moves of port-outs to other housing authorities that are not absorbing or where the subsidized units are at a higher cost than this PHA. The local agency will contact the receiving PHA to review occupancy standards for each voucher size to determine that the subsidized unit will not exceed the current payment standards of this agency.

Families may transfer to other PHAs, including those outside the State of Texas, under the following conditions:

- (a) The tenant must notify the PHA of their desire to relocate, where they plan to relocate, and be current with all rents to the landlord.
- (b) The PHA cannot assist in the relocation if the tenant does not inform this office of the name of the PHA that will service their assistance.
- (c) The staff will provide information on the PHAs that are available in the new area, but it is the tenant's responsibility to make sure that the exact PHA selected contacts the City of Wichita Falls to arrange the portability transfer.
- (d) The initial PHA must reimburse the receiving PHA for the full amount of the housing assistance payments made by the receiving PHA on behalf of the family, until or unless the receiving PHA absorbs the family.

III-B. HQS AND INSPECTIONS

1). Utilities and Inspections

To verify operating conditions of stove, refrigerator, water heater, heating and cooling equipment the utilities must be turned on for the unit to meet HQS. Utilities must remain on for the landlord/agent to receive a HAP check and for the tenant, if eligible, to receive a utility reimbursement check. When a utility is to be paid by the tenant, there must be a separate meter for that utility that serves only the tenant's unit. If the tenant is not responsible for paying a utility or the service is not separately metered, the landlord/agent will be responsible for the full payment of that utility unless conditions are clearly stated in the lease. The PHA may abate and terminate assistance if the utilities are not kept connected, as the unit will no longer meet HQS if any utility is not connected. Landlord/agents are responsible at all times for the unit meeting HQS and should check to be sure that families in their units have utilities turned on at all times. Participants can be terminated from the program and lose their assistance [24 CFR 982.404] for not keeping their utilities on. This is a failure to meet their Family Obligations. Landlord/agents can be disqualified from further Housing Choice Voucher participation for failure to keep utilities that are their responsibility connected or for charging the tenant for those utilities. Charging for any amount of the utilities is considered a side payment and a violation of the HAP contract.

3. Waiver of HQS for Un-vented Heaters

a). Use of un-vented Heaters

The City of Wichita Falls has been granted a variance on the HQS for the use of un-vented space heaters. Units with un-vented heaters are acceptable, if they meet BTU per cubic feet and other safety guidelines in Appendix E of the HUD inspection handbook. Tenants will be cautioned on the extreme safety hazards these un-vented heaters can create in closed spaces, specifically bedrooms.

b). Encouragement to Use Vented Heaters

Tenants will be encouraged to rent units with vented heating systems. Landlord/agents will be shown a cost-benefit analysis for installing a vented system and strongly encouraged to make the change over to vented systems. The short payback period required if they use the annual adjustment factor to justify the higher rents, the increased ease of renting the unit, and the enhanced safety of the tenant are all strong reasons to encourage the change.

4. Acceptability of the Unit

The PHA is the one and only authority to certify that the unit has or has not passed HQS. If only one item fails to meet HQS, the unit fails until all item pass the HQS.

a). No Assistance to be Paid

No assistance will be paid until: (1) the dwelling unit has passed HQS inspection, (2) the tenant and landlord have signed an approved lease form, and (3) the PHA and landlord have signed the Housing Assistance Contract.

b). Tenant Choice.

Tenants will be reminded that choice of a unit is theirs and they need to select a unit that they will be satisfied with for the next year. The HQS forms the basis for acceptability of a unit by the PHA. The tenant family will be provided a copy of the booklet "A Good Place to Live". This booklet lists the minimum Housing Quality Standards and the items and conditions that a tenant may find desirable. The tenant family is encouraged to take the time to look at the unit and the neighborhood before entering into a lease with the landlord/agent.

c). Sight Unseen Units

A unit that the participant selects sight unseen may be inspected by the PHA and found to meet HQS but later the tenant decides, on closer examination, that it is not acceptable to them. The tenant may not desire the unit because of the unit's floor plan, room size or location. Appearance or size of required appliances, lack of certain non-required appliances, or lack of hook-ups are additional reasons a tenant may decide not to rent the unit. These choices should be explained to the participant during the briefing and the tenant encouraged to evaluate the unit based on these items and those in the booklet "A Good Place to Live". The tenant should be reminded not to submit a RFTA on a sight-unseen unit.

d). Subsidy Level

A unit may meet all HQS, be within the Payment Standards, but not justify the amount of rent (rent reasonable) requested by the landlord/agent. During the landlord/agent briefing the PHA explains that the HQS serves as the floor for acceptability of the unit and the payment standard should be the top price for the unit. Most units fall somewhere between these two points. The landlord/agent can decide to either improve the unit to make the rent reasonable, accept lower rent as offered by the PHA, or decide not to rent the unit under the Housing Choice Voucher program. Items such as marginal paint quality, soiled or worn floor covering may pass with comment but will hold down the reasonable rent. On an initial lease-up the unit can be rent reasonable but over the participants 40% of AMI allowable amount. In this case the units cannot be rented with assistance.

e). Marginal Units

Any landlord/agent wishing to improve a unit to facilitate a rent increase will be encouraged to renovate the rental units on their own.

f). Yard Maintenance

If the tenant is responsible for yard maintenance, the landlord/agent will turn over the property at move-in with the yard free of excess trash, tall grass or weeds.

5. Failure of Unit to Maintain HQS

[Source: 24 CFR 982.404 and 982.551]

a). Landlord/agent Failure to Maintain

Failure by the landlord/agent (landlord) to maintain the unit to HQS can result in abatement, termination, suspension, or reduction of Housing Assistance Payments. If a life or health threatening or safety item is discovered, the landlord will be given 24 hours to correct the defect. If the defect is not corrected within the 24 hours the rent will be abated until corrected. The 24-hour period starts from the point of notification. Notification may be in person to the landlord at the site, by phone to the landlord or in writing to the landlord if the landlord is not available. It is assumed that any written notice is delivered two postal service work days after the mailing of a letter. Mail notification will be by certified mail only. The landlord is not responsible for HQS breaches caused by the family. However, the PHA is required to terminate assistance for a breach caused by the family.

b). Tenant Failure to Maintain

Failure by the tenant family to maintain the unit to HQS can cause termination of assistance and removal from the program. The family can be given time to correct defects. The current time frames approved by the PHA are no more than 24 hours for life or health threatening defects and 30 days for other defects.

See above for the timing of the 24-hour period. Failure to keep all tenant supplied utilities on at all times is an HQS violation of family obligations and requires the family to meet the above time frames to correct the deficiencies.

III-C. Internal Schedules

The following internal system will be used to conduct initial and annual inspections and re-inspections:

1. Initial Inspection

The Housing Inspector will schedule and perform initial inspections based upon the date of receipt of the Request for Tenancy. The tenant will be furnished a copy of the HUD booklet "A Good Place To Live", during the certification briefing, and informed that using this booklet is a good means of determining acceptability under HQS, and to expose any shortcomings the unit may have. Participants will be reminded that the sooner they find a unit that meets all HQS (and is within their income guidelines), the sooner they can start receiving their rental assistance. The inspector will make every effort to contact the landlord/agent within 24 hours of receipt of the RFTA to establish an inspection date within 72 hours or as soon as the landlord/agent can determine they will be ready for inspection. Current HUD regulations require that inspections be completed within 15 calendar days of the receipt of the RFTA. Landlords should not submit a RFTA for any unit that will not be ready for inspection within those 15 days. If the owner fails to have the unit ready for inspection within 15 calendar days, or the unit fails inspection, the landlord/agent will be given a chance to bring the unit up to HQS. However, if the unit does not pass inspection or re-inspection within 30 days, the family will be encouraged to select another unit. The inspection form to be used shall be based on HUD Form-52580.

2. Actions if Unit Fails Initial Inspection

If the unit fails inspection, the family (if they live in the unit) and landlord/agent will be notified in writing with a summary of items which resulted in a failed rating. If any item fails the entire unit fails. The landlord will be given a suggested completion date to encourage faster repairs.

The Director of Community Development will resolve differences in perception of acceptability between landlord/agents and inspectors in regard to the adequacy of the unit. Technical assistance from the Building Inspection Division and the Building Official will be requested by staff if certain items reflect the need to be brought up to Code.

3. Schedule Re-inspection

A re-inspection will be conducted when the landlord/agent notifies the PHA that all failed items have been corrected and the unit is ready. If the inspector detects additional HQS violations during the re-inspection, these items must also be corrected before the units can be passed.

4. Annual Inspection

a). Required Annual Inspection

Each unit shall be inspected and/or re-inspected for HQS at least once annually. The inspection must occur and the unit must pass before the contract anniversary date. The PHA shall maintain a list of contract anniversary dates with which to schedule annual inspection dates. A written notice will be provided to both landlord/agent and tenant at least 60 days in advance of the contract anniversary of the date and time for the inspection. This time frame should provide landlord/agents with approximately 45

days after the inspection in which to correct any items that might have failed, thereby preventing abating the rent until approved.

b). Allowing Inspections

[Source: 24 CFR 982.551 (d)]

The family must allow the PHA to inspect the unit at reasonable times and after a reasonable notice. Failure to allow inspection, including missing inspection appointments can result in the rent being abated or the HAP terminated and the family's assistance being terminated for breach of family obligations.

III D. Tenancy Approval

Formerly Lease Approval

1. Acceptable Lease Formats

The lease is a legally binding document between the landlord and the HCV participant. The landlord must use the same standard lease form they use with their unassisted tenants. The lease is acceptable when it includes the HUD Tenancy Addendum and the required lead-based hazard disclosure information required in 24 CFR 35.92(b). The PHA no longer approves a lease, however, the lease must be acceptable. A number of office supply stores have leases that can serve this purpose.

2. Security Deposits

The applicants will be informed, when the PHA receives the Request For Tenancy form, that they should start arranging funds for any needed utility company deposits or for the landlord/ agent's security deposit for the unit. The RFLA provides information to the PHA about the allocation of responsibility for utilities, appliances and services provided and other conditions of the lease. Applicants and landlord/agents will be cautioned that the PHA is not responsible for any rental assistance payments until all the following are completed: 1.) the unit has passed HQS inspection 2.) the applicant and landlord have signed an acceptable lease form, and 3.) the PHA and landlord/agent have entered into the Housing Assistance Payment Contract.

3. Security Deposit Maximum

a). Leases Entered Into After October 2, 1995

The landlord/agent has the sole right to set the maximum-security deposit that can be asked of the tenant in the voucher program. The amount requested cannot be higher than the amount requested by the landlord/agent for unassisted (open market) units. Usually, the local open market security deposits do not exceed one month's contract rent. Both landlord/agent and applicant will be informed that the PHA does not pay the landlord/agents for any vacancy, damage or unpaid rents for any leases entered into after October 2, 1995.

b). State Requirement To Return Security Deposit

Both landlord/agent and tenant will be informed that state law requires the repayment or accounting of the security deposits within thirty days of termination of lease or move-out. This requirement helps to establish the time frames for any special claims to be filed and serves to provide an accounting to the tenant of the deposit .

c). State Lock Change Requirement at Move-Out.

Landlord/agents are reminded that Texas law requires lock changes be made within seven days of move-out and this is a limiting factor for any unpaid rent or vacancy claims.

d). PHA Not Responsible for Rent Prior to Execution of Contract

Landlord/agents and tenants will be reminded that the PHA is in no way responsible for any rents prior to the execution of a contract between the PHA and the landlord/agent. Landlord/agents will be reminded not to allow families to move in prior to lease signing. If a tenant does move in prior to the PHA and landlord entering into a Housing Assistance Contract, the tenant is responsible for all the rent up to signing date on the HAP Contract.

4. Review of Rental Requirements

Applicants will be briefed again on the requirements of the program and informed about the requirements to pay all their security and utility deposits before the PHA can sign the contract. Applicants will again be reminded that they are required to keep their portion of the rent paid, their utilities connected and to maintain their unit in a safe, decent and sanitary condition or they will lose their housing assistance and be terminated from the program. Landlord/agents will be briefed on their requirements to keep the unit within HQS during the entire lease period.

5. Penalties for Late Payment from PHA

The HAP contract provides for late HAP penalties in accordance with generally accepted practice for late rent charges. The PHA agrees to pay a \$5.00 late charge per contract if the HAP payments are postmarked after the fifth day of a month. The tenant may not be charged a late fee if their share was paid on time and the PHA was late. The late charges must be paid from the PHA's administrative fee account.

III-E. Contract Completion

The Housing Counselor(s) will arrange an appointment date and time for the execution of the assistance contract. Prior to execution, the contract will be explained in detail and any items of misunderstanding corrected.

III-F. Payments to Landlord/agents/tenants

1. Internal Billing Procedure

The PHA will complete one billing a month. The monthly billing will be completed in a manner that the checks can be produced, checked for accuracy and mailed by the first day of the month. The PHA must receive any changes affecting the monthly billing no later than the 20th of the month prior to the month in which the change will occur. Changes received after the 20th will be processed the following month. All annual recertifications must be completed and the unit passed inspection prior to the 20th of the month the contract expires to avoid disruption in payments.

a). Payment Register

The Housing Division will maintain a detailed listing of payments by landlord, tenant, address, utility payments and a listing of any vendor changes, which occurred during the month.

b). Special Claims Payments

Payments for these types of claims made on leases entered into prior to October 2, 1995 will be made during the regular check writing cycle. Damage, Unpaid Rent, and Vacancy claims that have been paid will require forms to be maintained in the tenant files for future reference and possible repayment.

III-G. Financial Records

The Housing Division will process checks. The division will post data to cards and/or computer files prior to mailing checks to recipients. The Housing Division will keep all records pertaining to family eligibility, income verification, unit inspections and leases in a manner suitable for an unannounced federal performance audit. The Finance Department will provide financial oversight and management in accordance with HUD guidelines. The Housing Division will maintain landlord/agent rental payments and prepare IRS Form 1099 for income tax purposes. The PHA will maintain such manual or computerized ledgers as may be necessary for the day-to-day operation of the program. The PHA shall maintain a Check register, which will indicate all payments made to tenants and landlord/agents.

III-H. Information and Assistance for Participating Families.

1. Community Services/Agencies Referrals

a). Referrals by the Housing Division Staff

The entire staff will be kept informed and kept familiar with a wide cross section of agencies that help lower income families. The staff will be able to assist families with referrals to agencies that provide a wide range of services. This assistance is not limited to housing matters.

b). Assistance to Tenants and Landlord/agents from the Staff

PHA staff members are available to assist with problems reported by participating families and social service agencies. The Department of Human Services or the Family Self-Sufficiency staff will provide assessment and counseling to program participants and coordinate community outreach efforts with available community resources. The PHA maintains a list of homes, apartments and mobile homes available to program participants seeking units or wishing to relocate.

2. Complaints by Tenants

The Housing Counselor(s) will document reports, made by tenant families, that the landlord/agent is not complying with the lease provisions or is not maintaining the unit in compliance with the Housing Quality Standards. The Housing Counselor(s) will investigate the circumstances of the complaint within 3 working days. Tenants will be reminded that all requests for repairs must be in writing, with one to the landlord and a copy to the PHA.

III-I. Termination and Family Moves

1. Family Responsibilities

[Source: 24 CFR 982. 551]

a). Information at Briefing and Recertification

Briefing sessions will emphasize that along with family rights, there are also family responsibilities. Household heads will be reminded that all transactions and requests must be in writing. Families will be reminded that if their actions cause the PHA to pay any claims under the contract on their behalf to the landlord/agent, they will be required to reimburse the PHA. Any payment made on the tenant's behalf where the tenant has left without written notice, will be treated the same as a vacancy claim by the PHA.

This will require that the tenant reimburse the program for the funds spent for the rental of an unoccupied unit.

b). Termination for Family Action or Inaction

Failure of the family to attend scheduled meetings, briefings or appointments, failure to respond to written request for program eligibility or income information, failure to allow the unit to be inspected, and failure to make repayment agreements on schedule will provide the basis for termination from the program.

2. Move outs

[Source: 24 CFR 982.353]

Most lease forms that can be approved, provide for a written notice to the landlord/agent prior to move out. The usual time frame for notification is 30 days although the regulations state that not more than sixty (60) days be required. Under the provisions of 24 CFR 982.309(f), the family is also obligated to notify the landlord/agent and PHA, in writing, before the family moves. Families that move without proper prior written notice to the landlord/agent and the PHA will be denied future participation. The PHA may decide to review this denial after a period of three (3) years of the breach of their Family Obligations.

The Tenant is required to provide the PHA notice of any absence from the unit. (Also see the section II-K Family Absence From The Unit of this plan.) The PHA must not make an assistance payment for any unit that has been vacated. Letters, visits, phone calls, information from the neighbors and the landlord/agent can provide information on the status of the unit. Utility disconnects, hookups or transfers are some of the many ways the PHA has to establish move out dates. Movement from one unit to another unit usually involves the connection or transfer of utilities at the new unit and disconnection of utilities at the old unit.

3. Eviction

[Source: 24 CFR 982.310]

Landlord/agents are required to follow eviction procedures consistent with their contract, state and local laws. The landlord/agent must provide the tenant with a written termination notice that identifies the grounds for termination during the term of the lease.

Tenancy does not terminate before issuance of the notice and the notice must be provided at or before the eviction action. If the landlord/agent evicts, within State law, for unpaid rent, damages, or HQS violations, the PHA can refuse additional rental assistance to the tenant family.

4. Family Fraud or Other Program Violations

[Source: 24 CFR 982.551]

If the family has committed fraud by commission or omission or misrepresentation in connection with federal housing programs, the PHA may terminate assistance and cancel the HAP contract. The PHA will make every effort to recover any overpayments made on behalf of the tenant as a result of fraud, unreported or underreported income, or other abuse.

5. Landlord/agent Responsibilities

[Source: 24 CFR subpart J].

If the landlord/agent has committed fraud or misrepresentation in connection with federal housing programs, the PHA will terminate the HAP contract. The PHA will review the circumstances causing termination and possible family involvement to determine if the family is eligible for re-certification and relocate to another unit with continuation of assistance. The PHA may refer the landlord/agent to the U.

S. Justice Department for debarment from future participation in the program. The PHA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. 24 CFR 982.453 has added "violent criminal activity" to the list of actions considered a breach of contract.

6. Termination of Tenants for Threats of Violence

Under 24 CFR 982.552 (c) (IX), the PHA may deny or terminate assistance if the family has engaged in, or threatened abuse or violent behavior toward PHA personnel. Tenant violation of lease provisions on threats or disturbances of neighbors is covered in the lease and can also cause the landlord/agent to evict the family and cause termination of future assistance.

7. Failure to Meet or Maintain Unit HQS

[Source: 24 CFR 982.404]

The landlord/agent is required to maintain the unit up to HQS. Any defects must be corrected in a reasonable time. If the unit no longer meets minimum HQS because of the tenant's failure to maintain the unit in a decent, safe and sanitary condition, they will be required to correct the defects or have their assistance terminated. Failing to keep utilities on, or to provide and maintain the tenant supplied appliances is a violation of HQS and as these are safety hazards, the family shall have 24 hours to correct utility shutoffs and appliances defects. All other HQS violations must be corrected within 30 days. In these cases it is the responsibility of the tenant to request an inspection to verify the corrections. If the tenant fails to bring the unit into compliance, the PHA will cancel the HAP contract and terminate the family's assistance. Every effort, including the use of church and social service agencies' assistance to the family, will be used to correct the violations and prevent the loss of assistance.

The tenant is responsible for their family members, friends and guests that may cause damage to a unit. Damages caused by break-ins and burglaries are considered the responsibility of the tenant, as they are in open market rentals.

8. Grounds for Termination of Assistance – Criminal Activity

If the family violates any family obligation under the program, including the drug-free housing lease addendum, this PHA may terminate the family's assistance. 24 CFR 982.551 and 982.553 institutes the one-strike policy of HUD. Any family member or guest that is indicted for drugs or violent felonious criminal activities will be terminated with a thirty-day notice to landlord. Any member of the family terminated from federally assisted housing for drugs or violent felonious criminal activity shall be denied admission to the HCV Program for three (3) years. The PHA chooses to use indictment as the level of "preponderance of evidence" for termination under the HUD Drug-Free Housing Policy. The three year waiting period will not be applicable, if a person was terminated from the program for drug or criminal activities and the indictment is later dropped or the person is not convicted of the crime. The PHA will allow the household to reapply for HCV rental assistance without the three year waiting period. If convicted, the three year wait to reapply will begin with the date of conviction not indictment.

Persons convicted of manufacturing or producing meth-amphetamine on the premises of an assisted housing project as defined by HUD are permanently denied HCV admission. Also, persons subject to a lifetime registration under a state sex offender program are permanently denied.

9. Cancellation of the HAP Contract.

[Source: 24 CFR 982.452]

The PHA will not approve a new lease/contract on a unit for a period of one year, if it is necessary to cancel a HAP contract due to the landlord/agent's failure to respond to notification that the unit no longer

meets minimum HQS. The current tenant may be moved to continue receiving assistance, and until the PHA receives assurances that the landlord/agent will fulfill the program requirements in the future, the PHA may withhold the approval of any new HCV tenants. The PHA may also require the landlord to get a Certificate of Occupancy, from Building Inspections, to insure that the unit(s) have been brought up to code.

10. Failure to sign consent forms or provide information

The PHA must deny admission or assistance if a tenant fails to sign consent forms or any other HUD required document. Failure to provide information within 60 days is grounds for termination including information regarding custody of children, IRS matching information, school attendance, etc.

11. PHA Review

The PHA will review each case that results in eviction, termination of program participation, or failure to give proper notice. If the review results in a determination of ineligibility for future program participation, the family will be notified in writing describing the reason(s) and grounds for that determination and the process to make an appeal.

III-J. Moving and Portability. [Source: 24 CFR 982.354-355]

Housing voucher holders and participants will be informed of the portability option during the initial briefing and at reexamination sessions.

An applicant who resided in Wichita Falls when they applied and now holds an active rental voucher is eligible for statutory portability. An applicant who did not reside in Wichita Falls when they applied must reside in Wichita Falls for a period of one year prior to being permitted to move under portability rules.

A PHA with a housing voucher program into whose jurisdiction the family moves with assistance under the portability statute (receiving PHA) must assume the responsibilities of the issuing PHA toward the family. The receiving PHA may either bill the issuing PHA for the housing assistance payment on behalf of the family or may provide assistance to the family utilizing funding under the ACC for its own housing voucher program.

The issuing PHA must fulfill all responsibilities under the housing voucher programs, if the PHA where the dwelling unit is located has no housing voucher program. The initial PHA must provide assistance to the family at the new dwelling unit. In such cases, the issuing PHA may administer the assistance directly or may subcontract with another PHA in the immediate vicinity, or otherwise subcontract administration of the PHA responsibilities. For this purpose, federal law overrides State law limitations on PHA jurisdiction and permits the issuing PHA to administer outside its normal State-law jurisdiction or even out of State.

III-K. Contract Dates and Special Claims Payments

Housing Choice Voucher Contracts entered into after the merger date have neither vacancy, unpaid rent, nor damage claims provisions. Only contracts entered into before October 2, 1995 have any contract provisions for special claims. Landlords with contracts entered into before that date may request a special claim for tenant related damages when the contract is converted to a Housing Choice Voucher Contract on or before October 1, 2001. This is the only time a special claim can be made while the tenant family still remains in the unit. After October 1, 2001 no special claims can be filed or paid.

III-L. Monitoring Program Performance

1. Management Policies

Establishing and maintaining high quality administrative and management practices to achieve the goals of the PHA is a primary objective. The PHA's primary goals are: (a) to promote greater housing opportunities for lower income families, and (b) to stimulate applications and participation from the widest range of eligible families.

The PHA is required to complete a SEMAP form and submit it to HUD annually. This form provides the background format for the PHA to grade itself on the overall performance of the agency.

2. Monitoring the Program

The PHA will maintain and monitor applicant and participant composition to ensure Fair Housing objectives and federal reporting requirements.

3. Administrative Plan Revision

The program Administrative Plan must be approved and adopted by the City Council and also sent to HUD as a part of the PHA's Plan . The plan will be revised on an as required basis. This plan will be revised as the PHA receives additional units or when HUD publishes programmatic changes.

III- N. Authorization of a Project Based Assistance
[Source: 24 CFR 983]

Project Based Assistance Voucher Action Plan (PBA), operational guidelines are hereby included as part of this plan as if reproduced in their entirety. See the attached PBA Action Plan.

PART IV. BUDGETING AND STAFFING NEEDS

All costs other than housing assistance payments incurred in the operation and administration of this program will be charged to the ongoing administration fees earned under the Housing Choice Voucher Program. Administration fees are based on the current HUD formulas and are tracked annually to ensure adequate funding levels. The current staffing is shown in the first table of this plan. No persons reflected in the HCV budget will serve in a variety of positions that will result in exceeding more than 100% of their allocated time.

A copy of the currently approved HUD budget (forms HUD 52673, HUD 52672 and HUD 52663) are available for viewing at the PHA office during normal business hours. The most current Year End Statements (form HUD 52681) and audit results from an independent auditor are also available for review in the PHA office.

CITY OF WICHITA FALLS, TX

PROJECT BASED VOUCHER ASSISTANCE

PROGRAM ACTION PLAN

Wichita Falls Housing Authority

ADDENDUM TO THE PHA'S CURRENT SECTION 8 ADMINISTRATIVE PLAN

INTRODUCTION

On October 27, 2000, the President signed into law the Fiscal year 2001 Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act (Pub. Law 106-377, 144 Stat. 1441) ("Appropriations Act") Sections 232 of the Appropriations Act substantially revises the provisions of the U. S. Housing Act of 1937 that govern the authority of a PHA to designate a portion of its available tenant-based voucher funds for project-based assistance (see U.S.C. 1473f(O)(13) (as amended by "Section 232" of the Appropriation Act). The Conference Report on the Appropriations Act stated that the statutory changes to the Project based Voucher (PBV) Program are intended to make project-basing of voucher assistance more flexible. HUD's initial guidance published in the January 16, 2001, Federal Register shows that consistent with legislative intent, it is also HUD's objective to make the PBV Program more flexible and more workable, and to help PHA's owners, and eligible families in need of housing take immediate advantage of the new statutory features.

The Addendum to the Wichita Falls Housing Authority's (PHA) Section 8 Administrative Plan is its statement to operate a Project-Based Assistance (PBA) program and to provide information on how it intends to operate the PBA under the requirements of the new law and regulations at 24 CFR part 983. This Addendum also provides information to eligible families, owners, and other interested members of the public.

This Addendum is based on regulations at CFR Part 983 and Section 232 and HUD's initial Guidance Notice, dated January 8, 2001, identifying which elements of the new project-basing law are effective immediately and states how the PHA is implementing the law pending issuance of revised program regulations. In the event of changes required to this addendum because of future rule making concerning the PBV Program, the PHA will take all reasonable steps to comply with new rules without jeopardizing actions previously taken that are consistent with HUD's Initial Guidance and Section 232.

PROVISIONS OF THE PHA'S PBA PROGRAM

Except where this section specifies otherwise, the present project-based regulations at 24 CFR part 983 continue to apply to newly constructed and substantially rehabilitated housing and now also apply to existing housing. Upon determination of good cause and

subject to statutory limitations, the PHA may seek a waiver from HUD for any provisions of the applicable project-based regulations in accordance with 5 CFR 5.110.

A. Authorization to Provide Project Based Vouchers (PVB)

Consistent with regulations in 24 CFR Part 983 and Section 232 and HUD Guidance, the PHA from time to time may enter into Housing Assistance Payments (HAP) contracts that attach PBV assistance to newly constructed units, rehabilitated units, and existing housing units that fully meet the HCV Program Housing Quality Standards (HQS) (see 24 CFR 982.401).

A housing unit will be considered an “existing unit” for purposes of the PBV Program if, at the time of the PHA written notice of selection of the project for project-based assistance, the units required a maximum expenditure of less than \$1,000 per assisted unit (including the unit’s prorated share of any work to be accomplished on common areas of systems) to comply with the HQS.

B. Unit Selection Policy, Advertising, and Owner Application Requirements

The PHA shall advertise the availability of the PBA with such advertisements must meet standards comparable to those in 24 CFR 983.51(b) and HUD’s initial guidance notice. The PHA will advertise in a newspaper of general circulation that the PHA will accept applications for PBA. The advertisement will be published once a week for three consecutive weeks: specify an application deadline of at least 30 days after the date of the advertisement is last published. The advertisement will reference the availability of a Request for Proposals (RFP) and the source from whom the RFP can be obtained. The RFP will specify the number of units the PHA estimates that it will be able to assist under the funding the PHA is making available for this purpose: and state that only applications submitted in response to the advertisement will be considered. The RFP will also state the PHA is making available for this purpose; and state that only applications submitted in response to the advertisement will be considered. The RFP will also state the PHA selection policies. In all cases, the PHA will maintain documentation of responses to advertisements or competitive proposals received in response to the PHA notice.

C. 20 Percent Limit

The total cumulative number of project-based units, including units previously placed under HAP in the PHA's project-based certificate program will not exceed 20 percent of the baseline number of units in the PHA's voucher program.

D. Consistency With PHA Plan

The PHA will submit an attachment to the PHA Plan template, or as an amendment to the PHA Plan, depending on the circumstances, a statement of the projected number of project-based units and general locations and how project basing would be consistent with their PHA Plans.

As with all programs that are covered by the PHA Plan, the PBA will be carried out in conformity with the nondiscrimination requirements specified in the PHA Plan regulations, and will affirmatively further fair housing as required by the PHA Plan regulations.

E. Consistency with the Goals of Deconcentrating Poverty and Expanding Housing and Economic Opportunities.

The PHA PBA Program will be consistent with the goals of deconcentrating poverty and expanding housing opportunities. The PHA recognizes the HUD deconcentration of poverty requirements that PBA assistance agreements or HAP contracts be for units in census tracts with poverty rates of less than 20 percent, unless HUD specifically approves an exception.

F. Partially Assisted Building Requirements

The PHA will not enter into an agreement or HAP contract to provide PBV assistance for more than 25 percent of the units in any one building, except for single-family dwellings and projects for elderly families and disabled families. In accordance with existing program usage, single-family dwellings refer to 1-4 family dwellings.

G. Family Choice to Move with Continued Assistance

The new law provides that assisted families may move from the assisted buildings, and retain federal housing assistance. For the continued assistance option, Section 232, similar to existing 24 CFR 983.206 (d)(2) required for new HAP contracts that the owner permit the assisted tenants to move from the housing at any time after the family has occupied the dwelling unit withy PBV assistance for 12 months.

Consistent with the law, the PHA will provide the family with HCV assistance or such other tenant-based rental assistance that is subject to comparable income, assistance, rent contribution, affordability and other requirements. HUD will set the standards as to what quality as comparable assistance by regulation. But, for new HAP contracts incorporating this requirement, the PHA will use voucher assistance available under the Annual Contributions Contract (ACC) to provide tenant-based assistance for the family. If no such assistance is available at the time the family moves, the PHA will give the family priority to receive the next available tenant-based voucher.

Vouchers under funding allocations targeted by HUD for special purposes (e.g. family unification, mainstream disabled) are not available for this purpose, since they are required to be used only for the targeted purpose.

H. HAP Contract Term

Consistent with the law, a HAP contract between the PHA and an owner of housing under this program may have a duration of up to 10 years (as determined by the PHA), subject to the future availability of sufficient appropriated funds under the PHA's consolidated ACC with HUD. Upon expiration of the HAP contract term and consistent with the law, the PHA may agree with the project-based housing owner to extend the HAP contract for such period as the PHA determines appropriate to expand housing opportunities (as well as an extension to assure long-term affordability of the housing, as provided under prior law). All HAP contract extensions must be contingent upon the future availability of appropriated funds.

I. Rent Limits

The new law provides that the HAP contract shall establish gross rents (rent to owner plus the allowance for tenant-paid utilizes) that do not exceed 110 percent of the established

Fair Market Rent (“FMR”) or any HUD-approved “exception payment standard” (i.e., a payment standard amount that exceeds 110 percent of the published FMR) for the area where the housing is located.

If a unit has been allocated low-income housing tax credits under the Internal Revenue Code of 1986 at 26 U.S. C. 42, but is not located in a qualified “census tract” as defined in the law, the rent to owner may be established at any level that does not exceed the rent charged for comparable units in the same building that receive the tax credit but do not have additional rental assistance.

Within the limitations mentioned above, the initial rent to the owner may differ from payment standard amounts in the payment standard schedule adopted for the PHA tenant-based voucher program. However, just as in the regular tenant-based program and the PBA Program under prior law, the initial and adjusted rent to owner must be reasonable in relation to rents, charged in the private market for comparable unassisted units (see 42 U.S.C. 1437(f) (o) (19) (A)).

J. Rent Adjustments During the Term of the HAP Contract

Section 232 provides that a housing assistance payments contract for project-based voucher assistance shall provide for rent adjustments and that the adjusted rent for any assisted unit shall be reasonable in comparison with rents charged for comparable dwelling units in the private, unassisted local market and may not exceed the maximum rent limits permitted under the statutory limitations summarized above. Determination of whether rent is reasonable in relation to comparable units shall be governed by 24 CFR 983.256.

K. Family Share of Rent and Housing Assistance Payment

The housing assistance payment is calculated in accordance with 24 CFR 983.260 as the gross rent minus the total tenant payment. The family share is calculated in accordance with 24 CFR 983.261 by subtracting the amount of the HAP from the gross rent.

L. Tenant Selection

The PHA selection system for project-based units will comply with the requirements specified below, which in most respects (except for the income targeting provision) are a codification of present regulatory and contractual requirements.

Income Targeting: The requirements of 42 U.S.C. 1437n(b) and CFR 982.201(b)(2) govern the selection of eligible families for this program, and generally provide that not less than 75 percent of families admitted annually to the PHA's combined tenant-based and PBV Programs shall be families whose incomes do not exceed 30 percent of the area median, as determined by HUD.

Applicants may be selected from the PHA waiting list. The PHA will only maintain a separate project-based waiting list if all PHA tenant-based assistance applicants who seek project-based housing can be placed on this list upon request and without penalty to any other application for assisted housing they may have pending. Subject to its waiting list policies and selection preferences specified in the PHA Administrative Plan, the PHA may place a family referred by an owner on PBV units on its waiting list.

In cases where the owner presents a plan to administer the waiting list on their own, the PHA may approve the owner to maintain the waiting list. In the case of a group home where supportive services are offered, the PHA will allow the service provider to manage their own waiting list subject to review by the PHA. Any waiting list maintained by an owner is subject to the income targeting requirements as prescribed by HUD.

As in the current project-based program, the PHA will refer families to housing units from the waiting list according to its regular applicant selection policies. If an applicant does not rent a unit with PBA, or the owner turns an application down for admission to a project-based unit. The applicant will not be removed from the PHA's tenant-based assistance waiting list for that reason but must maintain its position on the list as though no offer of housing had been made.

Vacant units; The HAP Contract will be in a form prescribed by HUD. The PHA may enter into such a contract that agrees to provide vacancy payments up to 60 days after a unit becomes vacant, in an amount not to exceed the rent to the owner as provided by the HAP contract on the day the family vacated. (Page 3610).

The PHA may only make such payments for a vacant unit if:

1. The vacancy was not the owner's fault, and
2. The PHA and owner take action to minimize the likelihood and length of any vacancy.

M. Future Modification to this Addendum

The PHA PBA Addendum will remain in effect until the new PBV changes in law have been fully implemented through a new regulation.

In the event of changes required to this addendum because of future rulemaking concerning the PBV Program, the PHA will take all reasonable steps to comply with new rules without jeopardizing actions previously taken that are consistent with HUD's Initial Guidance and Section 232.

HUD published a Proposed Rule for the Project Based Voucher (PBV Program in the March 18, 2004, Federal Register. HUD proposed comprehensive regulations for the new PBV Program. In the event of changes required because of future rulemaking concerning the PBV Program, the Housing Authority will revise the Agency Plan and Section 8 Administrative Plan to implement the new rule, and these revisions shall not be considered a significant amendment or modification.