

City of Flagstaff Housing Authority Section 8 Administrative Plan

City of Flagstaff Housing Authority

3481 N Fanning Drive

Flagstaff, AZ 86004

520-213-2370

www.flagstaff.az.gov/2342/Housing-Authority

CITY OF FLAGSTAFF HOUSING AUTHORITY
SECTION 8 HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

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1 PROGRAM ADMINISTRATION

1.1 JURISDICTION

HUD has authorized the CFHA to administer rental assistance programs within the corporate boundaries of the City of Flagstaff, Flagstaff, AZ. The CFHA's jurisdiction includes the surrounding areas with the following zip codes: 86001, 86002, 86003, 86004, 86005, and 86011.

1.2 RENTAL ASSISTANCE PROGRAMS

The major rental assistance program administered by the CFHA is the Section 8 Housing Choice Voucher (Section 8) Program. The policies and procedures in this administrative plan apply to the Section 8 program. The CFHA also operates two special-purpose programs:

1. HUD - Veteran Affairs Supportive Housing Program (HUD - VASH) and
2. Single-room Occupancy (SRO) Rehabilitation Program

The policies and procedures for special-purpose programs are the same as the Section 8 Housing Choice Voucher program except where noted in the special-purpose program plans (Chapter 14) or the program regulations and guidelines published by HUD. If there is a conflict between program regulations and the Administrative Plan, the program regulations have precedence.

1.3 FAIR HOUSING POLICY

The CFHA will comply fully with all Federal, State, and local nondiscrimination laws; the Americans with Disabilities Act; and affirmatively further fair housing under the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

The CFHA will not deny any family or individual the equal opportunity to apply for and receive assistance in any of its programs on the basis of sex, gender identity, sexual orientation, race, color, religion, national or ethnic origin, familial status, disability, or age.

To further the CFHA commitment to full compliance with applicable civil rights laws, at the family briefing the CFHA will provide federal/state/local information regarding unlawful discrimination, and any recourse to those who believe they are victims of a discriminatory act. All applicable fair housing information and discrimination complaint forms will be included in the voucher holder's briefing packet, and will be available upon request. In addition, all

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appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The CFHA will assist any family that believes they have suffered illegal discrimination by providing copies of the housing discrimination form, assisting with form completion if requested, and providing the address of the nearest HUD Office of Fair Housing and Equal Opportunity. Affected applicants and participants may call the toll-free number for the Housing Discrimination Hotline: 1-800-669-9777, or the Federal Information Relay Service at (800) 887-8339.

The CFHA does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in, its federally assisted programs and activities. The CFHA 504 Coordinator may be reached at 928-213-2753.

1.4 REASONABLE ACCOMMODATION

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the CFHA housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program fully accessible to them in a way that would otherwise not be possible due to their disability.

Because disabilities are not always apparent, the CFHA will ensure that all applicants/participants are aware of the opportunity to request reasonable accommodations.

The CFHA reasonable accommodation policy (Appendix 1) describes how people can request accommodations and the guidelines the CFHA will follow in determining whether it is reasonable to provide a requested accommodation, on a case-by-case basis.

1.5 LIMITED ENGLISH PROFICIENCY

The CFHA will take reasonable steps to assist people with Limited English Proficiency (LEP) by assessing the need of LEP persons using the four factors described in the January 22, 2007 Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. The CFHA will balance these factors in deciding how to proceed:

1. The number or proportion of LEP persons served or likely to be encountered in the eligible service area,
2. The frequency with which LEP individuals come in contact with the program,

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3. The nature and importance of the program, activity, or service provided by the program, and
4. The resources available to the CFHA and costs.

Based on this required analysis, the CFHA may or may not prepare a Language Access Plan (LAP). If a LAP is needed, the guidance outlined in the above referenced Notice will be utilized.

The CFHA will endeavor to have bilingual staff or access to people who speak languages other than English, and will utilize multilingual “I speak” cards to the maximum degree possible.

1.6 FAMILY OUTREACH

To develop a waiting list that is representative of our low-income community, including attracting individuals and families least likely to apply for the Section 8 Program, the CFHA will:

1. Publicize information about the availability of and nature of Section 8 program assistance for extremely low-income, very low and low-income families in a newspaper of general circulation, minority media, and by other suitable means;
2. Distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel;
3. Utilize public service announcements, when available;
4. Communicate the status of program availability, program eligibility factors and guidelines to community service providers so they can make proper referrals for the Section 8 Program; and
5. Develop partnerships with community agencies who may assist potential applicants with internet or computer access and completion of the online application process.

1.7 OWNER OUTREACH

The CFHA will hold briefings for owners who participate in or who are seeking information about the Section 8 Program to:

1. Explain how the program works;
2. Explain how the program benefits owners;
3. Explain owners’ responsibilities (including lead-based paint) under the program, emphasis is placed on quality screening and ways the CFHA helps owners do better screening; and

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4. Provide an opportunity for owners to ask questions, obtain written materials, and meet CFHA staff.

Owners and managers already participating in the Section 8 Program may participate in making this presentation.

The CFHA will particularly encourage owners of suitable units located outside of low-income or minority concentration areas and owners of accessible units to attend. Targeted mailing lists will be developed and announcements mailed.

1.8 RIGHT TO PRIVACY

All adult members of both applicant and participant households are required to annually sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice, which states how family information will be released and includes the Federal Privacy Act Statement.

Applicant or participant information will not be released unless there is a signed release of information from the applicant or participant.

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

The CFHA's practices and procedures are designed to safeguard the privacy of applicants and program participants in compliance with PIH Notice 2015-16. All applicant and participant files are stored in a secure location that is accessible to authorized staff only. The CFHA educates its employees who have access to sensitive and other personally identifiable information to ensure this information is appropriately managed and disposed of.

1.9 POSTINGS

The CFHA will post in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

1. How to access the Section 8 Administrative Plan;
2. Notice of the status of the waiting list (opened or closed);
3. Address of all CFHA offices, office hours, telephone numbers, TDD numbers, and hours of operation;
4. Income limits for admission;

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5. Informal review and informal hearing procedures;
6. Fair Housing Poster; and
7. Equal Opportunity in Employment Poster.

1.10 ADMINISTRATIVE FEE RESERVE (24 CFR 982.155)

The CFHA must maintain an administrative fee reserve to pay administrative expenses in excess of administrative fees paid by HUD. It may be necessary for the CFHA to utilize the administrative fee reserve to meet unforeseen or extraordinary expenditures or for other housing related purposes consistent with federal and State law.

The CFHA Board of Commissioners authorizes the Executive Director expend without prior Board approval up to \$5,000 for authorized expenditures not included in the approved budget.

1.11 INTELLECTUAL PROPERTY RIGHTS

The CFHA will not utilize program receipts to indemnify contractors or subcontractors of the CFHA against costs associated with any judgment of infringement of intellectual property rights.

1.12 CFHA-OWNED HOUSING

Units owned by the CFHA and not receiving subsidy under any other program are eligible housing units for Housing Choice Voucher holders. In order to comply with Federal regulation, the CFHA will do the following:

1. Make available through the briefing process both orally and in writing the availability of CFHA-owned units.
2. Obtain the services of an independent entity to perform the following CFHA functions:
 - a. Determine rent reasonableness for the unit. The independent entity will communicate the rent reasonableness determination to the family and the CFHA.
 - b. Assist the family in negotiating the rent.
 - c. Inspect the unit for compliance with HQS/UPCS-V.
3. Gain HUD approval for the independent agency/agencies utilized to perform the above functions.
4. Compensate the independent agency/agencies from administrative fee income.

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5. Ensure the family is not charged any fees for the services provided by the independent agency.

1.13 QUALITY CONTROL

To maintain the appropriate quality standards for the Section 8 program, the CFHA will at least annually review files and records to determine if the work documented in the files or records conforms to program requirements. This review will be conducted by a supervisor or another qualified person other than the person originally responsible for the work or someone subordinate to that person. The number of files and/or records checked will be at least equal to the number specified in the Section 8 Management Assessment Program (SEMAP) for the CFHA. The following will be reviewed:

1. Selection from the waiting list;
2. Rent reasonableness determination;
3. Appropriate calculation of tenant rent payment including determination of adjusted income;
4. Utility allowance schedule;
5. Proper HQS/UPCS-V inspections;
6. HQS/UPCS-V deficiency follow up, including the appropriateness and timeliness of repairs; and
7. Expanding housing opportunities outside areas of poverty or minority concentration.

If significant error(s) are found during a quality control review:

1. Appropriate training will be immediately conducted for the person or persons who made the error(s); and
2. The error(s) will be corrected by the person who made the error(s).

1.14 CORE VALUES AND ETHICAL STANDARDS

All officers and employees of the CFHA will comply with the Code of Ethics of the City of Flagstaff and those mandated by the Section 8 program.

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1.15 CONFLICT OF INTEREST

In accordance with 24 CFR 982.161, neither the CFHA nor any of its contractors or subcontractors may enter into any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during his or her tenure with the CFHA or for one year thereafter:

1. Any present or former member or officer of the CFHA (except a participant commissioner);
2. Any employee of the CFHA or any contractor, subcontractor or agent of the CFHA who formulates policy or who influences decisions with respect to the programs;
3. Any public official, member of a governing body, or State or local legislator who exercises functions or responsibilities with respect to the CFHA's programs; or
4. Any member of the Congress of the United States.

Any member of the classes described in A, B, C, or D, must disclose their interest or prospective interest to the CFHA and HUD.

The Conflict of Interest prohibition under this section may be waived by the HUD Field Office upon the request of the CFHA for good cause.

1.16 ACCEPTANCE OF GIFTS

No CFHA Commissioner or employee shall solicit any gift or consideration of any kind, nor shall any CFHA employee accept or receive a gift having value in excess of \$25.00 regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before the CFHA.

1.17 DISCIPLINARY REMEDIES

Violations of this Code of Conduct Policy will result in disciplinary action as outlined in the City of Flagstaff Human Resources Policy or as determined by action of the Board of Commissioners.

1.18 SUPPORT FOR ARMED FORCES

Whenever the Federal Government activates Reserve and/or National Guard personnel, the CFHA will provide the following support:

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1. If a family finds it necessary for another adult to temporarily move into a unit solely to serve as a temporary guardian for children residing in the unit, the income received by the temporary guardian will not be counted in determining family income, and:
 - a. The presence of the temporary guardian must be approved by the landlord;
 - b. The background check of the temporary guardian may occur after the temporary guardian moves into the assisted unit. If the results of the background check find the temporary guardian ineligible, the family will be given reasonable time to find a replacement temporary guardian.
2. Expeditiously reevaluate the family's portion of the rent if requested to do so.
3. If all members of the family are temporarily absent for less than 180 consecutive calendar days, the family can retain control of the unit by paying the required rent and returning to the unit within 30 calendar days of the conclusion of the active duty service.
4. If all members of the family are temporarily absent for more than 180 consecutive days, seek a waiver of the 180-calendar day limit from HUD.

1.19 COST SAVINGS MEASURES

It may be necessary to reduce costs and address any financial shortfall of the Section 8 program. When deciding what measures may be taken, the CFHA will provide for public input, consider the amount of funding available, attempt to assist the maximum number of eligible people while maintaining the fiscal integrity of the program, and endeavor to protect elderly and disabled families from losing assistance. The CFHA may implement one or more measures with the approval of the Board of Commissioners and if necessary, HUD:

1. **Ensure Reasonable Rents.** Reexamine rent reasonableness for all, a sample of, or targeted units participating in the program. If a unit fails the rent reasonable test, the owner must reduce the rent to the reasonable amount after receiving appropriate notice or the HAP contract will be terminated. If the HAP contract is terminated for this reason, the family will be issued a new voucher to find another unit.
2. **Voluntary Rent Reduction.** Request landlords voluntarily reduce rents.
3. **Utility Allowances.** Reexamine and revise utility allowances. Either place the new utility allowance schedule into effect after a thirty-day notice or at participant's next reexaminations. If necessary, seek a HUD waiver to allow for not adjusting utility allowances annually or if there is a utility rate increase of 10% or more.

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4. Stop Portability Absorption. Bill all vouchers porting into the CFHA jurisdiction to the issuing housing authority.
5. Voucher Issuance. No new vouchers will be issued to applicants and outstanding vouchers will be pulled back for applicants that are searching and do not have executed HAP contracts.
6. Subsidy Standards/Occupancy Standards. Use the minimum subsidy standard to determine voucher size. Reexamine subsidy standards and reduce unit sizes program wide to ensure families have the appropriate size unit.
7. Payment Standards. Payment standards may be lowered for all or some unit sizes. Lower payment standards apply immediately for new admissions, participants moving from one unit to another, and participants staying in place who require a new HAP contract. In extraordinary circumstances, seek HUD waiver to 1) reduce the payment standard for participants staying in place without a new lease, and/or 2) allow more than 40% of program participants to pay more than 30% of monthly adjusted income for rent.
8. Portability and Moves within the CFHA Jurisdiction. After notifying the local HUD field office 1) deny portability moves to a higher cost area unless the receiving housing authority agrees to absorb the family, and/or 2) deny the right of a participant to move within the CFHA jurisdiction to an area with a higher payment standard.
9. Termination of Assistance. As a last resort, terminate participant vouchers, except those held by elderly and disabled families, starting with Zero HAP subsidy families and ending with families with the highest HAP subsidy.

If it becomes necessary for the CFHA to terminate vouchers, terminated families will be reinstated onto the program as soon as fiscally and practically feasible. When reinstating families, families will be reinstated starting with families with the highest HAP subsidies and ending with families with the lowest HAP subsidy.

1.20 ANTI-FRAUD POLICY

The CFHA is fully committed to combating fraud in its Section 8 housing program. It defines fraud as a single act or pattern of actions that include false statements, the omission of information, or the concealment of a substantive fact made with the intention of deceiving or misleading the CFHA. It results in the inappropriate expenditure of public funds and/or a violation of Section 8 requirements. The two most common types of fraud are failure to fully report all sources of income and failure to accurately report who is residing in the residence. The CFHA will attempt to prevent all cases of fraud.

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When a fraudulent action is discovered, the CFHA will take one or more of the following actions:

1. Require the resident to immediately repay the amount in question,
2. Require the resident to enter into a satisfactory repayment agreement,
3. Terminate the resident's rental assistance,
4. Refer the case for criminal prosecution, or
5. Take such other action as the CFHA deems appropriate.

1.21 COMPLAINTS

The CFHA will investigate and respond to complaints by participant families, owners, and the general public. The CFHA may require that complaints other than HQS/UPCS-V violations be put in writing. Anonymous complaints are investigated whenever possible.

1.22 COOPERATING WITH WELFARE AGENCIES

The CFHA will make its best efforts to enter into cooperation agreements with local welfare agencies under which the welfare agencies will agree:

1. To target assistance, benefits and services to families receiving assistance in the public housing and Section 8 tenant-based assistance program to achieve self-sufficiency.
2. To provide written verification to the CFHA concerning welfare benefits for families applying for or receiving assistance in our housing assistance programs.

1.23 COOPERATING WITH LAW ENFORCEMENT AGENCIES

The CFHA will comply, on a case-by-case basis, with information requests from Federal, State or local law enforcement officers regarding possible fugitive felons and/or a parole or probation violators. The CFHA will supply upon legitimate request (1) the current address, (2) Social Security number and (3) photograph (if available) of any recipient of assistance.

The Federal, State or local law enforcement officer must submit a request that is (1) written, (2) on law enforcement agency letterhead, and (3) is signed by the requesting officer and his or her immediate supervisor. The request for information must provide the name of the fugitive felon and/or parole or probation violator being sought, and may include other personal information used for identification. The request should also comply with the following requirements:

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1. The law enforcement agency will notify CFHA that the fugitive felon and/or parole or probation violator (i) is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or which, in the case of the State of New Jersey, is a high misdemeanor; or (ii) is violating a condition of probation or parole imposed under Federal or State law; or (iii) has information that is necessary for the officer to conduct his/her official duties;
2. The location or apprehension of the recipient is within the CFHA's official duties; and,
3. The request is made in the proper exercise of the law enforcement agency's official duties.

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2 CFHA, OWNER AND FAMILY RESPONSIBILITIES AND OBLIGATIONS

2.1 CFHA RESPONSIBILITIES

It is the responsibility of the CFHA to comply with the consolidated annual Contributions Contract (ACC), the application, HUD regulations and other requirements and this Administrative Plan. In administering the program, the CFHA will:

1. Publish and disseminate information about the program.
2. Explain the program to owners and families, including owner and family rights and responsibilities under the Violence Against Women Act (Appendix 2).
3. Seek expanded opportunities for assisted families to locate suitable housing outside areas of poverty or racial concentration.
4. Encourage owners to make units available for leasing, including suitable units outside areas of poverty or racial concentration.
5. Affirmatively further fair housing and comply with equal opportunity requirements.
6. Make efforts to help people with disabilities find satisfactory housing.
7. Establish and adjust the CFHA utility allowance.
8. Conduct informal reviews of certain CFHA decisions concerning applicants for participation in the program (Appendix 3).
9. Conduct informal hearings on certain CFHA decisions concerning participant families (Appendix 3).
10. Provide sound financial management of the program, including engaging an independent public accountant to conduct audits.
11. Receive applications from families, determine eligibility, maintain the waiting list, select applicants, issue a housing choice voucher to each selected family, and provide housing information to selected families.
12. Determine who can live in the assisted unit at admission and during the family's participation in the program.
13. Obtain and verify evidence of citizenship and eligible immigration status in accordance with 24 CFR part 5.

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14. Review the family's request for approval of the tenancy and the owner/landlord lease, including the HUD prescribed tenancy addendum.
15. Inspect the unit for compliance with Housing Quality Standards/Uniform Physical Condition Standards for Vouchers (Appendix 4) and Lead-based Paint compliance (Appendix 5) before the assisted occupancy begins and at least biennially (every 24 months) during the assisted tenancy.
16. Determine the amount of the family's housing assistance payment.
17. Examine and verify family income, size and composition at admission and at least annually during the family's participation in the program.
18. Determine whether to terminate assistance to a participant family for violation of family obligations.
19. Determine the maximum rent to the owner and whether the rent is reasonable.
20. Make timely housing assistance payments to an owner in accordance with the HAP contract.
21. Administer and enforce the housing assistance payments contract with an owner, including taking appropriate action if the owner defaults.

2.2 OWNER RESPONSIBILITIES

The owner is responsible for:

1. Performing all of the owner's obligations under and complying with the Housing Assistance Payment Contract (HAP) and the lease.
2. Performing all management and rental functions for the assisted unit, including selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit (screening the tenant).
3. Maintaining the unit in accordance with HQS/UPCS-V (Appendix 4) and Lead-based Paint Requirements (Appendix 5), including performance of ordinary and extraordinary maintenance.
4. Notifying the CFHA of a family's violation of HQS/UPCS-V.
5. Notifying the CFHA when any person(s) not on the initial lease or approved by the CFHA is residing in the unit.
6. Complying with fair housing and equal opportunity requirements.

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7. Preparing and furnishing to the CFHA information required under the HAP contract.
8. Collecting from the family:
 - a. Any security deposit required under the lease;
 - b. The tenant contribution (the part of rent not covered by the housing assistance payment);
 - c. Any charges for unit damage by the family.
9. Entering into a lease and enforcing tenant obligations under the lease.
10. Including in the lease clauses that provide that:
 - a. Engaging in drug-related criminal activity on or near the premises by the tenant, household member, guest, or any other person under the tenant's control is grounds for the owner to terminate tenancy; and
 - b. The owner may evict a family when the owner determines that a household member is illegally using a drug or when the owner determines that a pattern of illegal use of a drug interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.
11. Paying for utilities and services not paid by the family under the lease.
12. Promptly notifying the CFHA of family absence from the unit beyond thirty (30) calendar days.
13. Immediately notifying the CFHA when a family vacates the unit without proper notice. Failure to do so may result in reimbursement of HAP to the CFHA by the Owner.
14. Notifying the CFHA sixty (60) calendar days prior to any rent increase.
15. Complying with 24 CFR 100.203 regarding provisions on modifications to a dwelling unit occupied or to be occupied by a handicapped person.

2.3 OBLIGATIONS OF THE FAMILY/PARTICIPANT

The family/participant is responsible for:

1. Supplying true and complete information, including:
 - a. Any information that the CFHA or HUD determines is necessary in the administration of the program, including but not limited to evidence of

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- citizenship or eligible immigration status, any requested certification, release or other documentation;
 - b. Any information requested by the CFHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition;
 - c. Social Security Numbers for all household members; and
 - d. Signed consent forms for obtaining information.
2. Keeping appointments (see Documentation and Missed Appointment Policy Appendix 6).
 3. Correcting any HQS/UPCS-V breach caused by the family or its guests (§982.404).
 4. Allowing CFHA Inspection at reasonable times and after at least two (2) calendar days-notice.
 5. Lease Compliance. Not committing any serious or repeated violation of the lease.
 6. Notice of Move or Lease Termination.
 - a. Notifying the CFHA and the owner before moving out of the unit or terminating the lease. The owner must be provided written notice by certified mail or the participant must have the landlord or his/her agent sign a statement stating the date and time notice was received. A copy of the certified mail receipt and mailed notice or a notice signed and dated by the owner, landlord or agent must be provided to the CFHA. If the landlord or his/her agent does not accept the certified mail, the family must provide the receipt and envelope showing the attempt was made. The CFHA copy will serve as acknowledgement of the family's intent to vacate and for termination of the Housing Assistance Payment contract.
 7. Eviction Notice.
 - a. Promptly providing a copy of any owner eviction notice to the CFHA.
 8. Use and Occupancy of the Unit.
 - a. Using the assisted unit as the family's only residence.
 - b. Informing the CFHA within ten (10) business days of the birth, adoption or court-awarded custody of a child.

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- c. Requesting approval from the CFHA to add any other family member as an occupant of the unit.
 - i. The CFHA must determine initial eligibility before admission to the program and will notify the family and the owner of the decision to add the family member to the lease.
 - d. Notifying the CFHA within ten (10) business days if any family member no longer resides in the unit.
 - e. Engaging in profit-making activities in the unit only if those activities are incidental to the use of the unit as a primary residence of the family. Any business uses of the unit must comply with the lease, zoning requirements, and the affected household member must obtain all appropriate licenses.
 - f. Not subleasing or subletting the unit.
 - g. Not assigning the lease or transferring the unit.
9. Absence from the Unit.
- a. Promptly notifying the CFHA of the family's absence from the unit and supplying any information or other certification requested by the CFHA to verify that the family is absent from the unit but has not moved out.
 - b. The family may be absent from the unit for up to thirty (30) calendar days. Any family absent for more than thirty (30) calendar days without authorization will be terminated from the program.
 - i. Absence means that no member of the family is residing in the unit.
 - ii. The family must seek approval from the Owner in writing and also request authorization from the CFHA for absences exceeding thirty (30) calendar days. The CFHA will respond to the request within five (5) business days.
 - iii. An authorized absence may not exceed 180 calendar days.
 - iv. Authorized absences may include, but are not limited to:
 - 1. Prolonged hospitalization.
 - 2. Absences beyond the control of the family (i.e., death in the family, other family member illness).

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3. Other absences that are deemed necessary by the CFHA.

10. Interest in the Unit.

- a. Leasing a unit in which the family has an ownership interest is prohibited except for owners of manufactured housing renting the manufactured home space or family's using the housing choice voucher to purchase a home.

11. Fraud and other Program Violation.

- a. Fraud, bribery or other corrupt or criminal acts in connection with the program are prohibited.

12. Crime by Household Members.

- a. The members of the household may not engage in drug-related criminal activity, violent criminal activity or other criminal activity.

13. Conduct.

- a. The members of the household must not engage in the use of illegal substances or alcohol or other behaviors that may adversely affect the health or safety of, or the right to peaceful enjoyment of the premises by other residents and persons residing in the immediate vicinity of the premises. Immediate vicinity means within a three-block radius.

14. Threatening, Abusive or Violent Behavior §982.552(c)(1)(ix).

- a. The members of the household must not engage in or threaten abusive or violent behavior towards any CFHA staff member or residents, or employees of any CFHA-contracted services.
 - i. Abusive or violent behavior includes verbal and physical abuse or violence. This includes verbal or physical abuse or violence. Use of racial slurs or other language, written or oral, that is used to intimidate is considered abusive behavior.
 - ii. Threatening includes oral or written threats or physical gestures that communicate intent to abuse or commit violence.

15. Other Housing Assistance.

- a. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or

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for a different unit, under any duplicative Federal, State or local housing assistance program as determined by HUD.

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3 ELIGIBILITY FOR ADMISSION AND GROUNDS FOR DENIAL

3.1 ELIGIBILITY FOR ADMISSION

To be eligible for admission to the Section 8 program, the family must have the legal capacity to enter a lease under State law, and must meet both HUD criteria and CFHA screening criteria.

In addition to the HUD and screening criteria, there are specific rules that apply to college students; these rules are described in Appendix 9.

3.1.1 HUD CRITERIA

1. Family status. All families must have a Head of Household and may have Co-Heads of Household. An eligible family is:
 - a. A **family with or without children**. Defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship:
 - i. Children temporarily absent from the home due to placement in foster care are considered family members if they are expected to join the family within twelve (12) months;
 - ii. Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income; or
 - iii. Children whose primary physical custody has been court-ordered for at least 50% of each year are considered family members.
 - b. An **elderly family**, which is:
 - i. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - ii. Two or more persons who are at least 62 years of age living together; or
 - iii. One or more persons who are at least 62 years of age living with one or more live-in aides.
 - c. A near-elderly family, which is:
 - i. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;

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- ii. Two or more persons who are at least 50 years of age but below the age of 62 living together; or
 - iii. 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.
 - d. A disabled family, which is:
 - i. A family whose head, spouse, or sole member is a person with disabilities;
 - ii. Two or more persons with disabilities living together; or
 - iii. One or more persons with disabilities living with one or more live-in aides.
 - iv. Not a person whose disability is based solely on any drug or alcohol dependence.
 - e. A **displaced family** is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
 - f. A **remaining member of a tenant family**, which is a family member of an assisted family who remains in the unit when other family members have left the unit.
 - g. A **single person** who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.
 - h. A family member who is the head of household under the age of 18 and an emancipated minor.
 - i. A group of two or more **non-related** disabled persons living together or one or more **non-related** persons with disabilities living with one of more live-in aides.
- 2. Income eligibility.
 - a. To be eligible to receive assistance a family must, at the time the family initially receives assistance be:
 - i. An extremely low-income or a very low-income family;
 - ii. A low-income family continuously assisted under the 1937 Housing Act, including families relocated from public housing for the convenience of

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the agency (continuously assisted families are not counted against the income targeting requirements);

- iii. A low-income family that meets additional eligibility criteria specified by the CFHA;
 - iv. A low-income family that is a non-purchasing resident in a HOPE 1 or HOPE 2 project or a property subject to a resident homeownership program under 24 CFR 248.173; or
 - v. A low-income family or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing.
- b. The income limit for issuance of a voucher is the highest income limit for the family size in the CFHA jurisdiction.
 - c. Families who are moving into the CFHA's jurisdiction under portability and have the status of applicant rather than of participant at their initial housing authority must meet the income limit for the area where they are initially assisted under the program. Families who are moving into the CFHA's jurisdiction under portability and are already program participants at their initial housing authority do not have to meet the income eligibility requirement for the CFHA program.
3. Citizenship/Eligible Immigrant status. At least one member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)). Mixed-families, where one or more members of the family is ineligible, may receive assistance.
4. Social Security Number. Every family member regardless of age must provide the CFHA with a complete and accurate Social Security Number unless the family member does not contend eligible immigration status.

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

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5. Signed Consent Forms.

- a. 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, that contain, at a minimum, the following:
 - i. A provision authorizing HUD and the CFHA to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy;
 - ii. A provision authorizing HUD or the CFHA to verify with previous or current employers or other sources of income information pertinent to the family's eligibility for or level of assistance;
 - iii. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits;
 - iv. A statement allowing the CFHA permission to access the applicant's criminal record with any and all police and/or law enforcement agencies; and
 - v. A statement that the authorization to release the information requested by the consent form expires fifteen (15) months after the date the consent form is signed.

3.1.2 CFHA SCREENING CRITERIA

As required by 24 CFR 982, Subpart L, and CFR Part 5, Subpart J, the CFHA will screen applicants as thoroughly and fairly as possible for:

1. Current illegal drug-related activities, including use of medical marijuana;
2. Current alcohol abuse;
3. Sex offender registration;
4. Violent criminal behavior; and
5. Other activities that may negatively impact others.

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Such screening will apply to any member of the household who is 18 years of age or older, including live-in aides; however, evidence of prohibited criminal activities conducted by minors in the household may also be cause for denial of assistance.

Screening for criminal activity will be made through the FBI's National Crime Information Center (NCIC) and/or state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years.

Screening for sex offender registration will be done through the state registry and other state registries if the applicant has resided in another state. The CFHA will utilize the US Department of Justice's Dru Sjodin National Sex Offender website as an additional resource.

3.1.2.1 CONFIDENTIALITY

The CFHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished and any period for filing an appeal regarding a CFHA decision related to the criminal record has expired. All criminal reports will be maintained in a secure area with access limited to the individuals responsible for determining eligibility. The CFHA will document the circumstances of criminal activity in the family's file.

If an owner submits a request to the CFHA for criminal records concerning an adult member of an applicant or resident household or signed consent forms, and the owner provides the CFHA with the owner's standards for prohibiting admission, the CFHA will request the criminal conviction records from the appropriate law enforcement agency or agencies, as determined by the CFHA. If the CFHA receives criminal conviction records requested by an owner, the CFHA must determine whether criminal action by a household member, as shown by such criminal conviction records, may be a basis for applicant screening, lease enforcement or eviction, as applicable in accordance with HUD regulations and the owner's criteria. The CFHA will notify the owner whether the CFHA has received criminal conviction records concerning the household member, and of its determination whether such criminal conviction records may be a basis for applicant screening, lease enforcement or eviction. However, the CFHA will not disclose the household member's criminal conviction record or the content of that record to the owner, but merely the fact of whether or not they comply with HUD regulations and the owner's criteria.

The same service will be available to owners of federally assisted housing in their attempt to determine if an applicant is on the state sex offender list upon the request of the owner. The

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information itself will not be disclosed to the owner; the CFHA will merely apply the criteria the owner establishes.

3.1.2.2 SUITABILITY FOR TENANCY

Additional screening for determining tenant suitability is the responsibility of the owner. Upon the written request of a prospective owner, the CFHA will provide CFHA the name, address, and phone number of the applicant's current landlord and any previous landlords that are known to the CFHA.

3.2 GROUNDS FOR DENIAL

Denial of assistance for an applicant may include denying or withdrawing a voucher, refusing to enter into a HAP contract or approve a lease, and refusing to process or provide assistance under portability procedures.

The fact that an applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission. The CFHA will follow its Domestic Violence policy where an applicant claims protection against an action proposed to be taken by the CFHA involving such individual.

If the CFHA determines that an applicant does not meet the criteria for receiving Section 8 assistance, the CFHA will provide the applicant with email and written notice of the determination and opportunity for an informal review. Informal review procedures are described in Appendix 3.

The CFHA will deny assistance to applicants who:

1. Do not meet any one or more of the eligibility criteria.
2. Do not supply information or documentation required by the application process.
3. Fail to respond to a written request for information or a request to declare their continued interest in the program.
4. Fail to complete any aspect of the application, eligibility interview, Section 8 program briefing or lease-up process.
5. Have a family member who was evicted from federally assisted housing within the past three years because of drug-related criminal activity. The three-year limit is based on

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the date of eviction, not the date the crime was committed. However, the CFHA may admit the household if the CFHA determines:

- a. The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the CFHA, or
 - b. The circumstances leading to the eviction no longer exist (for example, the criminal household member is imprisoned or has died).
6. Have a household member who is currently engaging in illegal use of a controlled substance, including medical marijuana (see HUD legal opinion dated January 20, 2011).
 7. Have a household member subject to a lifetime registration requirement under a State sex offender registration program (denied for life).
 8. Have a household member who has ever been convicted of producing methamphetamine in a public housing development, in a Section 8 assisted property, or on the premises of other federally assisted housing (denied for life).
 9. Have a household member whose illegal drug use or pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. Such use or pattern of use must have occurred within one year before the date the CFHA provides notice to the family of the determination to deny assistance.
 10. Have a household member whose abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. Such abuse or pattern of abuse must have occurred within one year before the date the CFHA provides notice to the family of the determination to deny assistance.
 11. Have a household member who is a fugitive felon, parole violator or person fleeing to avoid prosecution, custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees.
 12. Have a family member who violated any family obligations under previous participation in the housing choice voucher program.
 13. Have a family member who has been evicted from federally assisted housing in the last five years.
 14. Have a family member who has been terminated under the voucher program by the CFHA.

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15. Have a family member who has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the last three years, including the intentional misrepresentation of information related to their housing application or benefits derived from a misrepresentation.
16. Currently owes rent or other amounts to the CFHA or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act; or other federal housing programs as established by the HUD EIV National Repository, or other means.
17. If under a payment agreement the prior debt must be paid in full prior to being issued a voucher. Once the applicant is pulled from the waiting list in order to establish eligibility, the debt must be paid within sixty (60) days of notification of the debt and the applicant may be by-passed on the waiting list. Failure to repay the debt in full within sixty (60) days will result in denial and removal from the waiting list.
18. Have not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
19. Have engaged in or threatened abusive or violent behavior towards any CFHA staff member or resident.
20. If a welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.
21. Have a household member who is currently engaged in, or has engaged in any of the following during the last three years before the projected date of admission:
 - a. Drug-related criminal activity;
 - b. Violent criminal activity;
 - c. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
 - d. Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a contract administration function or responsibility on behalf of the CFHA (including a CFHA employee or a CFHA contractor, subcontractor or agent).

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22. For purposes of this section, a household member is “currently engaged in” criminal activity if the person has engaged in the behavior recently enough to justify a reasonable belief that the behavior is current.

23. If the CFHA denies admission on the basis of a criminal record, the CFHA will ensure the applicant head of household and if applicable, the family member with the criminal record, have an opportunity to dispute the accuracy and relevance of the record.

3.2.1 APPLICANT NOTIFICATION OF DENIAL

If the CFHA determines that an applicant does not meet the criteria for receiving housing assistance, the CFHA will promptly provide the applicant with email notice of the determination and a courtesy notice by first class mail. The notice will:

1. Contain a brief statement of the reason(s) for the decision;
2. State that the applicant may request in writing an informal review of the decision within ten (10) calendar days of the date of the notice of denial;
3. Inform the applicant they may be bypassed on the waiting list pending the outcome of the informal review;
4. Describe how to obtain the informal review;
5. Include HUD-Form 5380 Notice of Occupancy Rights Under the Violence Against Women Act; and
6. Remind applicants of their right to request a reasonable accommodation.

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4 APPLICATIONS AND THE WAITING LIST

4.1 APPLYING FOR ASSISTANCE

Families wishing to apply for the Section 8 Program must complete an online pre-application. Pre-applications will be available online as specified in the most recent public notice issued by the City of Flagstaff Housing Authority (CFHA), 3481 N Fanning Drive, Flagstaff Arizona 86004. CFHA may take applications on an open enrollment basis, depending on the length of the waiting list.

All applications must be filed electronically using the online WebApp tool. Applicants may use any computer, tablet or smart-phone with internet access to apply, including free computers at public libraries and at the CFHA office.

Persons with disabilities who require a reasonable accommodation in completing the application may call the CFHA to make special arrangements. Referrals may be made to community agencies that may assist with the application process, or personal assistance may be offered in the CFHA office. A Telecommunication Device for the Deaf (TDD) is available. The TDD number is 711.

The entire online application must be completed and submitted before the applicant will be placed on the waiting list. The WebApp will give the applicant a confirmation number, date and time of placement on the waiting list, preference status (if any) and the approximate wait before housing assistance may be offered. No paper applicant file is created at this stage.

Applicants are required to provide only the information needed to determine the family's placement on the waiting list. This information includes name, address, email address, phone number, family composition, racial or ethnic designation of the head of household, and information establishing any preferences.

Applicants will be given the opportunity to complete HUD Form 92006, Supplement to Application for Federally Assisted Housing, through the WebApp. This form gives applicants the option to identify an individual or organization that the CFHA may contact and the reason(s) the individual or organization may be contacted. A form HUD-92006 must be completed for each contact. For example, an applicant may choose to have a relative as an emergency contact and an advocacy organization for tenancy assistance.

Placement on the waiting list does not indicate the family will be eligible for assistance – a final determination of eligibility will be made when the family is selected from the waiting list.

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The second phase of the application process is the final determination of eligibility. When the family nears the top of the waiting list, CFHA will verify preference status, family income, assets, social security numbers, age of household members, and eligible immigration status of non-citizens if applicable. The CFHA will also screen for other HUD-required and permitted criteria. This will include a credit check, landlord reference check, and criminal background checks for all family members age 18 or older. Applicants will also be given the opportunity to update HUD Form 92006.

4.1.1 REPORTING CHANGES WHILE ON THE WAITING LIST

While on the waiting list, the applicant must use the online Applicant Portal to report changes in household size or composition, preference factors or contact information, including current residence, mailing address, phone number and email address. All changes must be reported within ten (10) calendar days of the change. The WebApp will confirm the changes and notify the applicant if there is a change in Waiting List Status.

4.2 ADMISSION PREFERENCES (24 CFR 982.202)

Preferences give priority placement to applicants who meet certain criteria. Applicants who do not qualify for a preference will have a longer wait to receive assistance than those who do qualify.

The CFHA has established two local preferences for the Section 8 program:

1. Local Residency, and
2. Homeless (up to four vouchers annually).

4.2.1 LOCAL RESIDENCY [982.207(b)(1)]

The City of Flagstaff Arizona includes incorporated and unincorporated areas with an 86001, 86004, 86005 or 86011 zip code.

Applicants who qualify for the local residency preference are applicants:

1. Whose current primary residential address is in Flagstaff,
2. Who are employed by a third party in Flagstaff,
3. Who are relocating to Flagstaff for purposes of employment, or
4. Who are self-employed in Flagstaff.

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4.2.2 CURRENT PRIMARY RESIDENTIAL ADDRESS IN FLAGSTAFF

This is the place where the household lives full time. In cases where more than one residence is maintained or the household does not live together, the primary place of residence will be where a household member is on the lease or pays rent. If the household maintains one residence or lives together, the place where the Head of Household lives will be considered the primary residence. A current lease for an address in Flagstaff or a current driver's license with a Flagstaff address will be accepted as verification of residency.

4.2.3 EMPLOYED BY A THIRD PARTY IN FLAGSTAFF

The Head of Household, spouse or co-head of household must be currently employed by a third-party for at least the minimum wage, for a minimum of 20 hours per week, and for a minimum of 36 weeks per year. An employer statement, on employer letterhead, of current employment in Flagstaff will be accepted as verification of employment.

4.2.4 RELOCATING TO FLAGSTAFF FOR PURPOSES OF EMPLOYMENT.

The Head of Household, spouse or co-head of household must have an offer of employment from a third party for at least the minimum wage, for a minimum of 20 hours per week, and for a minimum of 36 weeks per year. The offer must include a fixed start date. A voluntary transfer within the same company from another location will not be considered a valid offer of employment. An employer statement, on employer letterhead, of guaranteed future employment in Flagstaff will be accepted as verification of employment.

4.2.5 SELF-EMPLOYMENT IN FLAGSTAFF

The Head of Household, spouse or co-head of household must have income earned in Flagstaff, after allowable expenses, equal to at least 20 hours per week at the minimum wage. Schedule C of the most recent tax return and self-certification of earnings in Flagstaff will be accepted as verification of self-employment.

4.2.6 PERSONS WHO ARE HOMELESS [982.207(B)(4) AND 982.207(B)(5)]

Applicants who qualify for the homeless preference are individuals or families:

1. With a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or
2. Living in a supervised publicly or privately-operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing,

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and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low- income individuals); or

3. Fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing. For more information about verifying this eligibility preference see the CFHA Domestic Violence Policy in Appendix 2.

A statement from a Flagstaff social service provider, on social service agency letterhead or applicant self-certification will be accepted as verification of homelessness.

A “homeless family” does not include any individual imprisoned or detained pursuant to an Act of the Congress or State Law.

4.2.7 CHANGES IN PREFERENCE STATUS

Applicant circumstances may change while waiting for an offer of assistance and these changes may affect the applicant’s qualification for a preference. Applicants are responsible for reporting any changes in preference using the Applicant Portal.

1. If an applicant without a local residency preference becomes a resident, they will be awarded the preference and may receive assistance based on the date and time of application, not the date and time of qualification for the preference.
2. If there are no applicants on the waiting list with a local residency preference, applicants without a local residency preference will be screened and receive assistance ahead of any applicants with a local residency preference who apply during the non-resident screening process.

4.2.8 CFHA PUBLIC HOUSING RESIDENTS

The CFHA will not deny a local preference, nor otherwise exclude or penalize a family in admission to the program, solely because the family resides in public housing.

4.2.9 PREFERENCE SUSPENSION FOR VICTIMS OF A FEDERALLY DECLARED DISASTER

In the case of a federally declared disaster, the CFHA reserves the right for its Executive Director to suspend its preference system for whatever duration the Executive Director feels is appropriate and to admit victims of the disaster to the program instead of those who would be normally admitted. When doing so, necessary waivers will be requested of HUD.

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4.3 ORGANIZATION AND MAINTENANCE OF THE WAITING LIST

The waiting list will be organized and maintained as follows:

1. All applications will be maintained in order of claimed preference and then in order of date and time of application.
2. The pool of applicants will be kept current by requiring each applicant to confirm their continued interest through the Applicant Portal at least once a year. Applicants will be reminded to confirm continued interest via email. The Applicant Portal will confirm the applicant has indicated their continued interest.
3. Applicants who do not respond to email requests to indicate continued interest will be notified by mail to confirm interest before removal from the waiting list.
4. Any contact between the CFHA and the applicant will be documented in the applicant's computer file.

4.3.1 INCOME TARGETING

If it is necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be families who are extremely low-income (unless a different target is agreed to by HUD), the CFHA retains the right to skip higher income families to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the Housing Authority will monitor incomes of newly admitted families.

Outreach will be conducted to attract extremely low-income families to reach the statutory requirement.

4.3.2 OPENING AND CLOSING THE WAITING LIST

Opening of the waiting list will be announced via public notice that applications for Section 8 will be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation, and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program, and that such applicants will not lose their place on other waiting lists when they apply for Section 8. The notice will include the Fair Housing logo and slogan and otherwise be in compliance with Fair Housing requirements.

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Closing of the waiting list will be announced via public notice. The public notice will state the date the waiting list will be closed. The public notice will be published in a local newspaper of general circulation, and also by any available minority media.

Public notices announcing the opening and closing of the waiting list may be combined when the waiting list will be opened for a specific period of time.

Exceptions to opening and closing the CFHA Section 8 HCV Waiting List are applicants for SRO Moderate Rehabilitation and the HUD-VASH programs, which are by referral basis and remain open continuously. CFHA does not maintain separate waiting lists for these programs.

4.3.3 REMOVAL FROM THE WAITING LIST

The CFHA will not remove an applicant's name from the waiting list unless:

1. The applicant requests in writing that the name be removed,
2. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program (even if the request was returned as undeliverable by the post office),
3. The applicant misses scheduled appointments,
4. The applicant does not meet the eligibility or suitability criteria for the program,
5. The applicant knowingly provides false information or fraudulent statements affecting the applicant's status or eligibility for housing assistance, or
6. The applicant receives Section 8 housing assistance.

The CFHA's system of removing applicants from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the CFHA will verify that there is in fact a disability and that the accommodation they are requesting is necessary based on the disability. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

4.3.3.1 APPLICANT NOTIFICATION OF WAITING LIST REMOVAL

If the CFHA will remove an applicant from the waiting list, the CFHA will promptly provide the applicant with email notice of the determination and a courtesy notice by first class mail. The notice will:

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1. Contain a brief statement of the reason(s) for the decision,
2. State that the applicant may request in writing an informal review of the decision within ten (10) calendar days of the date of the notice,
3. Inform the applicant they may be bypassed on the waiting list pending the outcome of the informal review should they request one,
4. Describe how to obtain the informal review,
5. Include HUD-Form 5380 Notice of Occupancy Rights Under the Violence Against Women Act, and
6. Remind applicants of their right to request a reasonable accommodation.

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5 APPLICANT SELECTION

5.1 WAITING LIST ADMISSIONS AND SPECIAL ADMISSIONS

The CFHA may admit an applicant for participation in the program either as a special admission or as a waiting list admission.

Applicants admitted under special admissions are by referral rather than from the waiting list. Special admissions apply to the HUD VASH SRO programs.

The CFHA may also receive funding that is targeted for families with specific characteristics or families living in specific units. When HUD awards such funds, the CFHA will assist these households in accordance with HUD's special instructions.

5.2 SELECTION FROM THE WAITING LIST

The CFHA waiting list is maintained by preference and the date and time of application within preference(s).

Applicants will be selected from the top of the waiting list. However, applicants may be skipped on the waiting list if it is necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be families who are extremely low-income (unless a different target is agreed to by HUD). This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the CFHA will monitor incomes of newly admitted families. If necessary, the CFHA will conduct outreach to attract extremely low-income families to reach the statutory requirement.

When an applicant nears the top of the waiting list, the CFHA will require the applicant submit:

1. Information to verify any preference(s) claimed and
2. A personal record (background) check to allow the CFHA to conduct pre-screening checks, including but not limited to criminal background, sex offender, and debts owed to the CFHA or other housing agencies.

If a notification letter is returned to the CFHA with a forwarding address, the CFHA will mail the application package to the new address.

The CFHA will notify the family in writing if any of the following determinations are made. The notice will inform the family of their right to request an informal review.

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1. It is necessary to skip a family on the waiting list to meet income targeting requirements. The family will retain its position on the waiting list.
2. The family no longer qualifies to be near the top of the list because preference(s) cannot be verified. The family's name will be returned to the appropriate spot on the waiting list.
3. Any of the pre-screening activities are grounds for denial of assistance.

Families who meet all pre-screening activities and whose preference has been verified will be invited to submit a full application and attend an eligibility interview.

5.3 CFHA PUBLIC HOUSING RESIDENTS

Under 24 CFR 982.352, the CFHA is prohibited from providing duplicate subsidy to public housing residents. A family selected from the Section 8 waiting list that is a resident of CFHA public housing must:

1. Be in compliance with their public housing lease, current in all payments, and pass a housekeeping inspection;
2. Apply for a transfer following the Admissions and Continued Occupancy Policy;
3. Pay all amounts owed for the public housing unit including any rent due up to and including the date of the public housing lease termination;
4. Pay all costs of the move.

5.4 FULL APPLICATION AND ELIGIBILITY INTERVIEW

The CFHA will notify the applicant via email and by first class mail that they must attend an eligibility interview and provide information necessary to establish the family's eligibility and determine the family unit size and appropriate level of assistance. The notice will:

1. Provide the date of the eligibility interview;
2. Inform the applicant that all adult family members must attend the interview;
3. Inform the applicant that their name will be removed from the waiting list for failure to attend the interview or to reschedule in accordance with the CFHA Documentation and Missed Appointment Policy in Appendix 6;
4. Include, at a minimum, the following forms:
 - a. Full Application for Housing Assistance;

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- b. List of required supporting documentation;
- c. Request for Rental History;
- d. Divestiture of Assets;
- e. Form HUD-9886, HUD Authorization for Release of Information;
- f. CFHA Authorization for Release of Information;
- g. Participant Certifications;
- h. Citizenship Declaration form;
- i. Form HUD-5380 Notice of Occupancy Rights Under the Violence Against Women Act; and
- j. Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation

Failure to complete required forms or provide information will be cause for denial of assistance.

5.4.1 ELIGIBILITY INTERVIEW

The purposes of the interview are to discuss the family's circumstances in greater detail, clarify information that has been provided by the family, and verify that the information is true and complete.

5.4.2 VERIFICATION [24 CFR 982.201(E)]

Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, eligible citizenship, criminal history, and other pertinent information will be verified.

Verifications may not be more than sixty (60) calendar days old at the time of issuance of the voucher.

5.4.3 DETERMINATION OF ELIGIBILITY [24 CFR 982.201]

After the verification process is completed, the CFHA will make a final determination of eligibility. This determination is based on information provided by the family, third-party documents, and CFHA research. If the family is determined to be eligible, the CFHA will mail a notification of a scheduled briefing. The purpose of the briefing is to issue the voucher and orient the family to the program.

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5.4.4 SUBSIDY STANDARDS AND FAMILY UNIT SIZE

The CFHA will determine the family unit size, and therefore the maximum rent subsidy for the family, using the following guidelines. The CFHA will not change the subsidy standard after the initial subsidy calculation. The family may select a unit that may be larger or smaller than the family unit size stated on the Voucher.

1. If the family selects a smaller unit, the payment standard for the smaller unit size will be used to calculate the subsidy.
2. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

In determining bedroom size, the CFHA will include:

1. Unborn child(ren) of a pregnant woman,
2. Children who are in the process of being adopted,
3. Children whose custody is being obtained,
4. Children currently under a 50% or more joint custody decree, and
5. Children who are temporarily away at school, or temporarily in foster-care.

Bedroom size will also be determined using the following guidelines:

1. Two adults will share a bedroom unless related by blood.
2. Children of the same sex will share a bedroom until 16 years of age.
3. Children of the opposite sex, both under the age of 10 years, will share a bedroom.
4. Adults and a child may share a bedroom.
5. Foster adults and children will not be required to share a bedroom with family members.
6. Live-in aides will get a separate bedroom.

The following table is based on the assumption that each bedroom will accommodate no more than two (2) persons:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum

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

5.4.5 BRIEFING [24 CFR 982.301, 982.302]

After the eligibility interview, the family will be invited to a group briefing. All adult members of the family must attend the briefing. If the family cannot attend the scheduled briefing, the family may attend a later session. If the family fails to attend two briefings without good cause, they will be denied admission.

If the family includes a person with disabilities, the CFHA will make every reasonable effort to accommodate that person to ensure effective communication. Families unable to attend a briefing due to a disability may request a reasonable accommodation such as having the briefing presented at an alternate location.

At a minimum, the briefing will cover:

1. How the program works;
2. Family and owner/landlord obligations and responsibilities;
3. Where the family may rent a unit, including inside and outside the CFHA jurisdiction;
4. Types of eligible housing;
5. An explanation of how portability works;
6. An explanation of the advantages of living in an area that does not have a high concentration of poor families, including maps that show locations of housing opportunities outside areas of poverty or minority concentration, both within and outside its jurisdiction and in neighboring jurisdictions; and information about job opportunities, schools, transportation, and other services in these areas;
7. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income if the gross rent exceeds the applicable payment standard when the family initially rents a unit;

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8. The fact that the family may have to pay a security deposit from its own funds; and
9. An explanation of information contained in the Housing Choice Voucher packet.

5.4.5.1 BRIEFING PACKET [24 CFR 982.301(b)]

During the briefing, the CFHA will give the family a packet covering at least the following subjects:

1. The term of the housing choice voucher and the CFHA policy on extensions and suspensions of the term, the packet will include information on how to request an extension and forms for requesting extensions;
2. How the CFHA determines the housing assistance payment and total tenant payment for the family;
3. Information on the payment standard, exception payment standard, minimum rent, and the utility allowance schedule;
4. How the CFHA determines the maximum rent for an assisted unit;
5. Where the family may lease a unit, how portability works and a list of names, addresses and phone numbers of contact persons at neighboring housing authorities;
6. The HUD-required tenancy addendum that provides the language that must be included in any assisted lease, and a sample contract;
7. The request for approval of tenancy form and an explanation of how to request CFHA approval of a unit;
8. A statement of the CFHA's policy on providing information to prospective owners, this policy requires applicants to sign disclosure statements allowing the CFHA to provide prospective owners with the family's current and prior addresses and the names and addresses of the landlords for those addresses;
9. The CFHA's subsidy standards, including when the CFHA will consider granting exceptions to the standards such as a reasonable accommodation to a person with a disability;
10. The HUD brochure on how to select a unit ("A Good Place to Live");
11. The HUD-required lead-based paint brochure;
12. Information on Federal, State, and local equal opportunity laws; the brochure "Fair Housing: It's Your Right;" and a copy of the housing discrimination complaint form;

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13. A list of landlords or other parties known to the CFHA who may be willing to lease a unit to the family or help the family find a unit, including owners with properties located outside areas of poverty or minority concentration;
14. Notice that if the family includes a person with disabilities, the family may request a current list of accessible units known to the CFHA that may be available;
15. The family's obligations under the program;
16. The grounds upon which the CFHA may terminate assistance because of the family's action or inaction;
17. CFHA informal hearing procedures, including when the CFHA is required to provide the opportunity for an informal hearing, and information on how to request a hearing;
18. The CFHA owner information brochure that can be given by the applicant to a prospective owner to help explain the program;
19. An explanation of rights afforded to Housing Choice Voucher participants under the Violence Against Women Act; and
20. A listing or map that delineates areas of poverty or minority concentration in the jurisdiction, and information about job opportunities, schools, and other services in non-concentrated neighborhoods.

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6 VOUCHER ISSUANCE AND APPROVAL TO LEASE A UNIT

6.1.1 ISSUING THE VOUCHER AND THE REQUEST FOR APPROVAL OF TENANCY

The CFHA will issue the voucher at the briefing. At this point the family begins their search for a unit. When the family finds a unit that the owner is willing to lease under the program:

1. The family and the owner must complete, sign and submit the Request for Tenancy Approval, and all related documents for leasing the unit including the proposed lease and the HUD required Tenancy Addendum.
2. The CFHA will review the tenancy request, the lease and the HUD required Tenancy Addendum.
3. The CFHA will complete the Rent Reasonableness certification and make an initial determination of approval of tenancy. The CFHA may assist the family in negotiating changes that may be required for the tenancy to be approvable.

Once it appears the tenancy may be approvable, the CFHA will schedule an appointment to inspect the unit for compliance with the Housing Quality Standards, within fifteen (15) calendar days after the receipt of the Request for Tenancy Approval. The 15-day period is suspended during any period the unit is unavailable for inspection, for example the unit is currently occupied.

The CFHA will promptly notify the owner and the family whether the unit has passed the housing quality standards inspection and if the tenancy is approved.

During the initial stage of qualifying the unit, the CFHA will provide the prospective owner with information regarding the program. Information will include CFHA and owner responsibilities for screening and other essential program elements. The CFHA will provide the owner with the family's current and prior address as shown in the CFHA records along with the name and address (if known) of the landlords for those addresses upon request.

6.1.1.1 TERM OF THE HOUSING CHOICE VOUCHER

The initial term of the voucher will be 60 calendar days and will be stated on the Housing Choice Voucher. The Voucher states the responsibilities of the Family under the Housing Choice Voucher Program.

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The CFHA may grant one or more extensions of the term, but the initial term plus any extensions will generally not exceed one hundred and twenty (120) calendar days from the initial date of issuance without an extraordinary reason.

To obtain an extension, the family must make a request in writing prior to the expiration date. A statement of the efforts the family has made to find a unit must accompany the request. A sample extension request form and a form for recording their search efforts will be included in the family's briefing packet.

If the family includes a person with disabilities and the family requires an extension due to the disability, the CFHA will grant an extension allowing the family the full one hundred and twenty (120) calendar days search time. If the CFHA determines that additional search time would be a reasonable accommodation, it will grant the additional search time.

Upon submittal of a completed request for tenancy approval form, the CFHA will suspend the term of the housing choice voucher. The term will be in suspension until the date the CFHA provides notice that the request has been approved or denied. Suspension allows families the full sixty (60) calendar days, or more with extensions, to find a unit without penalty for the period during which the CFHA is taking action on their request. A family may not submit a second request for tenancy approval form before the CFHA finalizes action on the first request.

If the family fails to request an extension prior to the expiration or if a family's voucher expires, the family is no longer eligible for housing assistance and must reapply to the program. If the waiting list is closed, the family must wait until the CFHA is accepting applications for the Section 8 program. When reapplying, the family will be treated exactly like all other new applicants for the program.

6.2 ELIGIBLE HOUSING

The CFHA will approve leases for the following housing types:

1. Single family dwellings;
2. Apartments (townhouses, duplexes, triplexes, etc.);
3. Manufactured housing where the family rents both the unit and the space;
4. Units funded by tax credits and/or the HOME Program;
5. Manufactured home space rentals, a special housing type defined in Appendix 7; and

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6. Special Housing Types that comply with the standards described in Appendix 7, including:
 - a. Congregate housing,
 - b. Group homes,
 - c. Shared housing,
 - d. Cooperative housing, and
 - e. Single room occupancy housing

6.3 INELIGIBLE HOUSING

The following types of housing cannot be assisted:

1. A public housing or Indian housing unit;
2. A unit receiving project-based assistance under a Section 8 Program;
3. Nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;
4. College or other school dormitories;
5. Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
6. A unit occupied by its owner. This restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space or units being purchased under a Section 8 Homeownership Program;
7. A unit receiving any duplicative Federal, State, or local housing subsidy. This does not prohibit renting a unit that has a reduced rent because of a tax credit or HOME program subsidy; and
8. Travel trailers, motor homes, or other structures designed to be mobile or temporary, including units registered with the Department of Motor Vehicles as personal property.

6.4 APPROVAL TO LEASE A UNIT

The CFHA will approve a lease if all of the following conditions are met:

1. The unit is eligible.

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2. The unit is inspected by the CFHA and passes HQS/UPCS-V.
3. The lease is approvable, in compliance with state and local laws and includes the following:
 - a. The names of the owner and the resident;
 - b. The address of the unit rented;
 - c. The term of the lease (initial term and any provisions for renewal);
 - d. The amount of the monthly rent to owner;
 - e. A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family; and
 - f. The required HUD tenancy addendum. The terms of the HUD tenancy addendum must prevail over any other provisions of the owner lease.
4. The rent to owner is reasonable.
5. The family's share of rent does not exceed 40% of their monthly adjusted income if the gross rent exceeds the applicable payment standard.
6. The owner certifies that he or she is not in a conflict of interest situation with the resident.
7. The owner has not been found to be debarred, suspended, or subject to a limited denial of participation by HUD or the CFHA.
8. The family continues to meet all eligibility and screening criteria.
9. The initial term of the lease is for at least one year.

The lease term will begin after the CFHA provides approval to lease the unit, the landlord and resident will sign the lease and HUD required Tenancy Addendum and the resident is given full access to the unit. Full access to the unit means the family has a key to the unit and the unit is fully available for the family's exclusive use.

6.5 DENIAL OF TENANCY

If tenancy approval is denied, the CFHA will advise the owner and the family in writing and advise them also of any actions they could take that would enable the CFHA to approve the tenancy.

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6.6 OWNER DISAPPROVAL [24 CFR 982.306, 982.54(d)(8)]

An owner does not have a right to participate in the Section 8 program. An owner includes a principal or other party. The CFHA will disapprove an owner for the following reasons:

1. HUD or another agency has notified the CFHA in writing that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR Part 24;
2. The owner has engaged in abusive or threatening verbal or physical behavior towards CFHA personnel or contractors or program participants;
3. HUD has informed the CFHA in writing that HUD that the federal government has instituted an administrative or judicial action against the owner for a violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending or a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements;
4. The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract;
5. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
6. The owner has engaged in drug-related criminal activity or any violent criminal activity;
7. The owner has a history or practice of non-compliance with HQS/UPCS-V for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
8. The owner has a history or practice of renting units that fail to meet State or local codes;
9. The owner has not paid State or local real estate taxes, fines, or assessments;
10. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the:
 - a. premises by residents, CFHA employees or owner employees, or
 - b. residences by neighbors.
11. If the owner is the parent, child, grandparent, grandchild, sister, or brother or any member of the family of an applicant seeking the initial use of a housing choice voucher

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(currently shopping) unless the CFHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities; or

12. Other conflicts of interest under Federal, State, or local law.

In cases where the owner and tenant bear the same last name, the CFHA may require the family and/or owner to certify whether they are related to each other in any way.

6.7 EXECUTION OF THE HOUSING ASSISTANCE PAYMENTS (HAP) CONTRACT

The CFHA will prepare the Housing Assistance Payments (HAP) Contract when the unit is approved for tenancy. Generally, the landlord, simultaneously with the signing of the lease and the HUD required tenancy addendum, will execute the HAP contract. Upon receipt of the executed lease and the signed contract by the landlord, the CFHA will execute the HAP contract.

The HAP contract must be executed no later than sixty (60) calendar days after the beginning of the lease term. Any HAP contract executed after the 60-day period will be void.

The CFHA will not pay any housing assistance to the owner until the HAP contract is executed.

6.8 SECURITY DEPOSIT

The owner may collect a security deposit from the participant in an amount that does not exceed amounts charged in private market practice and amounts charged by the owner to unassisted residents in the same complex.

When the resident moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the participant, damages to the unit or for other amounts the family owes under the lease.

The owner must give the participant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the resident in compliance with State law.

If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

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7 DETERMINING INCOME

To determine annual income, the CFHA counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the CFHA subtracts all allowable deductions (allowances) as the next step in determining the Total Tenant Payment.

Income will be determined at initial eligibility, at annual reexamination and for interim and special reexaminations.

7.1 ANNUAL INCOME

Annual income means all amounts, monetary or not, that:

1. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member,
2. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date, and
3. Are not specifically excluded from annual income.

7.1.1 ANNUAL INCOME INCLUSIONS

Annual income includes, but is not limited to the amounts specified in the federal regulations currently found in 24 CFR 5.609. The Income Inclusions table in Appendix 8 describes income inclusions in more detail:

1. Earned income
2. Self-employment/Business income
3. Interest and dividend income
4. Pension/Retirement income
5. Unemployment and Disability income
6. TANF/Public Assistance, including imputed income from welfare
7. Alimony and Child Support
8. Regular contributions or gifts

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9. US Armed Forces income
10. GI Bill Housing Stipend

7.1.2 ANNUALIZING EARNED INCOME BASED ON AVERAGE EXPERIENCE

The CFHA will use the prior year's employment experience or income to determine a household's future income if it informs or clarifies the estimate of income and does not distort the calculation. This includes annualizing income based on average experience, as when the CFHA can reasonably project the start and end of part year and seasonal employment. For example:

- A teacher's assistance works eight months annually and earns \$1,300 per month. The teacher's assistant's income would be calculated by multiplying \$1,300 x 8 months or \$10,400 annually. The teacher's assistant rent payment will then be calculated based on monthly income of \$866.
- A food delivery service company closes annually for two weeks to allow for family vacations. A driver works 50 weeks annually and earns \$480 per week on average. The income would be calculated by multiplying \$480 x 50 weeks or \$24,000 annually. The driver's rent payment will then be calculated based on monthly income of \$2,000.

7.1.3 INCOME RESULTING FROM WELFARE PROGRAM REQUIREMENTS (IMPUTED WELFARE) [5.615]

The CFHA will impute (count) welfare income not received by the family if the welfare assistance was reduced, as specified in notice to the CFHA by the welfare agency) specifically because of:

1. Fraud by a family member in connection with the program,
2. Failure to participate in or comply with economic self-sufficiency requirements, or
3. Noncompliance with work activities requirements.

Imputed welfare income is annual income the family would have received had its benefits not been reduced due to the above circumstances.

At the request of the CFHA, the welfare agency will inform the CFHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the CFHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The CFHA will use this information to determine the amount of imputed welfare income for a family.

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1. The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.
2. The CFHA will not include imputed welfare income in annual income if the family was not an assisted family at the time of the sanction.
3. If a participant is not satisfied that the CFHA has calculated the amount of imputed welfare income in accordance with HUD requirements, and if the CFHA denies the family's request to modify such amount, then the CFHA will give the resident written notice of denial, with a brief explanation of the basis for the CFHA's determination of the amount of imputed welfare income. The CFHA's notice will also state that if the resident does not agree with the determination, the resident may request an informal review.
4. Relations with welfare agencies
 - a. The CFHA will ask welfare agencies to inform it of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction.
 - b. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the CFHA written notice of such reduction, the family's annual income will include the imputed welfare income because of the specified welfare benefits reduction.
 - c. The CFHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the agency.
 - d. The CFHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on welfare agency determinations. The family may seek appeal of a welfare agency determination through the welfare agency's due process procedures.

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7.1.4 ANNUAL INCOME EXCLUSIONS

Annual income does not include the following amounts specified in the federal regulations currently found in 24 CFR 5.609(c). The Income Exclusions table in Appendix 8 describes income exclusions in more detail:

1. Earned income of children;
2. Income from foster care, Kin-GAP or similar guardianship care programs;
3. Inheritance and insurance income;
4. Medical expense reimbursements;
5. Income of a live-in aide;
6. Student financial assistance for tuition;
7. Armed Forces Hostile Fire pay;
8. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
9. Self-sufficiency Program income;
10. Other non-recurring income;
11. Reparations;
12. Income of full-time students;
13. Adoption assistance;
14. Social security and SSI income;
15. Income tax and property tax refunds;
16. Home care assistance; or
17. Other federal exclusions as defined in Appendix 8.

7.1.5 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

1. \$480 for each dependent.
2. \$400 for any elderly family or disabled family.

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3. Reasonable child care expenses for children 12 and younger necessary to enable a member of the family to be employed or to further his or her education. This deduction will not exceed the amount of employment income that is included in annual income.
4. For persons with disabilities already participating in the program, certain income as defined under the “earned income disallowance”.
5. 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 (including the member who is a person with disabilities) to be employed. This allowance may not exceed the earned income received by family members who are 18 years of age or older who are able to work because of such attendant care or auxiliary apparatus.
6. Unreimbursed medical expenses of any elderly family or disabled family including any fee paid by the participant for the Medicare Prescription Drug Program to the extent the sum exceeds three percent of annual income.

IRS Publication 502 will be used as a guide to determine an eligible medical expense. Non-prescription medicines must be doctor-prescribed to be considered a medical expense; the family must provide legible receipts.

The CFHA will allow as medical expenses the actual out-of-pocket amounts that are owed and anticipated to be paid by the family during the reexamination period. Expenses from the previous year may be analyzed to determine the amount to anticipate when other verification is not available.

7.1.6 EARNED INCOME DISALLOWANCE

This benefit is allowed once per family member in a lifetime and is for program participants, not new admissions.

This exclusion is only available to the following families:

1. Families whose income increases as a result of employment of a disabled family member who was previously unemployed (defined as working less than 10 hours a week at the established minimum wage) for one or more years.
2. Families whose income increases during the participation of a disabled family member in any economic self-sufficiency or other job training program.

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3. Persons with disabilities who are or were, within 6 months, assisted under a State TANF or Welfare-to-Work program for at least \$500.

During the first cumulative 12-month period after the date of the initial income increase, 100% of the incremental earnings of the person with disabilities will be excluded.

During the second cumulative 12-month period after the date of initial income increase, 50% of the increased income will be excluded from income.

The disallowance of increased income of an individual family member is limited to a lifetime 48-month period. It only applies for 12 cumulative months of the 100% exclusion and 12 cumulative months of the 50% exclusion. If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month limit.

7.2 RECEIPT OF HUD LETTER OR NOTICE CONCERNING INCOME

If a Section 8 participant receives a letter or notice from HUD concerning the amount or verification of family income, the letter will be brought to the person responsible for income verification within thirty (30) calendar days of receipt by the participant.

The CFHA will promptly reconcile any difference between the amount reported by the participant and the amount listed in the HUD communication.

After the reconciliation is complete, the CFHA will, if appropriate, adjust the participant's rent contribution beginning at the start of the next month. If the reconciliation is completed during the final five (5) calendar days of the month, the new rent will take effect on the first day of the second month following the month of reconciliation.

If the participant had not previously reported the proper income, the CFHA will do one of the following:

1. Immediately collect the assistance overpaid by the CFHA;
2. Establish a repayment plan for the resident to pay the sum due to the CFHA:
 - a. The CFHA will collect one half of the total sum of the overpaid assistance with the remainder due within (twelve) 12 months, and
 - b. Consideration will be given for serious or extenuating circumstances beyond the family's control;

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3. Terminate the participant from the program for fraud or failure to report income; or
4. Terminate the participant from the program for failure to report income and collect the assistance overpaid by the CFHA.

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8 VERIFICATION OF INFORMATION

The CFHA will verify information related to, but not limited to:

1. Waiting list preferences;
2. Initial and continuing eligibility and rent determination;
3. Disability status and the need for a live-in aide or other reasonable accommodation;
4. Full-time student status of family members 18 years of age and older;
5. Social security numbers;
6. Citizenship/eligible non-citizen status; and
7. Age and relationship when necessary to determine the level of assistance.

8.1 METHODS OF VERIFICATION

There are six methods of verification ranked from highest (mandatory use) to lowest (last resort). The following chart from PIH Notice 2017-12 presents this verification ranking.

Level	Verification Technique	Ranking
6	Upfront Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system (not available for income verifications of applicants)	Highest (Mandatory)
5	Upfront Income Verification (UIV) using non-HUD system	Highest (Optional)
4	Written Third-Party Verification	High (Mandatory to supplement EIV-reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information <u>and</u> is unable to provide acceptable documentation to support dispute)
3	Written Third-Party Verification Form	Medium-Low (Mandatory if written third-party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation)
2	Oral Third-Party Verification	Low (Mandatory if written third-party verification is not available)

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1	Tenant Declaration	Low (Use as a last resort when unable to obtain any type of third-party verification)
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8.1.1 ENTERPRISE INCOME VERIFICATION (EIV)

The Enterprise Income Verification (EIV) is a mandatory up-front income verification system that the CFHA must use for all annual and interim re-examinations. The EIV System is a web-based application that provides employment, wage, unemployment compensation and social security benefit information of tenants who participate in the Public Housing and various Section 8 programs.

Information in EIV is derived from computer matching programs initiated by HUD with the Social Security Administration (SSA) and the U.S. Department of Health and Human Services (HHS), for all program participants with valid personal identifying information (name, date of birth, and social security number) reported on the form HUD-50058.

The CFHA will use the EIV system to verify household income on such sources as social security, social security disability, SSI, wages and unemployment compensation for each family member. The CFHA will use the EIV system to compare the income source and amount recorded in the participant-supplied income data and form, HUD 50058 maintained in the Public Housing Information Center (PIC) database.

More information about how the CFHA utilizes the EIV system can be found in Appendix 11.

8.1.2 UP-FRONT INCOME VERIFICATION (UIV)

Up-front Income Verification (UIV) is the verification of income through an independent source that systematically maintains income information in computerized form for a large number of individuals. UIV resources include:

1. Enterprise Income Verification (EIV);
2. State Wage Information Collection Agencies (SWICAs);
3. State systems for the Temporary Assistance for Needy Families (TANF) program;
4. Credit Bureau Information (CBA) credit reports;
5. Internal Revenue Service (IRS) Letter 1722;
6. Private sector databases (e.g. The Work Number);
7. Additional UIV resources that may become available.

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The CFHA will use UIV data only to verify a participant’s eligibility for participation in a rental assistance program and to determine the level of assistance the participant is entitled to receive. This may be done before, during and/or after examinations and/or re-examinations of household income.

The CFHA may independently verify UIV information and will provide the participant an opportunity to contest any adverse findings through the established review procedure before taking any adverse action. The consequences of adverse findings may include the CFHA denying admission, requiring the immediate payment of any over-subsidy, entering into a repayment agreement, eviction, criminal prosecution, or any other appropriate remedy.

The information the CFHA derives from the UIV system will be protected to ensure that it is utilized solely for official purposes and not disclosed in any way that would violate the privacy of the affected individuals.

When any verification method other than Up-Front Income Verification is utilized, the CFHA will document the reason for the choice of the verification methodology in the applicant/tenants file.

8.1.3 WRITTEN THIRD-PARTY VERIFICATION

Third –Party Written Verification will be used when:

1. UIV is not available;
2. To supplement UIV;
3. When the tenant disputes UIV results; and
4. When there is a discrepancy between UIV and the tenant-provided documents of \$200 per month or more and the participant disputes the UIV results.

Third-party written verification includes written documentation sent directly to and received directly from a source. When requesting third-party verification, the CFHA will send the release form signed by the applicant/tenant.

The CFHA will allow ten (10) business days for the return of third-party written verification prior to continuing on to the next level of verification. The CFHA may follow up with the source prior to continuing on to the next level of verification.

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Third-party written verification may also be an original or authentic and complete document generated by a third-party source and in the possession of the tenant or applicant. This type of documentation is also referred to as tenant-provided documentation and must be dated within the sixty (60) day period preceding the CFHA request or date of interview.

Examples of tenant-provided third-party written verification documents include, but are not limited to: consecutive pay stubs, payroll summary reports, hire/termination letters from employers, current SSA benefit information, bank statements, child support payment receipts, child care payment receipts, welfare benefit letters or print-outs, and proof of the start or stop of unemployment benefits.

Third party verification of SS and SSI benefits will be obtained through the EIV system, which is updated every three months. If the tenant agrees with the EIV-reported benefit information, the CFHA will not request a benefit verification letter from the tenant. If the tenant disputes the EIV information, then the CFHA will require the tenant to obtain an official Social Security Administration letter of benefits dated within the last sixty (60) days. If either of these forms of verification are not obtainable, then the reason(s) third-party verification was not used will be documented in the participant file.

For new income sources or when two consecutive pay stubs are not available, the CFHA will project income based on the information from a traditional written third-party verification or the best available information.

Examples of acceptable 3rd-party verification and tenant-provided 3rd-party verification can be found in Appendix 10.

8.1.3.1 REJECTION OF TENANT-PROVIDED DOCUMENTS

The CFHA may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information. The CFHA will reject tenant-provided information only when:

1. The document is not an original; or
2. The original document has been altered, mutilated, or is not legible; or
3. The document appears to be a forged document (i.e. does not appear to be authentic).

The CFHA will explain the reason(s) the submitted documents are not acceptable and request the tenant to provide additional documentation. If at any time, the tenant is unable to provide acceptable documentation that the CFHA deems necessary to complete the income

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determination process, the CFHA will submit a traditional third-party verification form to the third-party source for completion and submission to CFHA.

8.1.3.2 WRITTEN THIRD-PARTY VERIFICATION FORM

The written third-party verification form is a standardized form used by the CFHA to collect information from a third-party. The CFHA sends the form directly to the third-party, along with a release form signed by the applicant/tenant, and third-party completes the form and returns it directly to the CFHA.

The CFHA will allow ten (10) business days for the return of third-party written verification prior to continuing on to the next level of verification. The CFHA may follow up with the source prior to continuing on to the next level of verification.

8.1.4 ORAL THIRD-PARTY VERIFICATION

Third-party oral verification will be used when written verification is delayed or not possible.

Third-party oral verification includes direct CFHA contact with the source, in person or by telephone. When this method is used, CFHA will document in writing with whom they spoke, the date of the conversation, the telephone number of the person spoken with, and the facts obtained.

8.1.5 APPLICANT OR PARTICIPANT SELF-DECLARATION

When UIV/EIV or written and oral third-party verifications are not available, the CFHA will accept a notarized affidavit or statement detailing the information needed, and signed by the head, spouse, co-head, or other adult family member under penalty of perjury. The charts below outline the factors that may be verified and give common examples of the verification that will be sought.

8.2 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/eligible non-citizen status of each family member regardless of age must be determined. If no family member is determined to be eligible under this section, the family's eligibility will be denied.

Prior to being admitted, or at the first reexamination:

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1. All citizens and nationals will be required to sign a declaration under penalty of perjury. They will be required to show proof of their status by such means as a birth certificate, military ID, or military DD 214 Form.
2. All eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.
3. All eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The CFHA will make a copy of the individual's INS documentation and place the copy in the file. The CFHA will also verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the CFHA will mail information to the INS so a manual check can be made of INS records.

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

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

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

If the CFHA determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their public housing unit, the family will be evicted or terminated from assistance and will not be eligible to be readmitted to Section 8 or public housing for a period of 24 months from the date of eviction or termination.

8.3 VERIFICATION OF SOCIAL SECURITY NUMBERS

The best verification of the Social Security Number is the original Social Security card. If the card is not available, the CFHA will accept an original document issued by a federal or state government agency that contains the name of the individual and the Social Security Number of the individual, along with other identifying information of the individual or such other evidence of the Social Security Number as HUD may prescribe in administrative instructions.

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8.3.1 APPLICANTS

Prior to admission, every family member regardless of age must provide the CFHA with a complete and accurate Social Security Number unless they do not contend eligible immigration status.

If an individual fails to provide the verification within ninety (90) days, the family will be denied assistance. The CFHA may grant one ninety (90) day extension if it determines that the person's failure to comply was due to circumstances that could not have reasonably been foreseen and there is a reasonable likelihood that the person will be able to disclose a Social Security Number by the deadline.

8.3.2 PARTICIPANTS

Participants aged 62 or older as of January 31, 2010 whose initial eligibility determination was begun before January 31, 2010 are exempt from the required disclosure of their Social Security Number.

New family members must provide Social Security Number verification prior to being added to the lease. If the new family member is under the age of six and has not been assigned a Social Security Number, the family will have ninety (90) calendar days after starting to receive assistance to provide a complete and accurate Social Security Number. The CFHA may grant one ninety (90) day extension if it determines that the failure to comply was due to circumstances that could not have reasonably been foreseen and were outside the control of the person.

8.4 SPECIAL VERIFICATION OF ADULT STUDENT HEADS OF HOUSEHOLD

Student eligibility and verification procedures are described in Appendix 9.

8.5 TIMING OF VERIFICATION

Verification information must be dated within sixty (60) calendar days of certification or reexamination. If the verification is older than sixty (60) days, the source will be contacted and asked to provide information regarding any changes.

Documents older than sixty (60) days are acceptable only for confirming effective dates of income.

8.6 FREQUENCY OF OBTAINING VERIFICATION

The following information will be verified at least annually:

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1. Household composition and
2. Income.

The following information will be verified only once prior to admission:

1. Social Security Number. When a family member who did not have a Social Security Number at admission receives a Social Security Number, that number will be verified at the next regular reexamination. Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.
2. Citizen/eligible noncitizen status, unless the family member is an eligible immigrant in a transitional stage of admission. In this situation, their status must be updated until they are admitted for permanent residency. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their status will be verified.

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9 RENT AND HOUSING ASSISTANCE PAYMENT

After families are issued a voucher, they may search for a unit anywhere within the CFHA’s jurisdiction, or outside of the CFHA’s jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules, with an owner who is willing to enter into a Housing Assistance Payments (HAP) contract with the CFHA.

9.1 RENT REASONABLENESS

A reasonable rent is a rent to an owner that is not more than the rent charged for comparable units in the private unassisted market, and for comparable unassisted units in the premises. Rent reasonableness is determined:

1. Prior to the initial lease;
2. Before any increase in rent to owner is approved;
3. If sixty (60) calendar days before the contract anniversary date there is a ten percent (10%) decrease in the published FMR as compared to the previous FMR; and
4. If the CFHA or HUD directs that reasonableness be redetermined.

9.2 COMPARABILITY

In making a rent reasonableness determination, the CFHA will compare the rent for the unit to the rent of comparable units in the same or comparable neighborhoods that are not assisted under any federal, state or local program. The CFHA will consider the location, type, quality, size, number of bedrooms, age, amenities, housing services, maintenance and utilities of the unit and the comparable units. The results of this determination will be documented in the participant’s file.

The CFHA will determine and document on a case-by-case basis that the approved rent:

1. Does not exceed rents currently charged on new leases by the same owner for an equivalent unassisted unit in the same building or complex, and
2. Is reasonable in relation to current asking rents and existing rents charged by other owners for comparable units in the unassisted market.

The CFHA will maintain current survey information on rental units in the jurisdiction. Owners are invited to submit rent information to the CFHA at any time.

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Owners may review the determination made on their unit and may submit additional information or make improvements to the unit that will enable the CFHA to establish a higher value.

9.2.1 OWNER RENT CERTIFICATION

The owner must certify the rents charged for other units. Owners with apartment complexes with more than four (4) units will annotate on the Request for Tenancy Approval the most recently leased comparable unassisted units, the date rented and rental amount.

By accepting the housing assistance payment each month, the owner is certifying that the rent to owner is not more than the rent charged by the owner for comparable unassisted units in the premises.

9.3 MAXIMUM SUBSIDY

The CFHA schedule of payment standards is used to calculate housing assistance payments and the maximum subsidy. A payment standard is “the maximum monthly assistance payment for a family before deducting the total tenant payment by the family”.

The current CFHA adopted and HUD-approved payment standard is 110% of the Fair Market Rent (FMR).

For a voucher tenancy in an insured or noninsured Section 515, Section 236 project, or a Section 221(d)(3) below market interest rate project the maximum subsidy may not exceed the basic rent charged including the cost of tenant-paid utilities. For a voucher tenancy in a HOME-assisted project, the maximum subsidy cannot exceed the High-HOME or Low-HOME rent as established for the unit to be occupied.

9.3.1 SETTING AND ADJUSTING THE PAYMENT STANDARD

HUD regulations allow the CFHA to establish a payment standard between 90% and 110% of the Fair Market Rent (FMR), unless an exception payment standard is approved by HUD.

The CFHA will review its determination of the payment standard annually after publication of the FMRs, and may review the payment standard based on funding changes, or at other times when circumstances warrant review. When reviewing the payment standard, the CFHA will consider vacancy rates and rents in the market area, and the size, quality and rents for units leased under the program. The CFHA will also review the success rates of housing choice

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voucher holders in finding units outside areas of poverty concentration, lease-up time, and the volume of voucher holders paying more than 40% of income for rent.

To allow families a reasonable selection of modest, decent and safe housing in a range of neighborhoods, alleviate excessive rent burden or improve lease-up times the CFHA may increase the payment standard within 110% of the published FMR. Payment standards will not be raised solely to allow the renting of “luxury” units.

Before increasing any payment standard, the CFHA will conduct a financial feasibility test to ensure that in using the higher standard, adequate funds will continue to be available to assist families in the program.

If lease-up times are projected to be fast, the success of voucher holders finding units outside areas of poverty concentration is projected to be extremely high, and rents are projected to be at or below 30% of income, the CFHA may reduce the payment standard.

Payment standards for each bedroom size are evaluated separately so that the payment standard for one-bedroom units may increase or decrease while another bedroom size unit remains unchanged.

9.3.1.1 REASONABLE ACCOMMODATION

The CFHA may request approval from HUD for a higher payment standard (up to 120% of the FMR) as a reasonable accommodation for a family that includes people with disabilities. If a higher payment standard is needed as a reasonable accommodation, the CFHA must submit the following to HUD:

1. A statement from a health care provider regarding the nature of the disabled person’s disability/ies and the features of the unit (which may include its location) which meet that person’s needs;
2. The contract rent and utility allowance for the unit;
3. A statement from the CFHA that the CFHA has determined the rent for the unit is reasonable, and that the unit has the feature(s) required to meet the needs of the person with disabilities as noted in the statement from the health care provider;
4. The household’s monthly adjusted income;
5. The FMR for the unit size for which the family is eligible; and
6. Proposed effective date of the new lease or actual effective date of the lease renewal.

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9.4 FAMILY PAYMENT STANDARD

1. The payment standard for a family is the *lower* of:
 - a. The payment standard for the family unit size, or
 - b. The payment standard for the unit size rented by the family.
2. A family may rent a unit size smaller than allowed on the voucher if the unit does not exceed maximum unit occupancy requirements.
3. A family may rent a unit size larger than allowed on the voucher, if:
 - a. Approved for reasonable accommodation, or
 - b. The family requests an exception and the gross rent is at or below the payment standard for the family unit size.
4. If the unit rented by a family is located in an exception rent area, the CFHA will use the appropriate payment standard for the exception rent area.
5. During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:
 - a. The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner, or
 - b. The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
6. If there is a change in family unit size resulting from a change in family size or composition, the new family unit size will be considered when determining the payment standard at the next annual reexamination.

9.5 AREA EXCEPTION RENTS

To help families find housing outside areas of high poverty or when voucher holders are having trouble finding housing for lease under the program, the CFHA may request that HUD approve an exception payment standard rent for certain areas. The exception areas may be of any size, though generally not smaller than a census tract and may not contain more than 50% of the population of the FMR area. Exception rents may be requested for all or some unit sizes, or for all or some unit types.

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When an exception rent is approved by HUD and the FMR increases, the exception rent will remain unchanged until the CFHA requests and HUD approves a higher exception rent. When an exception rent is approved by HUD and the FMR decreases, the exception rent automatically expires.

9.6 ASSISTANCE AND RENT FORMULAS

9.6.1 TOTAL TENANT PAYMENT FORMULA

The total tenant payment is equal to the highest of:

1. 10% of the family's monthly income;
2. 30% of the family's adjusted monthly income;
3. The Minimum rent of \$50.00; or
4. The portion of welfare payments designated specifically for housing cost's if the family is receiving payments for welfare assistance from a public agency and a part of those payments is specifically designated to meet the family's housing cost.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the total tenant payment is the amount resulting from one application of the percentage plus any rent above the payment standard.

During initial occupancy, the family cannot rent a unit if the tenant portion of the rent exceeds 40 percent (40%) of the family's adjusted income.

9.6.2 MINIMUM RENT

The CFHA has set the minimum rent as \$ **50.00**. However, if the family requests a hardship exemption, the CFHA will suspend the minimum rent for the family beginning the month following the family's hardship request. The suspension will continue until the CFHA can determine whether hardship exists and whether the hardship is of a temporary or long-term nature. During suspension, the family will not be required to pay a minimum rent and the Housing Assistance Payment will be increased accordingly. A hardship exists in the following circumstances:

1. When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State or local assistance program including a family with a member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;

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2. When the family would be evicted because it is unable to pay the minimum rent;
3. When the family income has decreased because of changed circumstances, including loss of employment; and
4. When a death has occurred in the family.

If the CFHA determines there is no qualifying hardship, the minimum rent will be reinstated. The family will be required to repay the CFHA the minimum rent to for the time the minimum rent was suspended.

If the CFHA determines there is a qualifying temporary hardship, the minimum rent will not be imposed for a period of ninety (90) calendar days from the month following the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The CFHA will offer a reasonable repayment agreement for any minimum rent back payment paid by the CFHA on the family's behalf during the period of suspension.

If the CFHA determines there is a qualifying long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.

The family may use the informal hearing procedure to appeal the CFHA determination regarding the hardship.

9.6.3 PRORATED ASSISTANCE FOR MIXED FAMILIES

A mixed family is one that includes at least one US Citizen or eligible immigrant and any number of ineligible members.

HUD regulations prohibit assistance to ineligible family members. The CFHA will prorate the assistance to a mixed family by:

1. Determining the amount of the assistance as if all family members were eligible, and
2. Prorating the assistance based on the percentage of family members that are actually eligible.

A mixed family will receive full continuation of assistance if all of the following conditions are met:

1. The family was receiving assistance on June 19, 1995;

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2. The family was granted continuation of assistance before November 29, 1996;
3. The family's head or spouse has eligible immigration status; and
4. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

9.6.4 UTILITY ALLOWANCE

The utility allowance is intended to cover the cost of essential utilities not included in the rent, including the cost of tenant-provided or paid refrigerators, ranges, trash collection, water, sewer, gas and electricity. The utility allowance does not include tenant-paid telephone, or cable television. The utility allowance is subtracted from the Total Tenant Payment to establish the family's rent to the landlord so the family may pay the cost of their utilities. Any cost above the utility allowance is the responsibility of the participant, and any savings resulting from utility costs below the allowance belongs to the participant.

The CFHA uses the utility allowance for the size of dwelling unit actually leased by the family not the utility allowance for the family unit size determined under the CFHA subsidy standards. The utility allowance schedule is determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in Flagstaff. In developing the schedule, the CFHA uses normal patterns of consumption for the community as a whole and current utility rates.

Landlords may charge separately for gas, water, wastewater, solid waste removal or electricity by installing a submetering system or by allocating the charges separately through a ratio utility billing system.

9.6.4.1 UTILITY REIMBURSEMENT

If the utility allowance exceeds the family's total tenant payment, the CFHA will provide a utility reimbursement payment for the family each month. The reimbursement check will be made out directly to the family's head of household.

9.6.4.2 UTILITY ALLOWANCE REVISION

The CFHA reviews the utility allowance schedule annually and revises any allowance for a utility category if there has been a change of 10% or more in the utility rate since the last time the utility allowance schedule was revised. The CFHA maintains information supporting the annual

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review of utility allowances and any revisions made in its utility allowance schedule. Participants may review this information at any time by making an appointment with the CFHA.

At each reexamination, the CFHA applies the utility allowance from the most current utility allowance schedule.

9.6.4.3 REASONABLE ACCOMMODATION

The CFHA may approve a request for a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.

9.7 DISTRIBUTION OF HOUSING ASSISTANCE PAYMENT

Housing Assistance Payments (HAP) are paid to the owner in accordance with the terms of the HAP Contract. HAP may only be paid to the owner during the lease term and while the family is residing in the unit.

The CFHA pays the owner the lesser of the housing assistance payment or the rent to owner. If payments are not made when due, after the first two months of the HAP contract term the owner may charge the CFHA a late payment, agreed to in the Contract and in accordance with generally accepted practices in the CFHA jurisdiction if the following conditions apply:

1. It is the owner's practice to charge such penalties for assisted and unassisted residents, and
2. The owner also charges such penalties against the resident for late payment of family rent to the owner.

Late charges will not be paid when the reason for the lateness is attributable to factors beyond the control of the CFHA.

A housing assistance payment is considered made when mailed by the CFHA.

Unless otherwise terminated, the housing assistance payment contract will end 180 calendar days after the last housing assistance payment is made.

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9.8 CHANGE OF OWNERSHIP

The CFHA requires a written request by the owner who executed the HAP contract to make changes to who is receiving the CFHA rent payment or the address to which the rent payment is sent.

The CFHA also requires a written request from the new owner to process a change of ownership. New owners will be required to execute IRS form W-9. The CFHA may withhold the rent payment until the W-9 and taxpayer identification number are received.

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10 CONTINUED ASSISTANCE AND RECERTIFICATION

The CFHA will ensure that participants continue to meet the eligibility criteria for assistance. This includes:

1. Reviewing and approving changes to the lease, rent, or owner;
2. Reexamining and recertifying income, family composition and continued eligibility at least annually;
3. Conducting interim or special examinations during the income year as needed; and
4. Reviewing family moves with continued assistance.

10.1 LEASE CHANGES

If the participant and owner agree to any changes in the lease, all changes must be in writing, and signed and dated by the participant and owner. The owner must immediately give the CFHA a copy of the changes. The lease, including any changes, must be in accordance with this Administrative Plan and HUD Requirements.

Assistance will not be continued unless the CFHA has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner if any of the following changes are made:

1. Requirements governing participant or owner responsibilities for utilities or appliances;
2. Reduction in the length of the lease;
3. If the participant moves to a new unit, even if the unit is in the same building or complex.

Owners wishing to change ownership must receive the written permission of the CFHA prior to assigning a HAP contract. The owner must inform the CFHA of the impending change and give the CFHA fifteen (15) calendar days to approve/disapprove the new owner in accordance with the CFHA owner approval policy.

10.2 RENT ADJUSTMENTS

Owners must notify the CFHA and tenants of any adjustments (increase or decrease) in the amount of the rent at least sixty (60) calendar days before the changes go into effect. All changes are subject to the CFHA determining them to be rent reasonable. A rent increase will

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not be approved if the landlord fails to provide proper advance notice to both the CFHA and the family.

Owners may request not more than one rent increase per year. If the tenant is in an initial lease term, rent adjustments will be processed no earlier than sixty (60) days before the lease expiration date.

10.3 ANNUAL RECERTIFICATION/REEXAMINATION

At least annually, based on the anniversary date, the CFHA will conduct a recertification/reexamination of family income and circumstances to determine:

1. Continued eligibility,
2. The rent the family will pay, and
3. Whether the family subsidy is correct based on the correct family unit size.

The initial contract establishes the anniversary date for all new admissions. For continuing participants who move or transfer to other units, the effective date of the unit transfer date will determine the next annual reexamination date.

The effective date of an annual reexamination may be no more than twelve months from the effective date of the previous year's annual reexamination, or the anniversary date of the HAP Contract if within the first year of the contract.

10.3.1 NOTIFICATION

The CFHA will send a notification letter to the family letting them know that it is time for their annual reexamination. The notice will include:

1. Required reexamination documents, document instructions and the date by which the required documents must be returned to the CFHA;
2. Date and time of the scheduled mandatory appointment;
3. A reminder that all adult household members 18 years and older must attend the appointment;
4. Instructions on how the family may reschedule the appointment if necessary; and
5. Instructions for families who may need to make alternate arrangements due to a disability, including how to contact staff to request an accommodation of their needs.

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During the annual reexamination the CFHA will:

1. Conduct a reexamination of family income and circumstances based on family-provided information regarding income, assets, deductions (eligible expenses), and other information necessary to determine the family's share of rent;
2. Have the family sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances;
3. Ask whether any household member is subject to the lifetime registration requirement under a state registration program. The CFHA will verify this information using the Dru Sjodin National Sex Offender Database and document this information in the same method used at admission;
4. Ask whether any household member has disclosed his or her criminal history; and
5. Review the family's current lease options to remain in the current unit, move with continued assistance in the CFHA jurisdiction, or exercise portability.

For any admissions after June 25, 2001 (the effective date of the Screening and Eviction for Drug Abuse and Other Criminal Activity final rule), if the recertification screening reveals that the tenant or a member of the tenant's household is subject to a lifetime sex offender registration requirement, or that the tenant has falsified information or otherwise failed to disclose his or her criminal history on their application and/or recertification forms, the CFHA will pursue termination of assistance.

If a family is about to be terminated from assistance based on either the criminal check or the sex offender registration program, the family will be informed of this fact and given an opportunity to dispute the accuracy of the information before the termination occurs.

10.3.2 RECERTIFICATION FOR FIXED-INCOME FAMILIES (24 CFR 982.516(b))

The CFHA may conduct a streamlined reexamination of income for elderly families and disabled families when 100 percent of the family's income consists of fixed income.

The CFHA will recalculate family income by applying any published cost of living adjustments (COLA) to the previously verified income amount.

For the purposes of this provision, the term "fixed income" includes income from:

1. Social security payments, including Supplemental Security Income (SSI) and Supplemental Security Disability Insurance (SSDI);

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2. Federal, State, local, and private pension plans; and
3. Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic receipts that are of substantially the same amounts from year to year.

For the second income determination involving a family member whose income was previously adjusted using a streamlined income determination, the COLA will be applied to the year one amount that was previously adjusted by a COLA.

Every third year, the CFHA will require an interview with the family and third-party verification of all income amounts as described in the annual reexamination policies.

A fixed-income family may elect to participate in the regular reexamination process.

10.3.3 NOTIFICATIONS

The CFHA will send a notification letter to the family letting them know:

1. That the streamlined income will be conducted,
2. That they may participate in the regular examination process if they choose, and
3. Advance notice of any tenant rent changes will be mailed.

10.4 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

10.4.1 RENT INCREASE

Advance notice of a tenant rent increase is mailed to the family at least thirty (30) calendar days prior to the scheduled effective date of the rent increase.

Rent increases are effective on the anniversary date, unless a 30-day advance notice cannot be issued. When a 30-day advance notice cannot be issued the rent increase will be delayed to the following month, unless the delay in notification was caused by an action or inaction of the family.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in reexamination processing, there may be a retroactive rent increase processed and a collection notice issued to the family for overpaid assistance.

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An approved rent increase, in which the landlord provided proper sixty (60) day notices to both the CFHA and the family, will be processed effective the date of the rent increase.

10.4.2 RENT DECREASE

Rent decreases are effective on the anniversary date. Delays in processing caused by an action or inaction of the family will be effective the first of the month after the rent amount is determined.

10.5 INTERIM REEXAMINATIONS

Interim reexamination is triggered by the following changes between regular examinations. Families are required to report these changes to the CFHA within ten (10) calendar days:

1. Consistent increase in income of \$200 or more per month that will result in a cumulative increase of \$2,400 per year,
2. Consistent decrease in deductible expenses of \$200 or more per month that will result in a cumulative decrease of \$2,400 per year,
3. A member has been added to the family through birth or adoption or court-awarded custody,
4. An adult household member is being added or is leaving or has left the family unit,
5. Death of a family member, and
6. Family break-up.

Families are not required to, but may at any time, request an interim reexamination based on a decrease in income, an increase in allowable expenses, or other changes in family circumstances. Upon such request, the CFHA will take timely action to process the interim reexamination and recalculate the family share.

During an interim reexamination, only information affected by the changes being reported will be reviewed and verified. It may take up to 45 calendar days to process all changes.

10.5.1 INCREASE IN INCOME OR DECREASE IN ALLOWABLE EXPENSES

Failure to report any consistent increase in income of \$200 or more per month that will result in an increase of \$2,400 or more per year may result in the family owing the CFHA for unwarranted HAP assistance.

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Failure to report any consistent decrease in deductible expenses of \$200 or more per month that will result in a decrease of \$2,400 or more per year may result in the loss of increased HAP assistance, which will not be made retroactive.

10.5.2 ALTERNATE YEAR, SEASONAL EMPLOYEES AND SHORT-TERM CHANGES IN INCOME

Where the CFHA can reasonably project the start and end of employment (i.e. educators, school yard supervisors; sports concession operators) or income is temporarily reduced due to vacation, illness or scheduled business closures, the CFHA will utilize the best available information to annualize income, and will not process an interim reexamination during standard “non-work” periods unless the individual resigns from the position, or receives notice that he/she has been terminated.

10.5.3 ADDING A HOUSEHOLD MEMBER

To add a household member other than through birth, adoption, or court-awarded custody, including a live-in aide, the family must request that the new member be added to the lease.

Before adding the new member to the lease, the individual must complete a change report stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security Number if they have one, and must verify their citizenship/eligible immigrant status; their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family.

The new family member will go through the same screening process as applicants. The CFHA will determine the eligibility of the individual before allowing them to be added to the lease.

If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review.

If the individual is found to be eligible and does pass the screening criteria, the CFHA will grant approval to add their name to the lease as approved by the landlord. The family's annual income will be recalculated taking into account the income and circumstances of the new family member.

10.5.4 FAMILY BREAK-UP

When an assisted family or a family who has been issued a voucher divides into two otherwise eligible families, and cannot agree about which family unit should retain the voucher, and there is no determination by a court,

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the CFHA will consider the following factors, in order of importance:

1. Whether family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member(s) of the household.
2. The interest of minor children or of ill, elderly, or disabled family members.
3. To whom the housing choice voucher was issued.
4. Whether the assistance should remain with the family members remaining in the unit.

Documentation of these factors is the responsibility of the requesting parties.

Because of the number of possible different circumstances, the CFHA will make determinations on a case by case basis.

The CFHA decision on who will be assigned the voucher will be issued in writing to both parties within thirty (30) calendar days of the request for assignment. The party not assigned the voucher may request an informal hearing.

If a court determines the disposition of the voucher, the CFHA will be bound by the court's determination.

10.6 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for 12 months, including families that temporarily have no income or have a temporary decrease in income, the CFHA may schedule special reexaminations every sixty (60) calendar days until the income stabilizes and an annual income can be determined.

Families who are on welfare, are self-employed or have a sporadic employment pattern (unemployment-employment-unemployment-employment, etc.) will not be given a special reexamination. If a sporadic employment pattern has been established and is expected to continue, then a reasonable 12-month estimate of income may be based upon past income and present rate of income.

10.7 EFFECTIVE DATE OF RENT CHANGES FOR INTERIM AND SPECIAL REEXAMINATIONS

10.7.1 RENT INCREASE

Advance notice of a tenant rent increase is provided to the family at least thirty (30) calendar days prior to the scheduled effective date of the rent increase.

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Rent increases based on family changes reported and verified by the 20th of the month will be effective the second month following the month in which the reexamination is completed. For example, a rent increase would be effective March 1st for a special or interim reexamination completed by January 20th.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in reexamination processing, then the rent increase will be effective on the date it would have been effective, even if this means a retroactive increase. A collection notice may be issued to the family for overpaid assistance.

10.7.2 RENT DECREASE

Rent decreases based on family changes reported and verified by the 20th of the month will be effective the following month. For example, a rent decrease would be effective March 1st for a special or interim reexamination completed by February 20th.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in reexamination processing, then the rent decrease may not be made retroactive.

10.8 CFHA ERRORS IN RENT CALCULATION

If at any time during the income year, an error is discovered in the CFHA rent calculation and:

1. The error results in a participant rent decrease, the participant will receive a refund for the amount of the overcharge going back a maximum of twelve (12) months and a rent decrease will become effective the following month.
 - a. The refund will be given to the participant within thirty (30) days. If the participant owes the CFHA money, the participant debt will be offset by the refund.
2. The error results in a rent increase, a rent increase will be made effective the first day of the second month following the month after the error is discovered and notice is provided the participant.

10.9 WHEN A FAMILY MAY MOVE WITH CONTINUED ASSISTANCE

For families already participating in the Housing Choice Voucher Program, the CFHA will allow the family to move to a new unit and the CFHA will issue a new voucher if:

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1. The family is not in their initial twelve-month lease term, unless the move is necessitated for a reason other than family choice;
2. The family has not moved within the past twelve months, unless the move is necessitated for a reason other than family choice;
3. The assisted lease for the old unit has terminated;
4. The owner has given the resident a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the participant;
5. The participant has given notice of lease termination (if the participant has a right to terminate the lease on notice to the owner);
6. The family has not violated a family obligation;
7. The family does not owe the CFHA or any other PHA money; or
8. The family asserts that grounds for moving is an instance of domestic violence, dating violence, sexual assault or stalking as provided for in the Violence Against Women Act.

10.9.1 DENIAL FOR INSUFFICIENT FUNDING

The CFHA must have sufficient funding for continued assistance. The CFHA will only deny a request to move due to insufficient funding if:

1. The move is to a higher cost unit; and
2. The CFHA would be unable to avoid termination of current participants during the calendar year to remain within its budget allocation housing assistance payments, including any HAP reserves.

If the CFHA approves a family's request to move and then subsequently experiences a funding shortfall, the CFHA will only rescind the voucher if the family would be allowed to remain in its current unit. If the family cannot remain in the unit (e.g. family has already vacated the unit or family has already notified the owner of their intent to vacate and the owner has re-let the unit to another family) the CFHA will not rescind the voucher and the family will be allowed to lease a new unit.

When the CFHA denies a move due to insufficient funding, it will notify the applicant in writing. The participant's request to move will remain open for consideration for six (6) months, during which time the CFHA will notify the participant if sufficient funds become available.

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10.9.2 EXCEPTIONS TO MOVES WITHIN TWELVE MONTHS

Exception to moves made within the initial twelve-month lease or when the family has already moved in the past twelve months may be made:

1. If the family can demonstrate a reason outside the control of the family such as a medical emergency or
2. If needed as a reasonable accommodation.

10.10 FAMILY MOVES PROCEDURES

Families considering transferring to a new unit will be scheduled to attend a mover's briefing. All families who are moving, including any families moving into or out of the CFHA's jurisdiction under portability, will be required to attend a mover's briefing prior to the CFHA entering into a new HAP contract on their behalf.

The mover's briefing will, at a minimum cover the following:

1. A refresher on program requirements and the family's responsibilities, emphasis will be on giving proper notice and meeting all lease requirements such as leaving the unit in good condition;
2. Information about finding suitable housing and the advantages of moving to an area that does not have a high concentration of poor families;
3. Payment standards, exception payment standard rent areas, and the utility allowance schedule;
4. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income if the gross rent exceeds the applicable payment standard when initially renting a unit;
5. Portability requirements and opportunities;
6. An explanation and copies of the forms required to initiate and complete the move; and
7. All forms and brochures provided to applicants at the initial briefing, including the Violence Against Women Act protections.

10.10.1 NOTICE REQUIREMENTS

A family who gives notice to terminate the lease must mail the notice by certified mail or have the landlord or his/her agent sign a statement stating the date and time received. The family

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will be required to provide the certified mail receipt and a copy of the lease termination notice and/or vacate notice to the CFHA, or a copy of the lease termination notice and/or vacate notice and the signed statement stating the date and time the notice was received. If the landlord or his/her agent does not accept the certified mail receipt, the family will be required to provide the receipt and envelope showing that the attempt was made.

A family's failure to provide a copy of the lease termination and/or vacate notice to the CFHA will be considered a violation of Family Obligations and may cause the family to be terminated from the program.

In accordance with HUD regulations, no notice requirement may exceed sixty (60) calendar days. During the initial term, families may not end the lease unless they and the owner mutually agree to end the lease. If the family moves from the unit before the initial term of the lease ends without the owner's and the CFHA's approval, it will be considered a serious lease violation and subject the family to termination from the program.

10.10.2 HOUSING ASSISTANCE PAYMENTS

When a family moves out of an assisted unit, the CFHA will not make any housing assistance payment to the owner for any month after the month the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

If a family moves from an assisted unit with continued assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit is not considered to constitute a duplicative housing subsidy. However, the CFHA will not pay more than ten days of overlap of HAP without special documented approval for extenuating circumstances, such as a reasonable accommodation, when the family is moving under VAWA, or the family is displaced due to government action.

10.11 TERMINATION OF THE LEASE AND HAP CONTRACT

The term of the lease and the term of the HAP contract are the same. They begin on the same date and they end on the same date. The lease may be terminated by the owner, by the participant, or by the mutual agreement of both. The owner may only terminate the contract by terminating the lease. The HAP contract may be terminated by the CFHA. Under some circumstances the contract automatically terminates.

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10.11.1 TERMINATION OF THE LEASE BY THE FAMILY

The family may terminate the lease without cause upon proper notice to the owner and to the CFHA after the initial lease term. The length of the notice that is required is stated in the lease (generally 30 calendar days).

10.11.2 TERMINATION OF THE LEASE BY THE OWNER

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person in accordance with this section if the owner determines that the covered person has engaged in a criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.

If the law and regulation permit the owner to take an action but do not require action to be taken, the owner may take or not take the action in accordance with the owner's standards for eviction. The owner may consider all of the circumstances relevant to a particular eviction case, such as:

1. The seriousness of the offending action;
2. The effect on the community of denial or termination or the failure of the owner to take such action;
3. The extent of participation by the leaseholder in the offending action;
4. The effect of denial of admission or termination of tenancy on household members not involved in the offending activity;
5. The demand for assisted housing by families who will adhere to lease responsibilities;
6. The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action; or
7. The effect of the owner's action on the integrity of the program.

The owner may require a family to exclude a household member in order to continue to reside in the assisted unit when that household member has participated in or been culpable for action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised

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drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, the owner may require the participant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of assistance actions must be consistent with the fair housing and equal opportunity provision of 24 CFR 5.105.

The owner may terminate the lease during its term on the following grounds:

1. Serious or repeated violations of the terms or conditions of the lease.
2. Violation of Federal, State, or local law that imposes obligations on the participant in connection with the occupancy or use of the unit and its premises.
3. Criminal activity by the household, a guest, or another person under the control of the household that threatens the health, safety, or right to peaceful enjoyment of the premises by other persons (including property management staff) residing on the premises or in the immediate vicinity of the premises.
4. Any drug-related or violent criminal activity engaged in on or near the premises by any resident, household member, or guest, or such activity engaged in on the premises by any other person under the tenant's control.
5. When the owner determines that a household member is illegally using a drug or when the owner determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
6. If a participant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under Federal or State law.
7. If the tenant is violating a condition of probation or parole imposed under Federal or State law.
8. Other good cause. Other good cause may include, but is not limited to:
 - a. Failure by the family to accept the offer of a new lease;
 - b. Family history of disturbances of neighbors or destruction of property, or living or housekeeping habits resulting in damage to the property or unit;

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- c. The owner's desire to utilize the unit for personal or family use or for a purpose other than use as a residential rental unit; or
- d. A business or economic reason such as sale of the property, renovation of the unit, desire to rent at a higher rental amount.

During the first year the owner may not terminate tenancy for other good cause unless the reason is because of something the household did or failed to do.

The owner may only evict the participant by instituting court action after or simultaneously providing written notice to the participant specifying the grounds for termination. The owner must give the CFHA a copy of any owner eviction notice to the participant at the same time that the owner gives the notice to the participant.

The owner may terminate the contract at the end of the initial lease term or any extension of the lease term without cause by providing notice to the family that the lease term will not be renewed.

10.11.3 TERMINATION OF THE LEASE BY MUTUAL AGREEMENT

The family and the owner may at any time mutually agree to terminate the lease.

10.12 TERMINATION OF THE HOUSING ASSISTANCE CONTRACT

The owner may only terminate the contract by terminating the lease. The HAP contract may be terminated by the CFHA. Under some circumstances the contract automatically terminates. The contract will automatically terminate:

- 1. If the CFHA terminates assistance to the family,
- 2. If the family moves out of the unit,
- 3. One hundred eighty (180) calendar days after the last housing assistance payment to the owner, or
- 4. When the owner terminates the lease.

The CFHA may terminate the HAP contract because:

- 1. The CFHA has terminated assistance to the family.
- 2. The unit does not meet HQS/UPCS-V space standards due to an increase in family size or change in family composition.

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3. The unit is larger than appropriate for the family size or composition under the Housing Choice Voucher Program.
4. The family breaks up and the CFHA determines that the family members who move from the unit will continue to receive the assistance.
5. The CFHA determines that there is insufficient funding in their contract with HUD to support continued assistance for families in the program.
6. The owner has breached the contract in any of the following ways:
 - a. If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS/UPCS-V;
 - b. If the owner has violated any obligation under any other housing assistance payments contract under Section 8 of the 1937 Act;
 - c. If the owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
 - d. For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement; or
 - e. If the owner has engaged in drug-related criminal activity or any violent criminal activity.
7. If a welfare-to-work family fails to fulfill its obligations under the welfare-to work voucher program.

10.12.1 FINAL HAP PAYMENT TO OWNER

The HAP payment stops when the lease terminates. The owner may keep the payment for the month in which the family moves out. If the owner has begun eviction proceedings and the family continues to occupy the unit, the CFHA will continue to make payments until the owner obtains a judgment or the family moves out.

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11 TERMINATION OF ASSISTANCE

The CFHA may at any time terminate program assistance for a participant because of any of the following actions or inactions by the household:

1. Failure to keep appointments.
2. Failure to provide required documentation.
3. Violation of any family obligations under the program.
4. Eviction from housing assisted under the Section 8 program for serious violations of the lease. If the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary, the family will be considered evicted. Serious or repeated lease violations include, but are not limited to, nonpayment of rent, disturbance of neighbors, destruction of property, criminal activity, or living or housekeeping habits that cause damage to the unit or premises.
5. Failure to sign and submit consent forms.
6. Failure to document citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, proration of assistance, or temporary deferral of assistance.
7. The CFHA determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in the Section 8 unit. Such family will not be eligible to be readmitted to Section 8 for a period of twenty-four (24) months from the date of termination.
8. Any family member has ever been evicted from federally assisted housing in the last five years.
9. Any PHA has ever terminated assistance under the program for any member of the family.
10. Any family member commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
11. The family currently owes rent or other amounts to the CFHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

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12. The family has not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
13. The family breaches the terms of a repayment agreement entered into with the CFHA or breaches the terms of a repayment agreement entered into with a third-party (i.e. assisted landlord) as a condition of their continued assistance.
14. The family has unpaid rent or unpaid damage claims on more than one unit.
15. A family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.
16. Any family member has engaged in or threatened abusive or violent behavior toward CFHA personnel, residents or employees of any contracted services on behalf of the CFHA. Abusive or violent behavior includes verbal as well as physical abuse or violence, use of racial epithets, or other language, written or oral, that is customarily used to intimidate. Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
17. Any household member is subject to a lifetime registration requirement under a State sex offender registration program.
18. Any household member's illegal use or pattern of illegal use of a controlled substance, including medical marijuana, or whose abuse (or pattern of abuse) of alcohol, is determined by the CFHA to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The CFHA will consider all credible evidence, including but not limited to recorded convictions, and eviction of household members related to the use of illegal drugs or abuse of alcohol.
19. Any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing.
20. Any household member has violated the family's obligation not to engage in any drug-related criminal activity, including the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug. Drug means a controlled substance as defined in the Controlled Substances Act, including medical marijuana.
21. Any household member has violated the family's obligation not to engage in violent criminal activity. Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial

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enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

22. Any household member is a fugitive felon, parole violator or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees.
23. A welfare-to-work family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.
24. Failure of students to meet ongoing eligibility requirements.
25. The family no longer requires assistance (24 CFR 982.455). If the amount of assistance provided by the CFHA to the participant drops to zero and remains at zero for one hundred eighty (180) consecutive days, the participant's assistance automatically terminates. If the participant experiences a change in circumstances that would cause the assistance to rise above zero, the participant must notify the CFHA of the changed circumstances and request an interim reexamination before the expiration of the 180-day period.
26. Failure to provide Social Security Documentation for all family members.
27. Family absence from the unit that exceeds thirty (30) days. An exception will be made for absence when an adult household member is called to active military duty and deployed.
28. If the CFHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program. Prior to terminating any HAP contracts, the PHA will determine if any other actions can be taken to reduce program costs.
29. Failure to correct family-caused Housing Quality Standards (HQS)/Uniform Physical Conditions Standards (UPCS-V) fail items.

For purposes of this section, the CFHA may terminate assistance for criminal activity based on a preponderance of the evidence that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted of such activity.

If the CFHA proposes to terminate assistance for criminal activity as shown by a criminal record, the CFHA will notify the household of the proposed action and provide the person with the criminal record (i.e., the family member) and the head of household with a copy of the criminal

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record and an opportunity to dispute the accuracy and relevance of that record, in accordance with the procedures established for the Informal Hearing for Participants. The household will have fourteen (14) calendar days to dispute the accuracy and relevance of the record in writing.

The family may also request the CFHA terminate assistance at any time. The request to terminate assistance must be made in writing and signed by the head of household and spouse or co-head.

11.1 PARTICIPANT NOTIFICATION OF TERMINATION

The CFHA will provide a family with prompt written notice that the family may request an informal hearing. Informal hearing procedures are defined in Appendix 3. The notice will:

1. Contain a brief statement of the reasons for the decision;
2. State if the family does not agree with the decision, the family may request an informal hearing on the decision within ten (10) business days of the notification;
3. Include HUD-Form 5380 Notice of Occupancy Rights Under the Violence Against Women Act; and
4. Remind participants of their right to request a reasonable accommodation.

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12 PORTABILITY

Portability is renting a dwelling unit with Section 8 assistance outside the jurisdiction of the initial PHA. The initial PHA is the PHA that issues the initial voucher. A receiving PHA is the PHA where the family will move or has moved.

Applicant and participant families that have been issued a voucher may qualify to lease a unit outside the PHA's jurisdiction under portability. A family may move with assistance only to an area where there is at least one PHA administering a voucher program.

The initial PHA determines whether a family qualifies.

12.1 ALLOWABLE MOVES UNDER PORTABILITY

12.1.1 APPLICANTS

1. An applicant whose head of household or spouse does not have a legal residence in the jurisdiction of the CFHA at the time the family first submits its application, will not be permitted to lease a unit outside of the CFHA jurisdiction for a 12-month period beginning when the family is first admitted to the program. During this period, the family may only lease a unit located in the jurisdiction of the CFHA.
 - a. Exceptions to this policy will be considered for purposes of reasonable accommodation, or reasons related to domestic violence, dating violence, sexual assault or stalking.
2. A family whose head or spouse has a legal residence in the jurisdiction of the CFHA at the time the family first submits its application for participation in the program to the CFHA may lease a unit anywhere in the jurisdiction of the CFHA or outside the CFHA jurisdiction as long as there is another entity operating a voucher program covering the location of the proposed unit.
3. An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area. The family must specify the area to which the family wishes to move. The initial PHA will determine whether the applicant family is income eligible in the area to which the family wishes to move. If the applicant family is not income eligible in that area, the PHA will inform the family that it may not move there and receive voucher assistance.
4. The CFHA may deny a portability move by an applicant family because of insufficient funding or because the CFHA has grounds for denying assistance.

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- a. When the CFHA denies a move due to insufficient funding, it will notify the applicant in writing. The participant's request to move will remain open for consideration for six (6) months, during which time the CFHA will notify the participant if sufficient funds become available.
- b. When the CFHA denies a move because the CFHA has grounds for denying assistance, the CFHA will notify the applicant of their right to request an informal review.

12.1.2 PARTICIPANTS

1. Participant families in compliance with all program requirements may exercise their right to portability.
2. Participant families with outstanding debts, or who are in violation of their family obligations will not be approved for portability.
3. The income eligibility of a participant family is not redetermined if the family moves to a new jurisdiction under portability.
4. If a family has moved out of their assisted unit in violation of the lease, the CFHA will not approve portability unless the family has complied with all program requirements and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted unit.
5. The CFHA may deny a portability move by a participant family because of insufficient funding. The CFHA will only deny a request to move due to insufficient funding if:
 - a. The move is to a higher cost unit or to a higher cost area; and
 - b. The Receiving PHA is not absorbing the voucher; and
 - c. The CFHA would be unable to avoid termination of current participants during the calendar year to remain within its budget allocation housing assistance payments, including any HAP reserves.
6. If the CFHA approves a family's request to move and then subsequently experiences a funding shortfall, the CFHA will only rescind the voucher if the family would be allowed to remain in its current unit. If the family cannot remain in the unit (e.g. family has already vacated the unit or family has already notified the owner of their intent to

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vacate and the owner has re-let the unit to another family) the CFHA will not rescind the voucher and the family will be allowed to lease a new unit.

- a. When the CFHA denies a move due to insufficient funding, it will notify the applicant in writing. The participant's request to move will remain open for consideration for six (6) months, during which time the CFHA will notify the participant if sufficient funds become available.

12.2 ADMINISTRATION BY RECEIVING PHA

1. When a family utilizes portability to move to an area outside the PHA jurisdiction, another PHA (the Receiving PHA) must administer assistance for the family if that PHA has a tenant-based program covering the area where the unit is located.
2. A PHA with jurisdiction in the area where the family wants to lease a unit must issue the family a housing choice voucher. If there is more than one PHA, the family may request to have the initial PHA choose which PHA will become the Receiving PHA.

12.3 OUTGOING PORTABILITY PROCEDURES: CFHA IS THE INITIAL PHA

When the CFHA is the Initial PHA:

1. The CFHA will brief the family on the process that must take place to exercise portability. The family will be required to attend an applicant or mover's briefing.
2. The CFHA will determine whether the family is income-eligible in the area where the family wants to lease a unit if the family is not already a program participant.
3. The CFHA will advise the family how to contact and request assistance from the Receiving PHA by giving them the name and telephone number of the person responsible for working with incoming portability families and any procedures related to getting an appointment for the issuance of a voucher.
4. The CFHA will, within ten (10) calendar days, notify the Receiving PHA to expect the family via telephone, fax or email.
5. The CFHA will immediately mail or fax the Receiving PHA a completed Part I of HUD Form 52665, the most recent HUD Form 50058 (Family Report), and related verification information. If the family is an applicant and not a participant, the CFHA will provide the Receiving PHA with the family information and income information in a format similar to that utilized by the 50058.

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12.4 INCOMING PORTABILITY PROCEDURES: CFHA IS THE RECEIVING PHA

When the CFHA is the Receiving PHA:

1. When the portable family requests assistance from the CFHA, the CFHA will within fourteen (14) calendar days of HAP contract execution (not its effective date):
 - a. Complete Part II of the HUD Form 52665;
 - b. Inform the Initial PHA that it will either absorb the family into its program or notify the Initial PHA within the time limit set forth in Part I of the 52665 that it will bill the Initial PHA for assistance on behalf of the portable family.
 - i. If the family is absorbed, the CFHA will also send the Initial PHA a new HUD Form 50058.
2. The CFHA will issue a voucher to the family within fourteen (14) calendar days as long as the initial voucher has not expired. If the initial voucher has expired, the family will be referred back to the Initial PHA.
 - a. The term of the CFHA's voucher will not expire before the expiration date of any Initial PHA voucher.
3. The family must submit a request for tenancy approval to the CFHA during the term of the CFHA's housing choice voucher. If the CFHA has decided to bill the Initial PHA, the request for tenancy approval must be processed in enough time for the Initial PHA to be notified before the billing deadline date.
4. The CFHA will determine the family unit size for the portable family. The family unit size is determined in accordance with the CFHA's subsidy standards.
5. Before the expiration of the deadline established in the HUD Form 52665, the CFHA will notify the Initial PHA if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the housing choice voucher.
6. In order to provide tenant-based assistance for portable families, the CFHA will perform all PHA program functions, such as reexaminations of family income and composition.
7. At any time, either the Initial PHA or the CFHA may make a determination to deny or terminate assistance to the family. If assistance is denied or terminated, the family shall have a right to an informal hearing.

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8. Although the CFHA will promptly issue a voucher to an incoming portability family, incoming portability families are still subject to CFHA normal screening procedures, including background checks on all adult household members. If the family fails to pass the screening thresholds the voucher will be revoked or if a unit has already been leased the family will be terminated from the program.

12.4.1 ABSORPTION BY THE CFHA

If funding is available under the consolidated ACC for the CFHA's program when the portable family is received, the CFHA may absorb the family into its program. The decision to absorb or not will be made on a case-by-case basis and will be the sole decision of the CFHA. If absorbed, the family is assisted with funds available under the consolidated ACC for the CFHA's program.

12.5 PORTABILITY BILLING

To cover assistance for a portable family, the Receiving PHA may bill the Initial PHA for housing assistance payments and administrative fees as long as all HUD required deadlines have been complied with.

1. As the Initial PHA, the CFHA will within thirty (30) calendar days of receipt of the completed Part II of the HUD Form 52665 reimburse the Receiving PHA for the full amount of the housing assistance payments made by the Receiving PHA for the portable family in a form and manner the Receiving PHA is able and willing to accept. Payments made after the first payment will be sent in time for the Receiving PHA to receive the payment no later than the fifth working day of the month.
 - a. The amount of the housing assistance payment for a portable family in the Receiving PHA program is determined in the same manner as for other families in the Receiving PHA program.
2. The Initial PHA will promptly reimburse the Receiving PHA for 80% of the Initial PHA's on-going administrative fee for each unit month that the family receives assistance and is assisted by the Receiving PHA.

12.6 ONGOING RESPONSIBILITIES OF CFHA

When the CFHA is a Receiving PHA it will:

1. Send the Initial PHA an updated HUD Form 50058 at each annual recertification so the Initial PHA can reconcile it with its records.

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2. Send the Initial PHA a copy of any new HUD Forms 52665s and 50058s to report any change in the billing amount within ten (10) working days of the effective date of any change in the billing amount.
3. If the CFHA decides to absorb a family it had previously been billing for, it will notify the Initial PHA within ten (10) working days following the effective date of the termination of the billing arrangement.

12.7 MOVES BY A PORTABLE FAMILY

When a portable family has not been absorbed by a Receiving PHA and the family moves out of the Receiving PHA jurisdiction, the PHA in the new jurisdiction to which the family moves becomes the Receiving PHA, and the first Receiving PHA is no longer required to provide assistance for the family. The Initial PHA will be promptly notified and requested to send a new HUD Form 52665 and supporting documentation to the new Receiving PHA.

12.8 INCOME TARGETING

For income targeting purposes, the family will count towards the Initial PHA goals unless the Receiving PHA absorbs the family. If absorbed, the admission will count towards the Receiving PHA goals.

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13 HOUSING QUALITY STANDARDS (HQS)/UNIFORM PHYSICAL CONDITION STANDARDS FOR VOUCHERS (UPCS-V) INSPECTIONS (24 CFR 982.401)

The CFHA participates in the Uniform Physical Condition Standards for Vouchers (UPCS-V) Demonstration Program. Housing Quality Standards (HQS)/Uniform Physical Condition Standards for Vouchers (UPCS-V) are the HUD minimum standards for units occupied by Housing Choice Voucher participants. HQS/UPSC-V standards include fundamental performance requirements and acceptability criteria. These fundamental requirements, defects that are considered emergency or life threatening, and HUD-approved CFHA additional standards are described in Appendix 4.

Dwellings built before January 1, 1978 that are or will be occupied by assisted families with one or more children under age six (6) are subject to lead-based paint requirements. The lead-based paint requirements are described in Appendix 5.

HQS/UPSC-V standards and lead safety must be met at initial occupancy and during the term of the lease. HQS/UPSC-V standards apply to the unit, the building and premises, and outbuildings. Newly leased units must pass an HQS/UPSC-V inspection before the commencement of the housing assistance payment (HAP).

13.1 TYPES AND FREQUENCY OF INSPECTIONS [24 CFR 982.401(A), 982.405]

There are seven types of HQS/UPSC-V inspections conducted by the CFHA:

1. Initial Inspection [982.401(a), 982.305(b)(2) – to ensure that the unit passes HQS/UPSC-V before the CFHA enters into a HAP Contract with the owner and before assistance can begin.
2. Annual Inspection (982.405(a)) – to determine that the unit continues to meet HQS/UPSC-V. A unit must pass its annual HQS/UPSC-V inspection.
3. Biennial Inspection – to determine that the unit continues to meet HQS/UPSC-V. A biennial inspection may occur every other year in lieu of an annual inspection after a unit has passed three consecutive inspections. A unit that passes its biennial inspection may continue to be inspected biennially unless the unit fails an HQS/UPSC-V inspection, in which case the unit may be inspected annually for at least three consecutive years.
4. Special Inspection – performed upon request of the owner, family, or a third party, i.e., HUD.

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5. Emergency Inspection – takes place in the event of a perceived emergency. These will take precedence over all other inspections.
6. Move Out Inspection – performed only for the SRO Moderate Rehabilitation Program to document the condition of the unit at the time of the move-out.
7. Quality Control Inspection – supervisory inspection to objectively ascertain that each inspector is conducting accurate and complete inspections and to ensure consistency among inspectors in application of HQS/UPSC-V. Quality Control inspections will be performed to meet the minimum number required by the Section 8 Management Assessment Program (SEMAP).

13.2 INSPECTION NOTICE

The CFHA must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by first class mail.

If the family cannot be at home for the scheduled inspection appointment, the family must make arrangements with the landlord and/or another adult representative to enable the CFHA to enter the unit and complete the inspection in accordance with the inspection notice.

The inspection notice will state the date and time of the scheduled inspection and the items that will be inspected.

All pets must be secured during the inspection and all items must be removed from the oven and from under the kitchen and bathroom sinks to allow for pipe inspection. The hot water heating unit must be accessible.

13.3 BREACH OF HQS/UPSC-V BY THE OWNER AND TIMEFRAME FOR REPAIRS

The owner must maintain the unit in accordance with HQS/UPSC-V. The owner is not responsible for a breach of the HQS/UPSC-V that is not caused by the owner, and for which the family is responsible. The CFHA will determine if an HQS/UPSC-V breach is the responsibility of the family.

When a unit on the program fails to meet HQS/UPSC-V for items that are the owner's responsibility, the owner must complete the necessary repair(s):

1. Within thirty (30) days for any defect that is not categorized as life-threatening or emergency, and

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2. Within twenty-four (24) hours for any defect that is categorized as life-threatening or emergency.

13.3.1 EXTENSIONS

At the sole discretion of the CFHA, extensions of up to thirty (30) calendar days may be granted to permit an owner to complete repairs if the owner has made a good faith effort to initiate repairs. Appropriate extensions will be granted for exterior deficiencies if severe weather conditions exist and the deficiency is not categorized as life-threatening or emergency.

13.3.2 FAILURE OF OWNER TO CORRECT HQS/UPSC-V DEFICIENCIES

If the deficiencies are not corrected within the time specified, the rent shall be abated and/or the owner will be notified of the termination of the HAP Contract.

13.4 BREACH OF HQS/UPSC-V BY THE FAMILY AND TIMEFRAME FOR REPAIRS

The family is responsible for a breach of the HQS/UPSC-V that is caused by any of the following:

1. Failure to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
2. Failure to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
3. Any member of the household or a guest damages the dwelling unit or premises (damage beyond ordinary wear and tear).

When the family is responsible for a breach of HQS/UPSC-V, the tenant must correct the deficiencies.

1. Life-threatening/Emergency repair items must be abated within 24 hours.
2. Non-emergency items must be completed within thirty (30) calendar days of the initial inspection.

13.4.1 EXTENSIONS

Extensions will be granted on a case-by-case basis when requested by the family for family-caused deficiencies and for reasonable accommodation, as needed.

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13.4.2 FAILURE OF FAMILY TO CORRECT HQS/UPSC-V DEFICIENCIES

If the family fails to correct the HQS/UPSC-V failed items that are family-caused after proper notification has been given, the CFHA will terminate assistance for the family.

13.5 INITIAL HQS/UPSC-V INSPECTION AND CORRECTING INITIAL HQS/UPSC-V FAIL ITEMS

The CFHA will schedule a timely inspection of the unit on the date the owner indicates that the unit will be ready for inspection, or as soon as possible thereafter [within fifteen (15) working days], upon receipt of a Request for Tenancy Approval. The owner and family will be notified of the results of the inspection.

If the unit fails HQS/UPSC-V, the owner and the family will be advised to notify the CFHA to reschedule a reinspection when the repairs have been properly completed.

On an initial inspection, the owner will be given up to (30) calendar days to correct the items noted as failed, depending on the extent of the repairs that are required to be made. No unit will be placed in the program until the unit meets the HQS/UPSC-V requirements.

13.6 CFHA REINSPECTION

For both owner-caused and family-caused breaches of HQS/UPSC-V, the CFHA will reinspect the unit to verify all deficiencies have been corrected. The CFHA may also, at its discretion, accept self-certification, third-party verifications of repairs, and/or photographs or videos in lieu of physical reinspection when the information is provided prior to the scheduled reinspection date.

1. Self-certification must include both the owner's and family's printed names and dated signatures, the unit address and date of inspection, and the specific deficiencies corrected.
2. Third-party verification including invoices for work completed or signed letters attesting to the completion of repairs. All documentation must be from a licensed professional, include the unit address, demonstrate the proper corrections were made and include the license or certificate number of the professional.
3. Photographs or videos that verify the deficiencies have been corrected must fully illustrate the corrected deficiency and include supporting documentation that provides the unit address and date of inspection, the specific deficiency represented, and the time and date the photograph or video was taken.

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The CFHA reserves the right to reject any documentation, visual evidence, or self-certification of repairs. All records of deficiencies and corrections will be maintained for three years.

If any party responsible for deficiency corrections falsely verifies the repair of a deficiency, the CFHA may, at its sole discretion:

1. Suspend the privilege to submit evidence of corrected deficiencies,
2. Abate the HAP, or
3. Terminate the family from the program.

13.7 ABATEMENT

Abatement is defined as withholding Housing Assistance Payments (HAP) to the owner for the period of time the unit is out of compliance with HQS/UPSC-V requirements.

When a unit on the program fails to meet HQS/UPSC-V for items that are the owner's responsibility, the owner must complete the necessary repair(s) in the time period specified by the CFHA. If the necessary repairs are not made within the required time period, the Housing Assistance Payment (HAP) to the owner will be abated on the first of the following month. A notice of abatement will be sent to the owner and the family.

The CHA will inspect abated units within five (5) working days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS/UPSC-V. The notice of abatement states that the family is not responsible for the CFHA's portion of the rent while abatement is in effect. However, the family will be responsible for the family's portion of rent.

The CFHA is prohibited from implementing rent abatement for family-caused deficiencies. However, abatement will apply if family-caused and owner-related deficiencies exist together.

Families that reside in units that have been abated may be issued a voucher and will have the option to move even if the assisted unit later passes inspection.

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13.7.1 EXTENSION IN LIEU OF ABATEMENT

The CFHA may grant an extension in lieu of abatement in the following cases:

1. The owner has a good history of HQS/UPSC-V compliance.
2. The failed items are minor in nature.
3. There is an unavoidable delay in completing repairs due to verifiable difficulties in obtaining parts or contracting for services.
4. The owner makes a verified good faith effort to make the repairs.
5. The repairs are delayed due to verifiable climate conditions.
6. The extension will be made for a period of time, not to exceed 120 additional calendar days. At the end of that time if the deficiencies are not corrected or substantially completed, the CFHA may, at its discretion, terminate assistance.

13.8 TERMINATION OF CONTRACT

If the owner fails to make all repairs for which the owner is responsible or fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a contract termination notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the CFHA may rescind the termination if the family has not yet moved and chooses to remain in the unit. Only one HQS/UPSC-V inspection may be conducted after the termination notice is issued. Housing Assistance Payments will resume on the day the unit passes inspection.

13.9 OWNER CLAIMS FOR DAMAGES AND UNPAID RENT AND PARTICIPANT’S RESPONSIBILITIES – HAP CONTRACTS IN EFFECT BEFORE OCTOBER 2, 1995

This Section only applies to HAP contracts in effect before October 2, 1995. No damage claims or claims for unpaid tenant rent will be paid effective on or after October 2, 1995. For units with HAP contracts effective on or after October 2, 1995, owners may utilize the security deposit in accordance with State law.

Damage claims will be processed only if the CFHA has performed a moveout inspection. Either the tenant or the owner can request a moveout inspection. Ultimately, it is the owner's responsibility to request a moveout inspection if he/she believes there may be a claim.

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Damage claims are limited to up to one (1) month contract rent minus greater of the security deposit collected or the security deposit that should have been collected under the lease. Owners can claim unpaid rent owned by the tenant up to the date of HAP termination.

Owner claims for damages and unpaid rent are reviewed for accuracy and completeness. Claims are then compared to the move-in and move-out inspections to determine if an actual claim is warranted. No claim will be paid for normal wear and tear. Unpaid utility bills are not an eligible claim item.

The CFHA will make payments to owners for approved claims. Actual bills and receipts for repairs, materials, and labor must support claims for damages. The CFHA will develop a list of reasonable costs and charges for items routinely included on damage claims. This list will be used as a guide.

All claims and supporting documentation under this Section must be submitted to the CFHA within thirty (30) days of the moveout inspection. Any reimbursement will be applied first towards any unpaid rent. No reimbursement may be claimed for unpaid rent for the period after the family vacates.

13.9.1 PARTICIPANT RESPONSIBILITIES

If a damage claim or unpaid rent claim has been paid to an owner, the participant is responsible for repaying the amount to the CFHA. This will be done by either paying the full amount due immediately upon the CFHA requesting it or through a repayment agreement that is approved by the CFHA.

If the participant is not current on any repayment agreements or has unpaid claims on more than one unit, the participant will be terminated from the program.

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14 SPECIAL- PURPOSE PROGRAMS

The CFHA sometimes has the opportunity to apply for targeted funding for special populations or programs and may enter into collaborative agreements with other agencies to qualify for and/or administer these funds or programs.

The policies and procedures for special-purpose programs are the same as the Section 8 Housing Choice Voucher program except where noted in the special-purpose program plans, or the program regulations and guidelines published by HUD. If there is a conflict between program regulations and the Administrative Plan, the program regulations have precedence.

The CFHA currently administers the following targeted programs:

1. Veterans Affairs Supportive Housing (VASH); and
2. Single-room Occupancy (SRO) Rehabilitation (24 CFR 882).

14.1 VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH)

The HUD-VASH Program is a collaborative effort between the U.S. Department of Housing and Urban Development and the Veterans Affairs Department. It is a national initiative that provides permanent housing and supportive housing to homeless veterans. The goal of the program is to enable homeless veterans to re-integrate in the community to lead healthy, productive lives.

The CFHA administers the VASH program in accordance with this Administrative Plan, 24 CFR part 982, and subsequent HUD notices, guidance, or regulations that amend or supersede Docket No. FR-5213-N-01.

14.1.1 WAITING LIST AND INITIAL ELIGIBILITY

The CFHA does not maintain a waiting list for VASH. Eligible families are identified by the Veterans Affairs Medical Center (VAMC). The VAMC screens homeless veterans for eligibility, except income eligibility and sex offender status. Eligible homeless veterans who agree to participate in case management are then referred to the CFHA for voucher assistance.

The CFHA determines income eligibility and screens family members for sex offender registration. Homeless veterans with a lifetime sex offender registration will be denied assistance. If another family member in the household is the lifetime registrant, the family may

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be eligible for a voucher if the family member subject to the registration is removed from the household.

VASH applicants may not be denied admission except for failure to meet income eligibility and subjection to a state lifetime sex offender registration requirement. A criminal background check will be required for all adult household members 18 year and older for the annual re-examination.

14.1.2 ADDITION OF FAMILY MEMBERS

When new family members are added after the veteran is a participant, regular CFHA screening criteria will apply.

14.1.3 VERIFICATION

The CFHA will accept DD-214 certificates, VA-verified Applications for Health Benefits and VA Identification cards as verification of Social Security Numbers and birthdates. VA Identification cards will also be accepted as government-issued photo identification.

14.1.4 INCOME INCLUSIONS AND EXCLUSIONS

Income from VA Compensated Work Therapy and Incentive is considered income unless the income is sporadic, temporary or nonrecurring. Because the factors for determining whether this income is sporadic, temporary or nonrecurring are specific to the veteran, the CFHA will verify the projected length of time for participation. If participation of six (6) months or less is projected in either program, the income will be considered temporary. If the participant exits either program and then returns, the income will be included if participation is projected for more than three (3) months.

14.1.5 INCOME TARGETING

VASH applicants are not subject to income targeting. The CFHA may include the admission of an extremely low-income VASH applicant in its income targeting numbers for the fiscal year in which the family was admitted.

14.1.6 INITIAL TERM OF THE VOUCHER

The HUD-VASH voucher will have an initial term of 120 days. If the CFHA determines that additional search time would be a reasonable accommodation due to a disability or due to hospitalization or treatment of a medical condition, additional time may be granted with documentation from the VAMC.

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14.1.7 TOTAL TENANT PAYMENT AND MINIMUM RENT

The CFHA payment standards and utility allowances are utilized, and VASH participants may pay up to 40% of their adjusted monthly income. There is no minimum rent requirement.

14.1.8 HOUSING AND INITIAL TERM OF THE LEASE

The initial lease term may be less than twelve (12) months.

VASH participants may live on the grounds of a VAMC in units owned by the Veterans Administration.

14.1.9 REEXAMINATION

The CFHA will process an annual reexamination for VASH participants, and may process an interim reexamination when a VASH family experiences a change in household composition and/or income between annual re-examinations.

14.1.10 TERMINATION

The CFHA may terminate assistance to a VASH participant for the same reasons it may terminate assistance to a Section 8 participant. Prior to terminating a VASH participant, the CFHA may contact the VAMC to discuss the proposed termination.

When the VAMC terminates a participant from the program for failing to adhere to case management or other VAMC requirements, the CFHA will terminate the rental assistance. The CFHA will not terminate a VASH participant if the VAMC determines case management services are no longer required.

14.1.11 VOUCHER REISSUANCE

When a VASH participant no longer requires case management services, the participant will continue to receive voucher assistance. The CFHA will not issue a regular voucher to replace to the VASH voucher; VASH vouchers remain VASH vouchers upon turnover.

14.1.12 PORTABILITY

VASH families may port before initial lease up, even when they did not reside in the CFHA's jurisdiction at the time of application.

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A VASH family may move within the service area of the VAMC that serves the CFHA jurisdiction or outside of the service area.

14.1.12.1 MOVES WITHIN THE VAMC SERVICE AREA

If a VASH participant wants to move within the VAMC service area:

1. The VA must determine that case management can still be provided.
2. If the receiving PHA does not have a HUD-VASH program, the receiving PHA must bill the initial PHA.
3. If the receiving PHA has a HUD-VASH program, the receiving PHA may absorb the family or bill the initial PHA.

14.1.12.2 MOVES OUTSIDE THE VAMC SERVICE AREA

If a VASH participant wants to move outside of the VAMC service area:

1. The receiving PHA must administer a HUD-VASH program;
2. The receiving PHA must have an available voucher; and
3. The VAMC in the receiving PHA jurisdiction must be willing to accept the participant into its HUD-VASH program for case management services.

If the receiving PHA and VAMC accept the porting participant, the receiving PHA must absorb the participant. If not, portability is not an option for the HUD-VASH participant to this jurisdiction.

14.1.12.3 PORTABILITY WHEN CASE MANAGEMENT NO LONGER REQUIRED

If a VASH participant wishes to move under portability and the VAMC no longer requires case management:

1. The participant is not required to move to a community in which case management can be provided.
2. The receiving PHA does not need to have a HUD-VASH program.
3. The receiving PHA may choose to bill the initial PHA or absorb the veteran with a regular voucher. If the receiving PHA chooses to bill the initial PHA, the receiving PHA must enter and maintain VASH on line 2n of form HUD 50058.

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14.1.13 TRANSFER FROM HUD-VASH TO SECTION 8 HCV

If the VAMC determines a VASH participant no longer requires case management, the CFHA may offer the participant a Section 8 voucher, pending funding availability, to free up the HUD-VASH voucher for another homeless veteran family. If offered a Section 8 voucher, the VASH participant is subject to the Section 8 eligibility requirements.

14.1.14 PROJECT-BASED ASSISTANCE

The CFHA may request HUD allow the CFHA to utilize HUD-VASH vouchers for project-based assistance at selected sites with services tailored for homeless veterans. Before submitting a request to HUD, the CFHA will ensure it has the support of the VAMC.

14.2 SINGLE ROOM OCCUPANCY (SRO) REHABILITATION PROGRAM

The purpose of the CFHA Section 8 Single Room Occupancy program (SRO program) is to provide rental assistance for homeless individuals with Serious Mental Illness in rehabilitated SRO housing. The Section 8 assistance is in the form of rental assistance payments that equal the rent for the unit including utilities, minus the portion of rent payable by the tenant.

14.2.1 WAITING LIST AND INITIAL ELIGIBILITY

The CFHA does not maintain a waiting list for the SRO program. Eligible families are identified to apply by The Guidance Center, Inc. Once selections are made for available housing units, they are referred to the CFHA.

Applicants must meet HUD’s eligibility requirements to qualify for rental assistance. In order to determine final eligibility, the CFHA will verify all information submitted by applicants.

14.2.2 VERIFICATION

In addition to Section 8 eligibility requirements and verification processes, SRO program applicants must provide to the CFHA the:

1. Homeless Condition Form; and
2. Verification of Disability and/or Diagnosis Form. Written determinations must be made by a psychiatric or medical professional trained to make such determination.

14.2.3 INCOME TARGETING

SRO program applicants are not subject to income targeting.

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14.2.4 TOTAL TENANT PAYMENT AND MINIMUM RENT

Assistance for SRO program units is contracted based on the Fair Market Rents published by HUD, and SRO program participants may pay up to 30% of their adjusted monthly income. There is no minimum rent requirement.

14.2.5 HOUSING AND INITIAL TERM OF THE LEASE

SRO Mod Rehab is project-based and the family must live within the CFHA's jurisdiction.

14.2.6 REEXAMINATION

The CFHA will process an annual reexamination for SRO program participants, and may process an interim reexamination where an SRO program participant experiences income changes between annual re-examinations.

14.2.6.1 ADDITION OF FAMILY MEMBERS

SRO units are intended for occupancy by a single person; addition of family members is not permitted.

14.2.7 TERMINATION

SRO program participants are issued a participation agreement. This participation agreement allows for termination of assistance if any member of the family violates the terms set forth in the participation agreement.

The Guidance Center Inc. may request termination of housing assistance for a program participant who is in violation of program requirements and/or conditions of occupancy.

14.2.8 PORTABILITY

SRO program participants are not eligible to port out to another housing authority's jurisdiction.

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APPENDIX 1 CFHA REASONABLE ACCOMMODATION POLICY

Sometimes people with disabilities may need a reasonable accommodation in order to take full advantage of the City of Flagstaff Housing Authority (CFHA) housing programs and related services. When such accommodations are granted, they do not confer special treatment or advantage for the person with a disability; rather, they make the program accessible to them in a way that would otherwise not be possible due to their disability.

This policy clarifies how applicants, tenants and program participants can request accommodations and the guidelines the CFHA will follow in determining whether it is reasonable to provide a requested accommodation. Because disabilities are not always apparent, the CFHA will ensure that all pre-applicants, applicants, tenants and program participants are aware of the opportunity to request reasonable accommodations.

Requests for reasonable accommodation may be made by applicants, tenants and program participants at any time. Requests may also be made by a person designated by the applicant, tenant or program participant to request the accommodation on their behalf.

IMPORTANT DEFINITIONS

Person with a disability as defined by the Fair Housing Act for the purpose of reasonable accommodation is a person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. (The disability may not be apparent to others, i.e., a heart condition.)

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

Reasonable modification is a structural change made to existing premises necessary for a qualified individual with a disability to have the opportunity to participate in, and benefit from, a program or activity. This structural change does not necessarily imply that the entire unit will be modified to conform to the Uniform Federal Accessibility Standards (UFAS); the “modified” feature itself may not conform to the UFAS. Instead, the unit will be made “usable” to allow the qualified individual with a disability to have opportunity to participate in, and benefit from a program or activity.

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Applicant is a family that has applied for admission to a program but is not yet a participant in the program.

Tenant is the person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Participant is family that has been admitted to the Section 8 Housing Choice Voucher program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the CFHA for the family (first day of initial lease).

A live-in aide is defined in 24 CFR § 5.403, which states that a live-in aide is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is:

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

A live-in aide is not a member of the assisted family and is not entitled to the HCV or to continued occupancy in a public housing unit as a remaining member of a family.

Occasional, intermittent, multiple or rotating care givers who do not typically reside in the unit do not qualify as live-in aides.

COMMUNICATION

Information about requesting a reasonable accommodation is available on the CFHA website and is communicated to applicants and participants/tenants throughout the relationship with CFHA.

Information about requesting a reasonable accommodation will be included with:

1. Notifications of reexamination, inspection, an appointment, or eviction or termination;
and
2. Any notification requesting action by the participant or tenant.

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SECTION 8 HOUSING CHOICE VOUCHER AND LOW-INCOME PUBLIC HOUSING APPLICANTS

Persons with disabilities who require a reasonable accommodation in completing an application may request a reasonable accommodation:

1. Through the Applicant Portal and Web App,
2. By submitting a written request, or
3. By calling the CFHA to make special arrangements.

Referrals may be made to community agencies who may assist with the application process or personal assistance provided in the office as needed and upon request. A Telecommunication Device for the Deaf (TDD) is available for the deaf. The TDD telephone number is 711.

CLARK HOMES APPLICANTS

Persons with disabilities who require a reasonable accommodation in completing an application may request a reasonable accommodation:

1. By submitting a written request, or
2. By calling the Clark Homes Management Office to make special arrangements.

WAITING LIST PLACEMENT

Requests for reasonable accommodation will be reviewed to ensure proper communication and placement on the waiting list where the accommodation is granted. If a specific unit modification, alternative method of communication or other accommodation is requested the request will be entered in the Accommodation Log.

QUESTIONS ASKED IN GRANTING THE ACCOMMODATION

Is the requestor a person with disabilities?

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the CFHA will obtain verification that the person requesting the accommodation is a person with a disability.

Is the requested accommodation related to the disability?

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If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the CFHA will obtain documentation that the requested accommodation is needed due to the disability. The CFHA will not inquire as to the nature of the disability.

Is the requested accommodation reasonable?

In order to be determined reasonable, the accommodation must meet two criteria:

1. Must not constitute a fundamental alteration to the CFHA business. The CFHA's business is housing. If the request would alter the fundamental business that the CFHA conducts, that would not be reasonable. For example, the CFHA would deny a request to have the CFHA do grocery shopping for a person with disabilities.
2. Must not create an undue hardship. Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the CFHA may request a meeting with the individual to investigate and consider equally effective alternatives.

Generally, the individual knows best what it is he or she needs; however, the CFHA retains the right to be shown how the requested accommodation enables the individual to access or use the CFHA's programs or services.

If more than one accommodation is equally effective in providing access to the CFHA programs and services, the CFHA retains the right to select the most efficient or economic choice.

Does the accommodation enable the participant or tenant to materially violate essential lease terms or family obligations?

Any request for an accommodation that would enable to materially violate essential lease terms or program requirements will not be approved. Examples include allowing nonpayment of rent, destruction of property, disturbing the peaceful enjoyment of others, etc.

REASONABLE MODIFICATION IN PUBLIC HOUSING

The cost necessary to carry out approved requests, including requests for physical modifications to public housing units, will be borne by the CFHA if there is no one else willing to pay for the modifications. If another party pays for the modification, the CFHA will seek to have the same entity pay for any restoration costs.

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If the tenant requests as a reasonable accommodation that they be permitted to make physical modifications to a public housing unit at their own expense, the CFHA will generally approve such request if it does not violate codes or affect the structural integrity of the unit.

REASONABLE MODIFICATION IN THE SECTION 8 PROGRAM

If a participant requests, as a reasonable accommodation, that he or she be permitted to make physical modifications to their dwelling unit, at their own expense, the request should be made to the property owner/manager. The CFHA does not have responsibility for the owner's unit and does not have responsibility to make the unit accessible. The CFHA may, however, grant a higher payment standard for units where property owners make physical modifications for persons with disabilities so long as the payment standard does not exceed 110% of FMRs.

VERIFICATION OF NEED FOR A REASONABLE ACCOMMODATION

The CFHA may request documentation to verify that the person requesting an accommodation/modification is an eligible person with a disability and has a disability-related need for the requested accommodation. The CFHA will request only the documentation that is necessary to verify that the person requesting an accommodation is a person with a disability and has a disability-related need for the requested accommodation. The CFHA will not request information regarding the individual's disability, or medical records, or information that is not related to the disability or the need for an accommodation.

The following are examples of persons who may provide verification that an individual qualifies as an individual with a disability and has the need for the requested accommodations:

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

PROCESSING REASONABLE ACCOMMODATION/MODIFICATION REQUESTS

The CFHA strives to respond to all reasonable accommodation requests within twenty (20) business days of receipt. All decisions granting or denying requests for reasonable accommodations will be in writing.

When an incomplete request is received, the CFHA will notify the requestor of additional information needed within ten (10) business days of receipt of the request. A request will not

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be denied because of a lack of information or documentation. If the documentation is not provided by the reply date, the request's processing will be suspended until all documentation is received.

LIVE-IN AIDE REQUESTS

The CFHA will approve a live-in aide, and may provide for an extra bedroom for that live-in aide, as a reasonable accommodation to make the program accessible to and usable by a family member with a disability. A health care provider must document the need for a live-in aide.

The live-in aide must be identified by the family and approved by the CFHA prior to approval of an additional bedroom. The CFHA will not approve an additional bedroom or larger unit for an unidentified live-in aide. The CFHA will disapprove a particular person as a live-in aide if s/he has:

1. Committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
2. Committed drug-related criminal activity or violent criminal activity; or
3. Currently owes rent or other amounts to the CFHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

DENIAL OF REASONABLE ACCOMMODATION REQUEST

Requested accommodations will not be approved if one of the following would occur as a result of the approval:

1. A violation of an applicable law,
2. A fundamental alteration in the nature of the CFHA program,
3. An undue financial and administrative burden to the CFHA,
4. A structurally impracticable alteration,
5. An individual is not a qualified individual with a disability, or
6. Verification of the need for a disability-related accommodation does not support the need for the requested accommodation.

The CFHA may offer an alternate accommodation, if one is available, to meet the needs of the requestor. If an alternate is accepted by the requestor, they will be required to document their acceptance.

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If the request for accommodation is denied, the applicant, tenant, or representative will be notified in writing of the reasons for denial. The notification of the denial will provide the applicant or tenant/participant with information regarding the CFHA Administrative Grievance Procedures or Informal Review and Hearing Procedures.

ADMINISTRATIVE GRIEVANCE/INFORMAL REVIEW AND HEARING PROCEDURES FOR DENIED REASONABLE ACCOMMODATION REQUESTS.

An applicant, tenant, or program participant may file a complaint in accordance with the CFHA Administrative Grievance Procedure or Informal Review and Hearing Procedures following formal determination by the CFHA.

An applicant, tenant, or program participant may also, at any time, exercise his or her right to appeal a CFHA decision through HUD or the United States Department of Justice.

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APPENDIX 2 CFHA DOMESTIC VIOLENCE POLICY

This policy implements the requirements of the Violence Against Women Act (VAWA) with respect to the responsibilities of the CFHA regarding domestic violence, dating violence, sexual assault and stalking. This policy is applicable to all of the federally-subsidized housing programs administered or managed by the CFHA. Protections under this policy are available to applicants, tenants and participants who are victims regardless of sex, gender identity, sexual orientation, race, color, national origin, religion, familial status, disability or age.

An applicant for assistance or a tenant/participant receiving assistance will not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing as a direct result of the fact the applicant or tenant/participant has been a victim of domestic violence, dating violence, sexual assault or stalking if the applicant or tenant/participant otherwise qualifies for assistance.

DEFINITIONS

The definitions in this section apply only to this policy.

1. **Actual and imminent threat** refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.
2. **Adverse factor** refers to any factor that can be used as a basis for denying admission, terminating assistance or evicting a tenant.
3. **Affiliated Individual** means:
 - a. A spouse, parent, brother or sister, or child of that individual to whom the victim stands in the place of a parent or guardian (e.g. the affiliated individual is a person in the care, custody or control of that individual); or
 - b. Any individual, tenant or lawful occupant living in the household of that individual.
4. **Bifurcate** means to divide a lease as a matter of law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as

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may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

5. **Bona fide Claim:** A *bona fide* claim of domestic violence, dating violence, sexual assault, or stalking must include incidents that meet the terms and conditions in the above definitions.
6. **Confidentiality:** Means that the CFHA will not enter information provided to the CFHA by a victim alleging domestic violence into a shared database or provide this information to any related entity except as stated in this policy.
7. **Dating Violence:** Violence committed by a person:
 - a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. where the existence of such relationship shall be determined based on a consideration of the following factors:
 - i. the length of the relationship,
 - ii. the type of relationship,
 - iii. the frequency of interaction between the persons involved in the relationship.
8. **Domestic Violence:** Felony or misdemeanor crimes of violence committed by:
 - a. A current or former spouse of the victim,
 - b. A person with whom the victim shares a child in common,
 - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
 - d. A person similarly situated to a spouse, or
 - e. Any other person against an adult or youth victim who is protected from that person's acts.
9. **Perpetrator:** A person who commits an act of domestic violence, dating domestic violence or stalking against a victim.
10. **Sexual assault** means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

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11. **Spouse or intimate partner of the victim** includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.
12. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for the person’s individual safety or the safety of others, or
 - b. Suffer substantial emotional distress.

VIOLENCE AGAINST WOMEN ACT (VAWA) PROTECTIONS

Under the Violence Against Women Act (VAWA), applicants, residents and participants in all City of Flagstaff Housing Authority (CFHA) programs have the following specific protections:

1. An incident or incidents or actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence, and shall not in itself be good cause for terminating the assistance, tenancy, or occupancy rights of the victim of such violence by either the CFHA or the owner or property manager.
2. The CFHA may terminate the assistance to remove a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants. Also, the owner or property manager may evict a lawful occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without evicting other victimized lawful occupants. This is true even if the household member is not a signatory to the lease. Under VAWA, the CFHA, the owner or property manager are granted the authority to bifurcate the lease.
3. The CFHA, owner or property manager will honor court orders regarding the rights of access or control of the property.
4. There is no limitation on the ability of the CFHA to evict or terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, sexual assault or stalking, other than the victim may not be subject to a “more demanding standard” than a non-victim. Likewise, an owner or property manager can evict for good cause unrelated to the incident or incidents of domestic violence, dating violence or stalking.

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5. There is no prohibition on the CFHA or owner evicting if it “can demonstrate an actual and imminent threat to other tenants or those employed at or providing goods or services to the property if that tenant’s (victim’s) tenancy is not terminated.”
6. Any protections provided by law that give greater protection to the victim are not superseded by these provisions.

NOTIFICATION OF VAWA PROTECTIONS

The CFHA will provide the HUD issued “Notice of Occupancy Rights under the Violence Against Women Act and the HUD issued “Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation” to adult applicants, tenants and participants at the following times:

1. For applicants
 - a. At the time the applicant is provided assistance or admission, and
 - b. At the time the applicant is denied assistance or admission for cause.
2. For tenants/participants:
 - a. With any notification of eviction or termination of voucher assistance.

The CFHA will explain VAWA Protections at all pre-lease and program briefings. The right to claim VAWA Protections will also be outlined on all denial of admission or assistance notices and all termination of tenancy or participation notices.

VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

The CFHA shall require and the owner or property manager may require verification in all cases where an individual claims protection under VAWA against an action involving such individual proposed to be taken by the CFHA, owner or property manager.

1. *Requirement for Verification.* The law allows, but does not require, the CFHA or a Section 8 owner or property manager to verify that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy.
2. The CFHA will require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by the CFHA. Section 8

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owners or managers receiving rental assistance administered by the CFHA may elect to require verification, or not to require it as permitted under applicable law.

3. Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:
 - a. *HUD-approved form (HUD-5382)* - By providing to the CFHA or to the requesting Section 8 owner or property manager a written certification, on the form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence, sexual assault or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form.
 - b. *Third-party documentation* - by providing to the CFHA or to the requesting Section 8 owner or property manager documentation:
 - i. Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional or a mental health professional from whom the victim has sought assistance in addressing the domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse, described in such documentation.
 - ii. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy.
 - iii. The victim of the incident or incidents of domestic violence, dating violence, sexual assault or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
 - c. *Police or court record* – by providing to the CFHA or to the requesting Section 8 owner or property manager a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.
4. *Time allowed to provide verification/failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking, and who is requested by the CFHA or a Section 8 owner or property manager to provide

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verification, must provide such verification within fourteen (14) business days after receipt of the written request for verification. Failure to provide verification, in proper form within such time may result in loss of protection under VAWA and this policy against a proposed adverse action.

5. *Conflicting Information.* When more than one applicant or tenant/participant provides documentation to show they are victims of domestic violence, dating violence, sexual assault or stalking and the information in one person's documentation conflicts with the information in another person's documentation, or submitted documentation conflicts with existing information already available to the CFHA, owner or property manager, the CFHA will require third-party verification as described above.
6. The CFHA will honor any court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and/or to address the distribution or possession of property among the parties.
7. *Time allowed to provide third-party verification/failure to provide.* Applicants and tenants/participants required to provide third-party documentation as a result of conflicting information, must provide such documentation within thirty (30) calendar days from the date of the written request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

CONFIDENTIALITY

Given the significant safety issues faced by victims of domestic violence, dating violence, sexual assault, or stalking, it is critical that involved staff protect the privacy of the victim including the fact that an applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking;

Staff (or those who administer assistance on their behalf, e.g., contractors) must not have access to the information unless explicitly authorized by the CFHA for reasons that specifically call for these individuals to have access to such information under applicable Federal, State, or local law (e.g., the information is needed by an employee to provide the VAWA protections to the victim); and

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

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1. Requested or consented to by the individual in writing,
2. Required for used in an eviction proceeding, or
3. Otherwise required by applicable law.

While a VAWA claim is being processed any information related to the claim will be kept in a manila envelope in a locked file cabinet separate from tenant files.

When the VAWA claim is resolved, the manila envelope containing the VAWA information will be sealed, marked with the unit # or other confidential identifier and a destroy date of three (3) years following final resolution. The folder will be stored in a locked file cabinet until the destroy date is reached.

EMERGENCY TRANSFER PLAN UNDER VAWA

The CFHA is concerned about the safety of its tenants (including Public Housing tenants, Section 8 Housing Choice Voucher participants, Moderate Rehabilitation participants, and VASH participants), and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking.

In accordance with the Violence Against Women Act (VAWA), the CFHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability of the CFHA to honor such request for tenants and participants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the CFHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy. Transfer requests will be prioritized based on the CFHA Transfer Policy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that the CFHA housing programs are in compliance with VAWA.

ELIGIBILITY FOR EMERGENCY TRANSFERS

1. A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an

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emergency transfer if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

2. A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.
3. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

EMERGENCY TRANSFER REQUEST DOCUMENTATION

PUBLIC HOUSING

To request an emergency transfer, the tenant shall notify the CFHA management office and submit a written request for a transfer to another unit within East Flagstaff Housing or Flagstaff Housing West. The CFHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the CFHA program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

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1. To request an emergency transfer, the tenant shall notify the landlord or property manager and submit a written request for a transfer to the CFHA. The CFHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:
 - a. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the CFHA program; or

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- b. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

A participant who moves out of an assisted dwelling unit to protect their health or safety:

1. Will be provided with continued tenant-based assistance even if they move out of the unit in violation of the lease.
2. May be eligible to move to another jurisdiction operating a Section 8 voucher program under portability if the participant:
 - a. is a victim under this Policy;
 - b. reasonably believes he or she was imminently threatened by harm from further violence if he or she remains in the unit, or is a sexual assault victim and the sexual assault occurred on the premises during the 90-day period; and
 - c. has complied with all other obligations of the voucher programs.

EMERGENCY TRANSFER CONFIDENTIALITY

The CFHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the CFHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the "Notice of Occupancy Rights under the Violence Against Women Act for All Tenants" for more information about the CFHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

EMERGENCY TRANSFER TIMING AND AVAILABILITY

1. The CFHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The CFHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been

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transferred. The CFHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

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

SAFETY AND SECURITY OF TENANTS

1. Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.
2. Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).
3. Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.
4. Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.
5. Tenants shall also be given a list of local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

HUD-VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH)

When a veteran's family member is receiving protection as a victim of domestic violence, dating violence, sexual assault, or stalking, and the veteran is the perpetrator of such violence, the perpetrator will be terminated from assistance and the victim will continue to utilize the VASH voucher. The VASH voucher will be issued to another eligible veteran family upon the voucher's turnover.

LEASE BIFURCATION

The CFHA, an owner, or manager, may bifurcate a lease to evict, remove or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts

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directly related to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual without evicting, removing, terminating assistance to or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant.

If such bifurcation occurs, and 1) the family is a mixed family, 2) the individual evicted or terminated was the eligible tenant, and 3) the remaining tenant(s) have not established eligible immigration status with the CFHA:

1. Any remaining tenant(s) will be provided thirty (30) calendar days from the date of lease bifurcation to:
 - a. Establish eligibility for the same program under which the terminated tenant was a recipient of assistance at the time of lease bifurcation;
 - b. Establish eligibility for another housing program; or
 - c. Find alternative housing.

After thirty (30) calendar days if the remaining tenant(s) have not established eligibility, the CFHA will initiate public housing eviction proceedings or discontinue HAP payments.

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APPENDIX 3 INFORMAL REVIEW AND HEARING PROCEDURES

When the CFHA makes a decision that adversely affects an applicant or participant, the family is often entitled to appeal the decision. For applicants, the appeal takes the form of an Informal Review. For participants the appeal takes the form of an Informal Hearing.

CONSIDERING CIRCUMSTANCES

When conducting informal reviews and hearings, the CFHA will consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial on other family members who were not involved in the action or failure.

The CFHA may impose, as a condition of assistance, a requirement that family members who participated in or were culpable for the action or inaction will not reside in the unit. The CFHA may permit the other members of an applicant family to receive assistance.

DENIAL OF ASSISTANCE ON THE BASIS OF INELIGIBLE IMMIGRATION STATUS (24 CFR 5.514)

These informal review and hearing procedures apply to denial of assistance on the basis of ineligible immigration status, except after notification of an INS decision on appeal, or in lieu of request of appeal to the INS, the family may request the CFHA provide an informal review or hearing, and this request must be made within thirty (30) calendar days of receipt of the either 1) the Notice of Denial from CFHA, or 2) the INS appeal decision.

INFORMAL REVIEW FOR APPLICANTS

The CFHA will provide an opportunity for informal review for applicants being removed from the waiting list or denied assistance, except for:

1. A determination of the family unit size under the CFHA subsidy standards.
2. A determination not to approve an extension or suspension of a housing choice voucher term.
3. A determination not to grant approval to lease a unit under the program or to approve a proposed lease.
4. A determination that a unit selected by the applicant is not in compliance with HQS/UPCS-V.

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5. A determination that the unit is not in accordance with HQS/UPCS-V because of family size or composition.
6. General policy issues or class grievances.
7. Discretionary administrative determinations.

INFORMAL REVIEW PROCEDURES

1. The CFHA will schedule an informal review meeting within ten (10) business days of the receipt of the applicant's request.
2. The informal review may be conducted by any person designated by the CFHA, other than a person who made or approved the decision under review or a subordinate of this person.
3. The applicant will be given the opportunity to present written or oral objections to the CFHA decision.
4. Within fourteen (14) calendar days, the CFHA will notify the applicant of the CFHA final decision. The notification will include a brief statement of the reasons for the final decision. If the applicant fails to attend the informal review meeting, the CFHA decision will stand.

INFORMAL HEARINGS FOR PARTICIPANTS

The CFHA will give a participant family an opportunity for an informal hearing to consider whether the following CFHA decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and CFHA policies.

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment. The family may request an explanation prior to requesting an informal hearing.
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the CFHA utility allowance schedule. The family may request an explanation prior to requesting an informal hearing.
3. A determination of the family unit size under the CFHA subsidy standards. The family may request an explanation prior to requesting an informal hearing.
4. A determination to terminate assistance:
 - a. Because of the family's action or failure to act; or

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- b. Because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the CFHA policy and HUD rules.
- 5. Denial of a hardship exemption to the minimum rent requirement.

The CFHA will give the opportunity for an informal hearing before the CFHA terminates housing assistance payments under the HAP contract.

WHEN A HEARING IS NOT REQUIRED

The CFHA will not provide a participant an opportunity for an informal hearing for:

- 1. Discretionary administrative determinations.
- 2. General policy issues or class grievances.
- 3. Establishment of the schedule of utility allowances for families in the program.
- 4. CFHA determination not to approve an extension or suspension of a housing choice voucher term.
- 5. CFHA determination not to approve a unit or lease.
- 6. CFHA determination that an assisted unit is not in compliance with HQS/UPCS-V. (However, the CFHA will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS/UPCS-V caused by the family.)
- 7. CFHA determination that the unit is not in accordance with HQS/UPCS-V because of the family size.
- 8. CFHA determination to exercise or not exercise any right or remedy against the owner under a HAP contract.

INFORMAL HEARING PROCEDURES

The CFHA and participants will adhere to the following procedures:

- 1. Scheduling
 - a. The CFHA will schedule the informal hearing within ten (10) business days of receipt of the participant's request.
- 2. Discovery
 - a. The family will be given the opportunity to examine before the hearing any CFHA documents, including records and regulations, that are directly relevant to the

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hearing. The family will be allowed to copy any such document at the family's expense. If the CFHA does not make the document(s) available for examination on request of the family, the CFHA may not rely on the document(s) at the hearing.

- b. The CFHA will be given the opportunity to examine, at the CFHA's offices before the hearing, any family documents, including records and regulations, that are directly relevant to the hearing. The CFHA will be allowed to copy any such document at the CFHA's expense. If the family does not make the document(s) available for examination on request of the CFHA, the family may not rely on the document(s) at the hearing.
3. Representation of the Family. A lawyer or other representative may represent the family at the family's own expense.
4. Hearing Officer. The hearing will be conducted by any person or persons designated by the CFHA, other than a person who made or approved the decision under review or a subordinate of this person. The person who conducts the hearing will regulate the conduct of the hearing in accordance with the CFHA hearing procedures.
5. Evidence. The CFHA and the family shall have the opportunity to present evidence and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
6. Issuance of Decision. The Hearing Officer will issue a written decision within fourteen (14) calendar days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.
7. Effect of the Decision. The CFHA is not bound by a hearing decision:
 - a. Concerning a matter for which the CFHA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the CFHA hearing procedures.
 - b. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.
 - c. If the CFHA determines that it is not bound by a hearing decision, the CFHA will notify the family within fourteen (14) calendar days of the determination, and of the reasons for the determination.

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DENIAL OR TERMINATION FOR DRUGS OR ALCOHOL

If the CFHA denies or seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the CFHA provides notice to the family of the CFHA determination to deny or terminate assistance. In determining whether to deny or terminate assistance for these reasons the CFHA will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

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APPENDIX 4 UNIFORM PHYSICAL CONDITION STANDARDS FOR VOUCHERS

This appendix summarizes the fundamental requirements for a unit to comply with UPCS-V, defects that will result in a failed inspection, and defects that will cause an emergency/life-threatening fail. Not all aspects and deficiencies that are part of the UPCS-V are described in this appendix; the full text of the UPCS-V protocol may be found at https://www.hud.gov/program_offices/public_indian_housing/reac/isdv/protocol.

FUNDAMENTAL REQUIREMENTS

1. Space and Security

- a. All units must, at a minimum, have a living room, a kitchen, and a bathroom. If the unit is an efficiency apartment, the living room is considered present.
- b. A habitable room is a room used, or intended, for living, sleeping, or eating purposes and excludes bathrooms, laundries, furnace rooms, pantries, kitchenettes, utility rooms, foyers or corridors, stairways, closets, storage spaces, and workshops.
- c. The unit must have at least one bedroom or living/sleeping room for every two tenants.
- d. A living room may be used as a sleeping space, but no more than two tenants may occupy the sleeping space.
- e. Other than very young children, children of opposite sex shall not be required to occupy the same bedroom or living/sleeping room.
- f. A kitchen is an area used for preparation of meals. It may be either a separate room or an area of a larger room (for example, a kitchen area in an efficiency apartment).
- g. A unit must have a separate room with toilet, wash basin and tub or shower, or scattered bathroom facilities (i.e., toilet, wash basin and tub or shower located in separate parts of the unit). At a minimum, there must be an enclosure around the toilet.
- h. All bathroom plumbing fixtures (tub/shower, toilet, or lavatory) that are present must be properly plumbed and in operable condition, connected to a functioning drain supplied with hot and cold running water and serving its intended function.

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- i. The unit must have a permanently installed bathroom wash basin. A kitchen sink cannot serve as the bathroom wash basin.
 - j. Unit windows that are accessible from the outside must be lockable.
 - k. Exterior doors to the unit must be lockable.
2. Illumination and Electricity
- a. The unit must have sufficient electrical sources so that the tenant can use essential electrical appliances.
 - b. Electrical fixtures and wiring must not pose a fire or shock hazard.
 - c. There must be at least one window in the living room and in each room used for sleeping. A skylight is to be considered a window and rated like other windows.
 - d. The kitchen must have a permanent ceiling or wall-mounted light fixture in proper operating condition; and the kitchen must have at least one electrical receptacle (outlet) in proper operating condition.
 - e. The bathroom must have a permanent ceiling or wall-mounted light fixture in proper operating condition.
 - f. The living room and each room used for sleeping must have at least two electrical receptacles (outlets) in proper operating condition. Permanent overhead or wall-mounted light fixtures may be substituted for one of the required electrical receptacles (outlets).
 - g. The electrical system must be free of hazardous conditions.
 - h. Receptacles (outlets) must be properly installed in the baseboard, wall, or floor.
3. Interior Air Quality and Ventilation
- a. Any room used for sleeping must have at least one window.
 - b. Windows must adequately protect the unit's interior from the weather.
 - c. Windows designed to open must function as designed.
 - d. Either the ventilating exhaust fan or window in the bathroom must operate as intended.
 - e. The unit must have adequate ventilation and cooling by means of operable windows or a working ventilation or cooling system.

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- f. In units with a central ventilation system, an evaporative cooling system, or a room or central air conditioning, these systems must be operating safely.
 - g. In units with no central air conditioning, evaporative cooling system or ventilation system, a sufficient number of windows must work to provide cross ventilation.
4. Water Supply
- a. The unit must be served by an approvable public or private water supply that is sanitary and free from contamination.
 - b. Clean water must be distributed to all unit fixtures.
 - c. Plumbing fixtures and pipes must be free of leaks and threats to health and safety.
 - d. Water-heating equipment must be installed safely and must not present any safety hazards to tenants.
 - e. All water heaters must be free of leaks and have temperature and pressure relief valves with a discharge line. Unless safety dividers or shields are installed, water heaters must not be located in bedrooms or in living areas where safety hazards may exist.
 - f. Fuel burning equipment must have proper clearance from combustible materials and be properly vented.
5. Wastewater Conveyance
- a. The facilities must utilize an approvable public or private disposal system.
 - b. Sanitary facilities must be in proper operating condition and adequate for the disposal of human waste.
 - c. The kitchen sink must drain into an approvable public or private system.
6. Access
- a. The unit must have private access, without unauthorized passage through another unit or private property.
 - b. The building must provide an alternate means of exit in case of fire. The alternate exit may consist of fire stairs, a second door, fire ladders, or exit through windows. The emergency exit must not be blocked.

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LOCAL VARIANCES

The CFHA will utilize the acceptability criteria as outlined above with applicable State and local codes. Additionally, the CFHA has received HUD approval to require the following:

1. In each room, there will be at least one exterior window that can be opened and that contains a screen.
2. Adequate heat shall be considered to be 68 degrees.
3. In units where the resident must pay for utilities, each unit must have separate metering device(s) for measuring utility consumption.
4. A $\frac{3}{4}$ " overflow pipe must be present on the hot water heater safety valves and installed down to within 6 inches of the floor.

CFHA HQS/UPCS-V INSPECTION CHECKLIST

1. All major utilities (electricity, gas and water) must be turned on.
2. There must be a properly operating smoke detector on every level of the unit.
3. The cooking stove and oven must be clean and in working condition; all burner knobs must be present.
4. The refrigerator must be clean and in working condition, with good working seals.
5. The heating unit must be properly installed and vented, in good working order, and operational at time of the inspection.
6. The unit must have hot and cold running water in kitchen and bathroom(s).
7. There must be a shower or bathtub that is in good working condition.
8. There must be a flush toilet that works and does not leak.
9. All bathrooms must have a window or working ventilation fan.
10. There must be no plumbing leaks or plugged drains.
11. All accessible outside doors and windows must have working locks.
12. The unit must have at least one exit door without a double-keyed deadbolt lock.
13. All electrical outlets must have cover plates that are not cracked or broken. All 3-prong outlets must be grounded or GFCI protected (especially if within 6 ft. of a kitchen, bathroom, or laundry sink).
14. There must be no exposed light sockets or missing bulbs.

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15. There must be no missing, broken or badly cracked windows/window panes.
16. The roof must not leak.
17. The unit hot water tank must have a pressure relief valve and downward discharge pipe; PVC pipe is not approved.
18. Carpet or linoleum must not have holes, tears or loose seams.
19. Stairs and railings, inside and out, must be secure. A stairway of four or more stairs must have a railing.
20. There must be no evidence of infestation of mice, rats, insects or roaches.
21. There must be no cracking, chipping, scaling, or loose paint anywhere inside or outside of the unit if a child under the age of six resides in or is expected to reside in the unit.
22. There must be no excessive debris in or around the unit, such as an accumulation of boxes, paper, trash, wood, tires, machine or auto parts, batteries, paint cans, or old appliances. Derelict vehicles must be removed from the premises.
23. Security bars in ALL bedrooms must have a quick release device.

LIFE THREATENING/EMERGENCY REPAIR ITEMS

1. Plumbing
 - a. There is a leak from the kitchen sink's faucet or hardware or secondary hardware or plumbing connections, that is not contained by the sink basin. The flow of water cannot be controlled.
 - b. There is no other functioning bathroom sink in the unit and:
 - i. The bathroom sink is missing or cannot hold water;
 - ii. There is a leak in the sink supply lines or shut-off valves;
 - iii. A wall mounted sink is not securely mounted;
 - iv. The bathroom drain is completely clogged, and water will not drain;
 - v. There is a leak from the hardware or faucet that is not contained by the basin;
 - vi. There is a leak in the waste pipe or trap; or
 - vii. The sink has a missing or improper trap.
 - c. There is no other functioning shower or tub in the unit and:

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- i. There is a leak from the shower or tub hardware or faucet that is not contained by the basin and the flow of water cannot be controlled;
 - ii. The shower or tub is missing or there is other damage that renders the shower or tub unusable;
 - iii. A stand-alone (no shower present) tub stopper is missing, damaged, or inoperable; or
 - iv. There is a leak in the shower or tub supply line, or the shower or tub faucets, drains, or associated hardware are missing or have failed.
 - d. There is no other functioning toilet in the unit and:
 - i. There are cracks or fractures in the toilet bowl or tank, but it can hold water;
 - ii. The toilet tank or bowl is leaking;
 - iii. The toilet “runs” constantly;
 - iv. The toilet bowl or base is not securely mounted;
 - v. The toilet is missing;
 - vi. The seat, flush handle, tank cover, mounting hardware, or other associated hardware are missing, loose, or damaged and the toilet cannot be used;
 - vii. There is a leak or drip in the toilet supply lines or shut-off valve;
 - viii. The toilet cannot be flushed because of an obstruction or another cause; or
 - ix. There is a leak from the wax ring of a toilet.
 - e. There is formation of metal oxides, flaking, discoloration, pitting, or a crevice in the unit’s water heater that cause the equipment to not function.
 - f. No hot water.
 - g. Any chimney or venting system is misaligned, damaged, disconnected, or negatively pitched which may cause improper or dangerous venting of gases.
- 2. Utilities
 - a. A utility is disconnected in an occupied unit.

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3. Electrical

- a. Any readily-accessible light fixture is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed.
- b. A readily-accessible light fixture in any area is hanging by its wires or has a missing or broken bulb.
- c. An outlet in any area is missing and electrical connections or wires are exposed.
- d. An outlet or switch in any area is broken and electrical connections or wires are exposed.
- e. An outlet or switch in any area has a missing or damaged cover plate and electrical connections or wires are exposed.
- f. Nicks, abrasions, or fraying of the insulation that expose any conducting wire.
- g. There is an open circuit breaker or fuse port.
- h. The cover is missing from any circuit breaker, fuse port, electrical device box, panel box, switch gear box, control panel, etc. with exposed electrical connections. There are exposed bare wires, terminals, connectors, bus bars, etc.
- i. There are improper openings in electrical panels or electrical control device enclosures.
- j. Water leaking or ponding on or near any electrical device.

4. Safety and Security

- a. An entry door is missing or cannot be locked.
- b. The fire extinguisher is missing, damaged, discharged, overcharged, or expired.
- c. Strong gas odor detected with potential for explosion or fire or results in health risk if inhaled.
- d. The building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency.
- e. A portion or component of the building or unit exhibits signs of serious structural failure and may threaten the health and safety of the tenant.
- f. Any condition that poses a serious risk and immediate life-threatening condition.
- g. The elevator doors open when the cab is not there.

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5. Appliances

- a. A qualifying microwave is missing or inoperable.
- b. The refrigerator is missing from the unit.
- c. The refrigerator does not cool adequately for the safe storage of food and is unable to maintain the required temperature.
- d. A smoke detector, carbon monoxide detector or combination smoke/carbon monoxide detector in any area is missing or does not function as it should.
- e. A gas dryer vent in any area is missing, damaged or is visually determined to be inoperable (blocked).
- f. Dryer exhaust in any area is not vented to the outside.

6. Heating, Cooling, Ventilation

- a. A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit in the unit is leaking.
- b. The HVAC system in any area does not function and fails to meet established criteria for emergency heating or cooling with consideration for ambient temperature range and ventilation.
- c. A vented space heater in any area is not properly vented or lacks available combustion air.
- d. A non-vented space heater is present.
- e. The HVAC system in any area does not require a certificate and the equipment that services the voucher unit cannot be accessed for visual inspection.
- f. The HVAC system in any area produces abnormal vibrations, other noise, or leaks when engaged and the system does not provide enough heating or cooling to maintain a minimum temperature range in the major living areas.
- g. Any misalignment of an exhaust system on a fuel-fired water heater that may cause improper or dangerous venting of gases.

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APPENDIX 5 LEAD-BASED PAINT REQUIREMENTS AND RESPONSIBILITIES

EXEMPT UNITS

The following units are exempt from this policy as it relates to lead-based paint requirements:

1. Units built after December 31, 1977;
2. Zero (0) bedroom and Single Room Occupancy (SRO) units;
3. Housing built for the elderly or persons with disabilities, unless a child of under age six (6) resides or is expected to reside in such housing;
4. Properties for which a lead-based paint inspection was completed in accordance with the federal regulations that became effective on September 15, 2000, and are certified to have no lead-based paint; and
5. Properties in which all lead-based paint was identified, was removed, and that received clearance in accordance with the federal regulations which became effective on September 15, 2000.

NON-EXEMPT OR COVERED UNITS

1. For dwellings built before January 1, 1978, and occupied or to be occupied by assisted families with one or more children under age six (6), lead-based paint requirements apply to:
 - a. The unit interior and exterior paint surfaces associated with the assisted unit; and
 - b. The common areas servicing the unit, including those areas through which residents must pass to gain access to the unit, and other areas frequented by resident children less than six (6) such as play areas, and child care facilities. Common areas also include garages and fences on the assisted property.

RESPONSIBILITIES OF THE CFHA AND THE OWNER

The CFHA is responsible for the following activities:

1. The visual assessment for deteriorated paint (i.e., peeling, chipping, flaking) surfaces at initial and annual inspections;
2. Assuring that clearance examinations are conducted when required;

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3. Carrying out special requirements for children under age six who have environmental intervention blood lead levels as verified by a medical health care provider;
4. Collecting data from the local health department on program participants under age six who have identified environmental intervention blood lead levels; and
5. Record keeping.

Owners of units to be or that are assisted have the responsibility to:

1. Disclose known lead-based paint hazards to CFHA and all potential residents prior to execution of a lease;
2. Provide all prospective families with a copy of Protect Your Family from Lead in Your Home or other EPA approved document;
3. When necessary, perform paint stabilization to correct deteriorated paint in accordance with all applicable requirements;
4. Each time paint stabilization is performed, notify the resident about the conduct of lead hazard reduction activities and clearance (if required);
5. Conduct lead hazard reduction activities when required by the CFHA;
6. Perform all work in accordance with HUD prescribed safe work practices and conduct clearance activities when required; and
7. Perform ongoing maintenance. As part of ongoing maintenance, the owner must provide written notice to each assisted family asking the occupants to report deteriorated paint. The notice must include the name, address, and phone number of the person responsible for accepting the occupant's complaint.

Before the execution of the lease the owner is required to disclose any knowledge of lead-based paint or lead-based paint hazards in housing built prior to 1978 to all prospective residents. The CFHA will keep a copy of the disclosure notice executed by the owner and resident in the participant's file. The owner will keep the original disclosure notice and forward a copy of the notice to the CFHA.

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QUALIFIED INSPECTOR

An HQS/UPCS-V inspector may conduct the inspection or other party designated by the CFHA. All inspectors must have been trained in visual assessment in accordance with procedures established by HUD.

VISUAL ASSESSMENT FOR DETERIORATED PAINT

The CFHA will conduct a visual inspection for deteriorated paint surfaces at these locations:

1. All unit interior and exterior painted surfaces associated with the assisted unit; and
2. Common areas such as common hallways, access and egress areas, playgrounds, childcare facilities, or other areas including fences and garages frequented by children under age six.

STABILIZATION OF DETERIORATED PAINT SURFACES

When the HQS/UPCS-V Inspector or other designated party identifies deteriorated paint surfaces (defined as interior or exterior paint or other coating that is peeling, chipping, flaking, cracking, is otherwise damaged or has separated from the substrate of the surface or fixture), the CFHA will notify and require the owner to perform stabilization of the surfaces within thirty (30) calendar days of the notification by the CFHA's inspection for occupied units and before commencement of any assisted tenancy.

Owner requirements for compliance with the CFHA's paint stabilization differ, depending upon the amount of deteriorated paint surface to be corrected. The use of lead-safe work practices during paint stabilization activities are based on characterization as above or below de minimis levels.

De minimis deteriorated paint surfaces are exceeded when one of the following occurs:

1. 20 square feet on exterior surfaces;
2. 2 square feet on an interior surface in a single room or interior space; or
3. 10 percent of the total surface area on an individual small component with a small surface area (e.g., windowsills) on the interior or exterior.

Owners must perform paint stabilization on all deteriorated paint surfaces. Paint stabilization is defined as:

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1. Repair of any physical defect in the substrate of the painted surface or building component. Examples of defective substrate conditions include dry-rot, rust, moisture related defects, crumbling plaster, missing siding, or other components not securely fastened;
2. Removal of all loose paint and other loose material from the surface being treated; and
3. Application of a new protective coat or paint to the stabilized surface.

In no instance may an owner employ any paint stabilization methods that are prohibited by federal, state, or local law such as:

1. Open flame burning and torching;
2. Machine-sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control;
3. Heat guns operating above 1,100 degrees Fahrenheit or charring the paint;
4. Abrasive blasting or sandblasting without HEPA exhaust control;
5. Dry sanding and scraping except for limited conditions for limited areas; and
6. Paint stripping in poorly ventilated space using a volatile stripper or a hazardous chemical as defined by Occupational Safety and Health Administration (OSHA).

Failure to comply with paint stabilization requirements, regardless of the amount of deteriorated surface, will result in the disapproval of the tenancy, abatement of payment to the owner, and/or termination of the HAP contract.

In addition, in order to be in compliance with HUD lead-based paint requirements if the deteriorated paint surface exceeds the de minimis level, the owner must:

1. Conduct all stabilization activities with trained staff;
2. Employ acceptable methods for preparing the surface to be treated and cleaning the worksite after hazard reduction activities have been completed, including wet scraping, wet sanding, and power sanding performed in conjunction with a HEPA filtered local exhaust attachment operated according to manufacturer's instruction;
3. Not dry sand or dry scrape within one (1) square foot of electrical outlets;
4. Protect the occupants and their belongings from contamination;

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5. Notify the occupants within fifteen (15) calendar days of stabilization activity and provide the results of the clearance examination.

CLEARANCE ACTIVITIES

The CFHA will be responsible for clearance activities which shall be conducted in accordance with applicable requirements. All clearance activities will be performed by persons who have EPA or state-approved training and are licensed or certified to perform clearance examinations.

The CFHA will pay for the costs of the first clearance examination. If further clearance examinations are required, the owner is responsible to cover the costs of subsequent tests.

The owner must provide the CFHA with an executed copy of the Lead-Based Paint Owner's Certification for the HQS/UPCS-V violation for paint stabilization to be considered closed.

Below de minimis deteriorated paint surfaces:

If the amount of deteriorated paint is below the de minimis level, owners will not be required to perform lead-safe work practices and clearance, but owners must perform paint stabilization as follows:

1. Repair of any physical defect in the substrate of the painted surface or building component. Examples of defective substrate conditions include dry-rot, rust, moisture related defects, crumbling plaster, missing siding, or other components not securely fastened;
2. Removal of all loose paint and other loose material from the surface being treated; and
3. Application of a new protective coat of paint to the stabilized surface.

In no instance may an owner employ any paint stabilization methods that are strictly prohibited by federal, state, or local law such as:

1. Open flame burning and torching;
2. Machine-sanding or grinding without a high-efficiency particulate air (HEPA) local exhaust control;
3. Heat guns operating above 1,100 degrees Fahrenheit;
4. Abrasive blasting or sandblasting with HEPA exhaust control;
5. Dry sanding and scraping except limited conditions stated above for limited areas; and

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6. Paint stripping in poorly ventilated space using a volatile stripper or a hazardous chemical as defined by Occupational Safety and Health Administration (OSHA).

Failure to comply with paint stabilization requirements, regardless of the amount of deteriorated surface, results in disapproval of the tenancy, abatement of payment to the owner, and/or termination of the HAP contract.

The owner must provide the CFHA with an executed copy of the Lead-Based Paint Owner's Certification for the HQS/UPCS-V violation for paint stabilization to be considered closed.

REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL

Should the CFHA receive information regarding an environmental intervention blood lead level child under age six from the family, owner, or other sources not associated with the medical health community, the CFHA will immediately verify the information with a public health department or other medical health care provider.

If either the public health department or private medical health agency provides verification that the child has an environmental intervention blood lead level, the CFHA will proceed to complete a risk assessment of the unit, common areas and exterior surfaces as outlined in Subsection H below. This requirement does not apply if a) the CFHA has already conducted an assessment between the date the child's blood was last sampled and the receipt of notification of the child's condition or b) the public health department has already conducted an evaluation of the unit.

If the CFHA receives a report of an environmental intervention blood lead level child from any source other than the public health department or medical health care provider, the CFHA will notify the public health department or medical health care provider within five (5) working days.

HUD has defined environmental intervention blood lead level as a confirmed concentration of lead in whole blood equal or greater than 20 ug/dL (micrograms of lead per deciliter) for a single test or 15-19 ug/dL in two tests taken at least three (3) months apart in children under age six.

RISK ASSESSMENT

Within fifteen (15) calendar days of the notification to the CFHA by a public health department or medical health care provider, the CFHA will complete a risk assessment of the dwelling unit, including common areas servicing the dwelling unit, if the child lived in the unit at the time the

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child's blood was sampled. If the public health department has already conducted an evaluation between the date the child's blood was last sample and the receipt of notification of the child's condition, the risk assessment by the CFHA is not required.

The CFHA will only utilize persons trained and certified by an EPA or state-approved agency to perform risk assessments. The risk assessment will identify the appropriate method of correction if correction is required.

The risk assessment will involve an on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards. The investigation will include dust and soil sampling, visual evaluation, and may include paint inspections (tests for lead in paint). The assessor will issue a report to the housing authority explaining the results of the investigation, as well as option and requirements for reducing lead-based paint hazards. Upon receipt of the risk assessment, the CFHA shall immediately notify the owner of its results.

The owner must notify the building residents of the results of the risk assessment within fifteen (15) calendar days of receipt of the risk assessment results from the CFHA.

HAZARD REDUCTION

The owner must complete reduction of identified lead-based paint hazards as identified in the risk assessment as outlined in Subsection H of this Section within thirty (30) calendar days (or date specified by the CFHA if an extension is granted for exterior surfaces).

Hazard reduction activities may include paint stabilization, abatement, interim controls, or dust and soil contamination control. The appropriate method of correction will be identified in the risk assessment.

Hazard reduction will be considered complete by the CFHA when a clearance examination has been completed and the report indicates that all identified hazards have been treated and clearance has been achieved, or when the public health department certifies that the hazard reduction is complete.

The owner must notify all building residents of any hazard reduction activities within fifteen (15) calendar days of completion of activities.

Like paint stabilization compliance, when the CFHA receives the owner's certification, this will signal compliance with lead hazard reduction activities.

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Failure by the owner to complete hazard reduction activities (including clearance) within thirty (30) calendar days (or later if the CFHA grants an extension for exterior surfaces) of notification constitutes a violation of HQS/UPCS-V, and appropriate action against the owner will be taken if a program family occupies the unit. If the unit is vacant when the CFHA notifies the owner, the unit may not be reoccupied by another assisted family, regardless of the ages of children in the family, until compliance with the lead-based paint requirement is completed.

CFHA DATA COLLECTION AND RECORD KEEPING

Quarterly, the CFHA will attempt to obtain from the public health department having jurisdiction in the same area as the CFHA, the names and addresses of children under age six with an identified environmental intervention blood lead level.

The CFHA will match information received from the health department with information about program families. If a match occurs, the CFHA will follow all procedures for notifying owners and conducting risk assessments as stated above.

Quarterly, the CFHA will report a list of addresses of units occupied by children under age six, receiving assistance to the public health department, unless the health department indicates in writing that such a report is not necessary.

The CFHA will inform owners of lead-based paint regulations especially those related to prohibited and safe work practices, resident protection during lead-based paint activities, and notification requirements. This will be accomplished through written material provided by the CFHA.

The CFHA is responsible for issuing and maintaining in the file the notification to the owner of any needed corrections and appropriate methods to correct lead hazards, and of the deadline for completing the corrections.

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APPENDIX 6 DOCUMENTATION AND MISSED APPOINTMENTS POLICY

It is the responsibility of applicants and participants to:

1. Keep scheduled appointments during normal CFHA business hours; and
2. Provide documentation necessary for the CFHA to fulfill its program responsibilities.

Appointments and documentation may be necessary for:

1. Eligibility for admission;
2. Verification;
3. Voucher issuance;
4. Program briefings;
5. HQS/UPCS-V inspections;
6. Recertifications; and
7. Appeals.

The CFHA may deny or terminate assistance when an applicant or participant fails to keep an appointment including a scheduled briefing, supply information by the deadline, or fails to allow a scheduled CFHA inspection.

RESCHEDULING APPOINTMENTS

The family must call the CFHA to reschedule a missed appointment. The CFHA will provide:

1. Two opportunities to reschedule with documented good cause.
2. One opportunity to reschedule without documented good cause.

DOCUMENTED GOOD CAUSE FOR MISSED APPOINTMENTS

When documented good cause exists for missing an appointment, the CFHA will work with the family to find a more suitable time. Documented good cause includes:

1. Prior appointments,
2. Illness of a family member, and

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3. Medical or other family emergency.

APPLICANTS FOR SECTION 8

Applicants rescheduling appointments or requesting additional time to provide required documentation may be by-passed on the waiting list.

Applicants being removed from the waiting list for missed appointments or failure to provide documentation will be notified by email and as a courtesy via first class mail and will be offered the right to request an informal review.

SECTION 8 PARTICIPANTS

If a family fails to attend a scheduled appointment, a second letter will be mailed. If the family fails to respond to the second letter or attend the second scheduled appointment, a termination notice will be mailed. The family will be offered the right to request an informal hearing.

If the family fails to provide required documentation, the family will be considered in violation of family obligations and may be terminated. The family will be offered the right to request an informal hearing.

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APPENDIX 7 SPECIAL HOUSING TYPES

This appendix describes special housing types and the requirements associated with each type.

Except as modified by this appendix, the general requirements of the HCV program apply to special housing types. No special funding is provided for special housing types.

The CFHA may permit a family to lease space for a manufactured home that they own. The CFHA may also allow any of the following special housing types and must allow any of the following housing types as a reasonable accommodation for an elderly person or person with a disability [24 CFR 982.601]:

1. Single Room Occupancy (SRO),
2. Congregate Housing,
3. Group Homes,
4. Shared Housing, and
5. Cooperative Housing.

LIVE-IN AIDE IN SPECIAL HOUSING TYPES

The CFHA may approve a live-in aide to reside with a family to care for an elderly or near elderly person, or a person with disabilities as a reasonable accommodation. If the CFHA approves a live-in aide, the live-in aide will be counted when determining the family unit size. A live-in aide may never be the owner of:

1. The manufactured home or the park in which space is rented,
2. A group home, or
3. Shared housing.

MANUFACTURED HOME SPACE RENTAL [24 CFR 982.622]

A manufactured home is a manufactured structure, transportable in one or more parts, that is built on a permanent chassis, and designed for use as a principal place of residence. With manufactured home space rental, the family owns the manufactured home but is renting the space under the manufactured home. There are multiple special policies that apply to families leasing manufactured home space.

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FAMILY INCOME

In determining the annual income of families leasing manufactured home spaces, the value of the family's equity in the manufactured home in which the family resides is not counted as a family asset.

LEASE AND HAP CONTRACT

There is a separate Tenancy Addendum (Form 52642-a) and separate HAP Contract (Form 52642).

RENT

The term rent is expanded to include:

1. The rent charged for the manufactured home space,
2. Owner maintenance and management charges for the space the owner must provide under the lease, and
3. The applicable PHA utility allowances for tenant-paid utilities.

PAYMENT STANDARD

The payment standard for renting a manufactured home space is 40 percent (40%) of the published FMR for a two-bedroom unit.

UTILITY ALLOWANCE

Utility allowances for manufactured home space will not include the costs of digging a well or installing a septic system.

If the owner of the space charges the family a separate fee for the cost of utilities or trash collection, they are not included in the rent to owner. The PHA will include the utilities paid by the tenant in the utility allowance calculation using the PHA established rate for the utilities instead of the actual fee charged by the owner.

HOUSING ASSISTANCE PAYMENT

The HAP for a manufactured home space under the housing choice voucher program is the lower of the payment standard minus the TTP or the (gross) manufactured home space rent minus the TTP.

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The HAP is paid directly to the owner of the manufactured home space. When the CFHA payment standard exceeds the rent to the space owner, the CFHA will pay the entire remaining balance to the family; it is the responsibility of the family to then make payment to the lender and/or utility supplier(s).

RENT REASONABLENESS

Initially, and annually thereafter the CFHA will determine that the rent for the manufactured home space is reasonable based on rents for comparable manufactured home spaces. Rent reasonable review is required annually.

The CFHA will consider the location and size of the space, and any services and maintenance to be provided by the owner. By accepting the monthly HAP check, the owner certifies that the rent does not exceed rents charged by the owner for comparable unassisted spaces in the manufactured home park or elsewhere.

The CFHA does not take into consideration the condition or characteristics of the manufactured home or the family's monthly loan payments. The CFHA is only determining if the rent charged by the owner for the space is reasonable compared to similar spaces.

HOUSING QUALITY STANDARDS/UNIFORM PHYSICAL CONDITION STANDARDS

HQS/UPCS-V requirements described in this administrative plan apply to manufactured housing space rental. The following additional requirement applies:

1. *Manufactured Home Tie-Down.* A manufactured home must be placed on the site in a stable manner and must be free from hazards such as sliding or wind damage. The home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist overturning and sliding.

SINGLE ROOM OCCUPANCY (SRO) [24 CFR 982.602]

A single room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation facilities with others. More than one person may not occupy an SRO unit. HCV regulations do not limit the number of units in an SRO facility

When providing HCV assistance in an SRO unit, a separate lease and HAP contract are executed for each assisted person, and the standard form of the HAP contract is used.

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PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION

The payment standard for SRO housing is 75 percent of the 0-bedroom payment standard amount on the CFHA’s payment standard schedule.

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero-bedroom utility allowance.

The HAP for an assisted occupant in an SRO facility is the lower of the SRO payment standard amount minus the TTP or the gross rent for the unit minus the TTP.

HOUSING QUALITY STANDARDS/UNIFORM PHYSICAL CONDITION STANDARDS

HQS/UPCS-V requirements described in this administrative plan apply to SRO housing except as follows:

1. *Access:* Access doors to the SRO unit must have working locks for privacy. The occupant must be able to access the unit without going through any other unit. Each unit must have immediate access to two or more approved means of exit from the building, appropriately marked and leading to safe and open space at ground level. The SRO unit must also have any other means of exit required by State or local law.
2. *Fire Safety:* All SRO facilities must have a sprinkler system that protects major spaces. “Major spaces” are defined as hallways, common areas, and any other areas specified in local fire, building, or safety codes. SROs must also have hard-wired smoke detectors, and any other fire and safety equipment required by state or local law.
3. *Sanitary facilities and space and security* standards must meet local code requirements for SRO housing.
4. *Sanitary facilities.* At least one flush toilet that can be used in privacy, a lavatory basin, and a bathtub or shower in proper operating condition must be provided for each six persons (or fewer) residing in the SRO facility. If the SRO units are leased only to men, flush urinals may be substituted for up to one half of the required number of toilets. Sanitary facilities must be reasonably accessible from a common hall or passageway and may not be located more than one floor above or below the SRO unit. They may not be located below grade unless the SRO units are located on that level.
5. *Space and Security:* An SRO unit must contain at least 110 square feet of floor space, and at least four-square feet of closet space with an unobstructed height of at least five feet, for use by the occupant. If the closet space is less than four square feet, the habitable floor space in the SRO unit must be increased by the amount of the

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deficiency. Exterior doors and windows accessible from outside the SRO unit must be lockable.

6. *Lead-based Paint*: Because no children live in SRO housing, the housing quality standards applicable to lead-based paint do not apply.

CONGREGATE HOUSING [24 CFR 982.606]

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

When providing HCV assistance in congregate housing, a separate lease and HAP contract are executed for each assisted family, and the standard form of the HAP contract is used.

PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION

The payment standard for an individual unit in a congregate housing facility is based on the number of rooms in the private living area. If there is only one room in the unit (not including the bathroom or the kitchen, if a kitchen is provided), the CFHA will use the payment standard for a 0-bedroom unit. If the unit has two or more rooms (other than the bathroom and the kitchen), the CFHA will use the 1-bedroom payment standard.

The HAP for an assisted occupant in a congregate housing facility is the lower of the applicable payment standard minus the TTP or the gross rent for the unit minus the TTP.

The gross rent for the unit, for the purpose of calculating HCV assistance, is the shelter portion (including utilities) of the resident's monthly housing expense only. The residents' costs for food service will not be included in the rent for a congregate housing unit.

HOUSING QUALITY STANDARDS/UNIFORM PHYSICAL CONDITION STANDARDS

HQS/UPCS-V requirements described in this administrative plan apply to congregate housing except as follows:

1. Congregate housing must have (1) a refrigerator of appropriate size in the private living area of each resident; (2) a central kitchen and dining facilities located within the premises and accessible to the residents, and (3) food service for the residents, that is not provided by the residents themselves.

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2. *Lead-based Paint*: Because no children live in SRO housing, the housing quality standards applicable to lead-based paint do not apply.

GROUP HOME [24 CFR 982.610, 982.612]

A group home is a state-licensed facility intended for occupancy by elderly persons and/or persons with disabilities. Except for live-in aides, all persons living in a group home, whether assisted or not, must be elderly persons or persons with disabilities. Persons living in a group home must not require continuous medical or nursing care.

A group home consists of bedrooms for residents, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.

No more than 12 persons may reside in a group home including assisted and unassisted residents and any live-in aides.

When providing HCV assistance in a group home, a separate lease and HAP contract is executed for each assisted family, and the standard form of the HAP contract is used.

PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION

The family unit size for an assisted occupant of a group home will be 0- or 1-bedroom, depending on whether a live-in aide has been approved for the assisted family.

The payment standard used to calculate the HAP is the lower of the payment standard for the family unit size or the pro-rata share of the payment standard for the group home size. The pro-rata share is calculated by dividing the number of persons in the assisted household by the number of persons (assisted and unassisted) living in the group home.

The HAP for an assisted occupant in a group home is the lower of the payment standard minus the TTP or the gross rent minus the TTP.

The utility allowance for an assisted occupant in a group home is the pro-rata share of the utility allowance for the group home.

RENT REASONABLENESS

The rents paid for participants residing in group homes are subject to generally applicable standards for rent reasonableness. The rent for an assisted person must not exceed the pro-

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rata portion of the reasonable rent for the group home. In determining reasonable rent, the CFHA will consider whether sanitary facilities and facilities for food preparation and service are common facilities or private facilities.

HOUSING QUALITY STANDARDS/UNIFORM PHYSICAL CONDITION STANDARDS

HQS/UPCS-V requirements described in this administrative plan apply to group homes except as follows:

1. *Sanitary Facilities:* A group home must have at least one bathroom in the facility, with a flush toilet that can be used in privacy, a fixed basin with hot and cold running water, and a shower or bathtub with hot and cold running water. A group home may contain private or common bathrooms. However, no more than four residents can be required to share a bathroom.
2. *Food Preparation and Service:* Group home units must contain a kitchen and dining area with adequate space to store, prepare, and serve food. The facilities for food preparation and service may be private or may be shared by the residents. The kitchen must contain a range, an oven, a refrigerator, and a sink with hot and cold running water. The sink must drain into an approvable public or private disposal system.
3. *Space and Security:* Group homes must contain at least one bedroom of appropriate size for every two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.
4. *Structure and Material:* To avoid any threat to the health and safety of the residents, group homes must be structurally sound. Elevators must be in good condition. Group homes must be accessible to and usable by residents with disabilities.
5. *Site and Neighborhood:* Group homes must be located in a residential setting. The site and neighborhood should be reasonably free from hazards to the health, safety, and general welfare of the residents, and should not be subject to serious adverse conditions, such as:
 - a. Dangerous walks or steps;
 - b. Instability;
 - c. Flooding, poor drainage;
 - d. Septic tank back-ups;
 - e. Sewage hazards;

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- f. Mud slides;
 - g. Abnormal air pollution;
 - h. Smoke or dust;
 - i. Excessive noise;
 - j. Vibrations or vehicular traffic;
 - k. Excessive accumulations of trash;
 - l. Vermin or rodent infestation; and
 - m. Fire hazards.
6. *Lead-based Paint*: Because no children live in SRO housing, the housing quality standards applicable to lead-based paint do not apply.

SHARED HOUSING [24 CFR 982.615]

Shared housing is a single housing unit occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family. A zero or one-bedroom unit is ineligible for shared housing; the housing unit must have an adequate number of bedrooms to house both the assisted and unassisted family without overcrowding. Alternate sleeping areas will not be considered in shared housing.

An assisted family may share a unit with other persons assisted under the HCV program or with other unassisted persons. The owner of a shared housing unit may reside in the unit, but housing assistance may not be paid on behalf of the owner. The resident owner may not be related by blood or marriage to the assisted family.

When providing HCV assistance in shared housing, a separate lease and HAP contract are executed for each assisted family, and the standard form of the HAP contract is used.

PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION

The payment standard for a family in shared housing is the lower of the payment standard for the family unit size or the pro-rata share of the payment standard for the shared housing unit size. The pro-rata share is calculated by dividing the number of bedrooms available for occupancy by the assisted family in the private space by the total number of bedrooms in the unit.

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The HAP for a family in shared housing is the lower of the payment standard minus the TTP or the gross rent minus the TTP. The utility allowance for an assisted family living in shared housing is the pro-rata share of the utility allowance for the shared housing unit.

RENT REASONABLENESS

The rents paid for families living in shared housing are subject to generally applicable standards for rent reasonableness. The rent paid to the owner for the assisted family must not exceed the pro-rata portion of the reasonable rent for the shared unit. In determining reasonable rent, the CFHA will consider whether sanitary and food preparation areas are private or shared.

HOUSING QUALITY STANDARDS/UNIFORM PHYSICAL CONDITION STANDARDS

The entire unit must meet HQS/UPCS-V standards. HQS/UPCS-V requirements described in this administrative plan apply to shared housing except as follows:

1. *Facilities Available for the Family*: Facilities available to the assisted family, whether shared or private, must include a living room, a bathroom, and food preparation and refuse disposal facilities.
2. *Space and Security*: The entire unit must provide adequate space and security for all assisted and unassisted residents. The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family must not be less than the family unit size. A 0-bedroom or 1-bedroom unit may not be used for shared housing.

COOPERATIVE HOUSING [24 CFR 982.619]

A cooperative is a form of ownership (nonprofit corporation or association) in which the residents purchase memberships in the ownership entity. Rather than being charged “rent” a cooperative member is charged a “carrying charge.”

When providing HCV assistance in cooperative housing, the standard form of the HAP contract is used. The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to Section 8 limitations.

PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION

The payment standard and utility allowance are determined according to regular HCV program requirements.

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The HAP for a cooperative housing unit is the lower of the payment standard minus the TTP or the monthly carrying charge for the unit, plus any utility allowance, minus the TTP. The monthly carrying charge includes the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include down payments or other payments to purchase the cooperative unit or to amortize a loan made to the family for this purpose.

HOUSING QUALITY STANDARDS/UNIFORM PHYSICAL CONDITION STANDARDS

HQS/UPCS-V requirements described in this administrative plan apply to cooperative housing.

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APPENDIX 8 INCOME INCLUSIONS AND EXCLUSIONS

INCOME INCLUSIONS 24 CFR 5.609	
Earned Income	The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
Self-Employment/Business Income	<ol style="list-style-type: none"> 1. The net income from operation of a business or profession. 2. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. 3. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
Interest & Dividend Income	<ol style="list-style-type: none"> 1. Interest, dividends, and other net income of any kind from real or personal property. 2. Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. 3. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. 4. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. 5. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. 6. Income that could have been derived from assets worth more than \$1000 that were disposed of for less than fair market value within the past two years will be counted as income.
Pension/Retirement Income	<ol style="list-style-type: none"> 1. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, lotteries, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment.

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INCOME INCLUSIONS 24 CFR 5.609	
	<ol style="list-style-type: none"> 2. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.
Unemployment & Disability Income	<ol style="list-style-type: none"> 1. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay. 2. Lump sum additions such as insurance payments from worker's compensation are excluded.
TANF/Public Assistance	<ol style="list-style-type: none"> 1. TANF/Public assistance received by the household that qualifies as assistance under the TANF program definition at 45 CFR 260.31. 2. The amount of reduced TANF/Public assistance income that is disregarded specifically because the family engaged in fraud or failed to comply with an economic self-sufficiency or work activities requirement. 3. If the TANF/Public assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustments by the TANF/Public assistance agency in accordance with the actual cost of shelter and utilities, the amount of TANF/Public assistance income to be included as income shall consist of: <ol style="list-style-type: none"> a. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus b. The maximum amount that the TANF/Public assistance agency could in fact allow the family for shelter and utilities. If the family's TANF/Public assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage (e.g., TANF, AFCD, SSI, and general assistance available through state welfare programs); 4. Imputed Welfare Income as described in the administrative plan.
Alimony and Child Support	Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling.
Armed Forces Income	<ol style="list-style-type: none"> 1. All regular pay, special pay, and allowances of a member of the Armed Forces (whether or not living in the dwelling) who is head of the family, spouse, or other person whose dependents are residing in the unit. 2. Special pay to a member exposed to hostile fire is excluded.
G.I. Bill Housing Stipend	The monthly housing stipend received by a Veteran from VA while they are attending school under the G.I. Bill.

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INCOME EXCLUSIONS 24 CFR 5.609(c)	
Earned Income of Children	Earned income from employment of household members under the age of 18 years (including foster children).
Income from Foster Care	Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone) or payments made under Kinship Guardian Assistance Payments (Kin-GAP) or similar guardianship care programs for children leaving the juvenile court system.
Inheritance and Insurance Income	Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses, except lump sum worker's compensation.
Medical Expense Reimbursements	Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
Income of Live-in Aides	Income of a live-in aide (as defined in 24 CFR 5.403).
Student Financial Aid	<ol style="list-style-type: none"> 1. The full amount of student financial assistance paid directly to the student or to the educational institution for tuition, including G.I. Bill Student Financial Aid. 2. Excess of amounts received for tuition, income that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), are considered income to that individual. 3. Financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. 4. For purposes of this paragraph, "financial assistance" does not include loan proceeds.
Armed Forces Hostile Fire Pay	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
Self-Sufficiency Program Income	<ol style="list-style-type: none"> 1. Amounts received under training programs funded by HUD; 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS); 3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program; 4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per

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INCOME EXCLUSIONS 24 CFR 5.609(c)	
	<p>month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiative coordination, and serving as a member of the CFHA's governing board. No resident may receive more than one such stipend during the same period of time;</p> <p>5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program.</p>
Other Non-Recurring Income	Temporary, non- recurring, or sporadic income (including gifts).
Reparations	Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
Income from Full-time Students	Annual earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household or spouse).
Adoption Assistance Payments	Adoption assistance payments in excess of \$480 annually per adopted child.
Social Security & SSI Income	Deferred periodic amounts from SSI and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.
Income Tax and Property Tax Refunds	Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
Home Care Assistance	Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
Other Federal Exclusions	<p>Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions of 24 CFR 5.609(c) apply, including:</p> <ol style="list-style-type: none"> 1. The value of the allotment made under the Food Stamp Act of 1977; 2. Payments received under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer

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	<p>Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions);</p> <ol style="list-style-type: none"> 3. Payments received under the Alaskan Native Claims Settlement Act; 4. Income derived from the disposition of funds to the Grand River Band of Ottawa Indians; 5. Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes; 6. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program; 7. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721); 8. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court and the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands; 9. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work study program or under the Bureau of Indian Affairs student assistance programs; 10. Payments received from programs funded under Title V of the Older Americans Act of 1985 (Green Thumb, Senior Aides, Older American Community Service Employment Program); 11. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.); 12. Earned income tax credit refund payments received on or after January 1, 1991, including advanced earned income credit payments; 13. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990; 14. Payments received under programs funded in whole or in part under the Job Training Partnership Act (employment and training programs for Native Americans and migrant and seasonal farm workers, Job Corps, state job training programs and career intern programs, AmeriCorps); references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);

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INCOME EXCLUSIONS 24 CFR 5.609(c)

15. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
16. Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990;
17. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from Spina Bifida who is the child of a Vietnam Veteran;
18. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the participant under the Victims of Crime Act;
19. Any subsidy received to assist low-income persons in paying for their Medicare prescription drug Program.
20. Income payments from the U.S. Census Bureau defined as employment lasting no longer than 180 days and not culminating in permanent employment (PIH 2008-26); and
21. Earned Income Disallowance for persons with disabilities.

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APPENDIX 9 SPECIAL RULES FOR STUDENTS

The following criteria apply only to students who are under the age of 24, not living with parents or legal guardians, and individually seeking Section 8 assistance. These criteria do not apply to students who reside with parents who are residing in a Section 8 assisted unit or are applying to receive Section 8 assistance.

The CFHA may provide Section 8 assistance to a student who is enrolled at an institution of higher education as defined by 20 US Code 1001 when the student meets any one or more of the following criteria:

1. Is age 24 or older.
2. Is a Veteran or is currently serving on Active Duty for other than training purposes.
3. Is a graduate or professional student.
4. Is married.
5. Has legal dependents other than a spouse.
6. Is a person with disabilities who was receiving Section 8 assistance as of November 30, 2005.
7. Is a “vulnerable youth” defined as one of the following:
 - a. Has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth as defined by the McKinney-Vento Homeless Assistance Act, or as unaccompanied, at risk of homelessness, and self-supporting by:
 - i. A local educational agency homeless liaison;
 - ii. The director or director’s designee of a program funded under the Runaway and Homeless Youth Act;
 - iii. The director or director’s designee of a program funded under subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act; or
 - iv. A financial aid administrator.
 - b. An orphan, in foster care or a ward of the court;
 - c. Was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
 - d. Is or was immediately prior to attaining age 18 an emancipated minor or in legal guardianship.

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8. Is at least 18 years of age and:
 - a. Has established a household separate from parents or legal guardians for at least one year prior to application or meets the definition of “independent student” as defined in the Higher Education Act of 1965; and
 - b. Is not claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 - c. Obtains a certification of the amount of financial assistance that will be provided by parents and signed by the individual providing the support.

INDEPENDENT STUDENT VERIFICATION

To confirm the student is independent, the CFHA requires at least one of the following:

1. Previous address information to determine evidence of a separate household, prior year income tax returns to verify if a parent or guardian has claimed the student as a dependent, and written certification by a parent of the amount of financial support that parent provides to the student, or written certification that the parent provides no financial support to the student.
2. Verification from the educational institution that the student meets the U.S. Department of Education’s definition of “independent student”.
3. Verification that the student is a “vulnerable youth”.

INCOME ELIGIBILITY

The student, the student’s parent(s), or both the student and the student’s parent(s) must be income eligible to receive Section 8 assistance. How income is calculated is determined by whether the student is an independent student.

INDEPENDENT STUDENT INCOME ELIGIBILITY

Independent students must meet the income eligibility guidelines established for all applicants.

INCOME ELIGIBILITY FOR STUDENTS WHO ARE NOT INDEPENDENT

If the student is determined to be NOT financially independent from his or her parents, both the income of the parents and of the student will be separately and collectively considered:

1. Student Income
 - a. The student must be financially eligible on his or her own.

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- b. Any support received from parents and student financial assistance (federal work study, grants, and scholarships but not loans) that exceed the cost of tuition will be included in income.
 - c. If the student's parent resides in another jurisdiction, the income limits for the area where the parent resides will be used.
2. Parent Income
- a. The parents must be income eligible as if they were applying for assistance as a family.
 - b. If the parent resides in another jurisdiction, the income limits for the area where the parent resides will be used.
 - c. Will be reviewed annually at the time of the student's annual recertification.
3. Parent Certification
- a. The CFHA will require the student to provide a certification of income from each of the student's parents and each parent must declare the amount of support they are each providing to the student.
 - b. If the student has been living with one parent and has not had contact with or does not know where to contact the other parent, the CFHA will require the student to provide a certification addressing the circumstances and a statement that the student has not received financial assistance from the parent. The parent with whom the student has been living must provide a declaration of support they provide to the student and a certification of their income.
4. The CFHA may require parent(s) to provide supporting documentation at any time the declaration, certification or eligibility are in question.

TWO OR MORE STUDENTS LIVING TOGETHER

If two or more students under age 24 apply for or are receiving Section 8 assistance, their eligibility will be determined both individually and as a household. The CFHA will separately examine:

- 1. Each student's independence from parents,
- 2. Support from parents, and
- 3. Parents' financial eligibility.

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If one or more students living in the household is ineligible for assistance based on their parent’s financial ineligibility or failure to comply with the CFHA eligibility requirements, the entire student household is ineligible for assistance. Section 8 assistance will not be pro-rated for any household consisting of both eligible and ineligible student members.

LEGAL AUTHORITY

Fiscal Year 2006 appropriations for HUD were enacted in Title III of Public Law 109-115 (119 Stat. 2936) on November 30, 2005 (the Act). Section 327 of the administrative provisions of the Act (1) introduced new restrictions on housing assistance that may be provided to students of higher education under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (1937 Act), and (2) directed HUD to issue a final rule no later than 30 days following enactment of the Act. In accordance with this statutory direction, HUD published a final rule implementing section 327 of the Act on December 30, 2005 (70 FR 77742), and this rule became effective on January 30, 2006. HUD published further guidance on April 10, 2006 (71 FR 18146). The latter notice stated that HUD would post additional guidance on its Internet website. HUD provided a list of “Frequently Asked Questions” (FAQ’s) dated May 2, 2006.

HUD’s rules related to student eligibility for Section 8 are published at:

1. 24 CFR Sec. 5.609 Annual income.
2. 24 CFR Sec. 5.612 Restrictions on assistance to students enrolled in an institution of higher education.
3. 24 CFR Sec. 982.201 Eligibility and targeting.
4. 24 CFR Sec. 982.552 PHA Denial or termination of assistance for family.

HUD’s Notice PIH 2005-16 (HA), issued June 15, 2006 (expired June 30, 2006 and not renewed) also provides “Policy Guidance on College Student Admissions” to public housing agencies.

In compliance with HUD appropriations acts for FFY 2006-2008, HUD published a final rule in the Federal Register on August 21, 2008 (p. 49332) “to include the exemption for persons with disabilities who were receiving Section 8 assistance as of November 30, 2005.” A “person with disabilities” is defined in Section 3(b)(3)(E) of the Housing Act of 1937.

HUD issued additional supplementary guidance in the Federal Register on September 21, 2016 (page 64932; docket no. FR-5969-N-01) regarding “Eligibility of Independent Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937. This guidance updated the list of items that must be verified to remain consistent with the U.S. Department of Education

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definition of “independent student” and reduce barriers for vulnerable youth to receive assistance and continue their education.

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APPENDIX 10 – EXAMPLES OF ACCEPTABLE 3RD- VERIFICATION

Item Requiring Verification	Acceptable 3rd-party Verification	Acceptable Hand-carried Verification
Social Security Number	Third-party verification form completed and returned by Social Security Electronic Reports	Original Social Security Card Appropriate government letter showing the number Other HUD-allowed method
Adult Status of Head of Household	Not Applicable	Valid driver's license with birth date Government-issued identification card showing birth date Birth certificate
Citizenship	Not Applicable	Voter registration card Birth certificate Signed certification
Eligible Immigration Status	INS SAVE confirmation #	INS card
Disability	Written verification from Social Security Administration Written verification from appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, licensed social worker or other from medical professional	Proof of SSI or Social Security disability payments
Full time student status (if >18 years)	Written verification or letter from the registrar's office or other school official	For high school and/or college students, any document evidencing enrollment for sufficient # of credits to be considered a fulltime student by the education institution
Need for live-in aide	Written verification or letter from doctor or other professional knowledgeable of condition	Not Applicable
Child care costs	Written verification or letter from child care provider	Bills and receipts from child care provider
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment from suppliers, care givers, etc.

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Item Requiring Verification	Acceptable 3rd-party Verification	Acceptable Hand-carried Verification
Medical expenses	Written verification or letter from providers Prescription record from pharmacy Medical professional's letter stating assistance or a companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Medicare prescription drug coverage	Not applicable	Card issued by the private prescription drug plan with the words Medicare Rx on it.
Savings, checking accounts	Written verification or letter from institution	Passbook Most current statements
CDs, bonds, etc.	Written verification or letter from institution	Tax return Information brochure from institution The CD The bond
Stocks	Written verification or letter from broker or holding company	Stock or most current statement Price in newspaper or through Internet
Real property	Letter from tax office	Property tax statement (for current value) Notice of assessment Records of income and expenses Tax return
Personal property held as an investment	Assessment, bluebook, etc.	Receipt for purchase Other evidence of worth
Cash value of whole life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	Not applicable	Original receipt and receipt at disposition Other evidence of worth
Earned income/wages	Written verification or letter from employer	Multiple consecutive pay stubs
Self-employed	Not applicable	Tax return from prior year Books of accounts
Regular gifts and contributions	Written verification or letter from source	Bank deposits Other similar evidence

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Item Requiring Verification	Acceptable 3 rd -party Verification	Acceptable Hand-carried Verification
	Letter from organization receiving gift (i.e., if grandmother pays day care provider, the day care provider could so state)	
Alimony/child support	Court order Written verification or letter from source Letter from Human Services	Record of deposits Divorce decree
Social Security	Not applicable	Letter from Social Security as verified by HUD computer systems
Periodic payments (i.e., welfare, pensions, workers' comp, unemployment)	Letter or electronic reports from the source	Award letter Letter announcing change in amount of future payments
Training program participation	Written verification or letter from program provider indicating - whether <ul style="list-style-type: none"> • Enrolled or completed • Training is HUD-funded • Federal, State, local government • It is employment training • Payments are for out-of pocket expenses incurred in order to participate in a program 	Not applicable

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APPENDIX 11 CFHA USE OF HUD'S ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM

The EIV systems is used to validate family-reported income and information for participants and newly-admitted families, and to identify potential discrepancies in income reporting by participants during the annual and interim reexamination processes.

The CFHA uses the EIV system to verify household income on such sources as social security, social security disability, SSI, wages and unemployment compensation for each family member. The CFHA uses the EIV system to compare the income source and amount recorded in the participant-supplied income data and form, HUD 50058 maintained in the Public Housing Information Center (PIC) database.

NEW ADMISSIONS

For each new admission, the CFHA will:

1. Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date;
2. Print and maintain a copy of the EIV Income Report in the tenant file;
3. Resolve any income discrepancy with the family within sixty (60) calendar days of the EIV Income Report date; and
4. Query the Former Tenant Search Module to determine if a PHA has reported a debt or adverse termination.

REEXAMINATIONS

The CFHA will pull an EIV Income Report from the system before annual or interim reexaminations are conducted; the report will be compared with family-reported information. The purpose of this comparison is to determine if:

1. The tenant has reported all income; and
2. There is a substantial difference (defined as \$2,400 or more annually), between EIV and family-reported information.

When EIV income data and participant reported income are NOT substantially different, the CFHA will obtain from the tenant, any necessary documentation to complete the income

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determination process, and will:

1. Use participant documents or third-party income verification to calculate anticipated annual income if the *EIV income is less* than participant-provided documentation; or
2. Use EIV income data when the *EIV income is more* than the participant-provided documentation.
 - a. The participant provides documentation of a change in circumstances. If acceptable participant documentation is provided to justify a change in circumstances, the participant documents will be used to calculate income.

When the EIV income report reveals an income source that was not reported by the tenant or there is a substantial difference in the reported income information, the CFHA will:

1. Discuss the income discrepancy with the tenant;
2. Request the tenant provide documentation to confirm or dispute the unreported or underreported income and/or income sources;
3. Request 3rd party written verification from the income source if the tenant is unable to provide acceptable documentation to resolve the income discrepancy;
4. If applicable, determine the tenant's underpayment of rent retroactively;
5. Promptly notify the tenant in writing of any adverse findings made on the basis of the information verified through the aforementioned income discrepancy resolution process. The notice will inform the tenant of their right to contest the findings through the established appeals procedures; and
6. Take other action as directed by HUD or this administrative plan.

The CFHA will resolve the discrepancy with the tenant within sixty (60) calendar days of the report. The CFHA will not terminate, deny, suspend, or reduce the family's assistance until the expiration of any notice or appeals period.

When the CFHA cannot readily anticipate income, such as in cases of seasonal employment, unstable work hours or suspected fraud, the CFHA will:

1. Review historical income data for patterns of employment, paid benefits and receipt of other income;
2. Analyze all UIV, third-party, and family-provided data and attempt to resolve the income discrepancy;

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3. Use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income;
4. If applicable, determine the tenant's underpayment of rent retroactively;
5. Promptly notify the tenant in writing of any adverse findings made on the basis of the information verified through the aforementioned income discrepancy resolution process. The notice will inform the tenant of their right to contest the findings through the established appeals procedures; and
6. Take other action as directed by HUD or this administrative plan.

The CFHA will resolve the discrepancy with the tenant within sixty (60) calendar days of the report. The CFHA will not terminate, deny, suspend, or reduce the family's assistance until the expiration of any notice or appeals period.

RETROACTIVE RENT

The CFHA will determine the retroactive rent as far back as the existence of complete file documentation (form HUD-50058 and supporting documentation) to support such retroactive rent determinations.

EIV REPORT MONITORING

The CFHA will monitor the following EIV reports on a *monthly* basis:

1. Deceased Tenants Report,
2. Identity Verification Report, and
3. Immigration Report.

The CFHA will monitor the following EIV reports on a *quarterly* basis:

1. Income Discrepancy Report,
2. Multiple Subsidy Report, and
3. New Hires Report.

HANDLING OF EIV INCOME DISCREPANCY REPORTS

When the EIV Income Discrepancy Report shows an unreported income increase, the CFHA will:

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1. Determine if the increase is \$200 or more per month and may result in a cumulative increase of \$2,400 per year.
 - a. If the increase is less than \$200 or less per month or may result in a cumulative increase of less than \$2,400 per year, no action will be taken.
 - b. If the increase is \$200 or more per month and may result in a cumulative increase of \$2,400 per year:
 - i. Schedule a meeting with the tenant to resolve the dispute;
 - ii. Document all details of the discrepancy report;
 - iii. Provide the tenant ten (10) business days from the date of the meeting to obtain third-party verification of the discrepancy and submit supporting documentation to the CFHA;
 - iv. Verify that all participant-provided information and submitted documentation is dated within sixty (60) days prior to the initial resolution meeting; and
 - v. Review participant-provided information and make a final decision within ten (10) business days from the date that the information was received.

If the tenant has not reported or has underreported income:

1. A repayment agreement will be executed between the participant and the CFHA, and
2. A revision to the current and future participant's share of rent will be made.

If a tenant refuses to enter into a repayment agreement and/or refuses to pay the newly calculated rent, the CFHA will terminate assistance using established termination procedures.

EIV DEBTS OWED TO PHAS & TERMINATION MODULE

The CFHA has at least one designated staff person whose responsibility it is to enter information into the Debt Termination Data Base (DTDB).

Designated staff person(s) will adhere to the following policies when entering debt/termination information into DTDB:

1. Debt/termination information will be entered only after an End of Participation (EOP) action has been entered in PIC for the former participant;

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2. Debt/termination information will be entered within 90 days from the EOP date;
3. Debt/termination information will be maintained in DTDB no longer than 10 years;
4. Families who have never, or no longer, warrant being in the data base will be removed following HUD guidelines;
5. The tenant record will be modified no more than three times; and
6. Debts will be modified as payments are being made and removed only after being paid in full.

ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM POLICIES AND PROCEDURES

RECORDS RETENTION

During the term of assisted tenancy and for at least three years after the end of participation, the CFHA will retain documents in tenant files. To the extent feasible documents will be maintained electronically, as opposed to hard copy. This documentation will include but not be limited to:

1. At least the last three years of HUD Form 50058;
2. Supporting documentation for all annual and interim reexaminations of income, including but not limited to:
 - a. Verification forms and reports;
 - b. Written documentation of oral third-party verification (name, date of contact, amount of income received, telephone number of people contacted, etc.);
 - c. Photocopies of documents, excluding government checks;
 - d. Written statements of staff reviewing documents that cannot be photocopied; and
 - e. A copy of the EIV Individual Control Number (ICN) Page when there is no household income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.

STORAGE OF EIV RECORDS

As an added security measure, on an annual basis the CFHA EIV Security Officer will provide each program a listing of staff members who have CFHA approved access to EIV wage/benefit

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data. The local security monitor or other designated staff will review this list and immediately notify the CFHA security officer in writing of any names that should be deleted from the list.

The CFHA will maintain a lockable container, file cabinet, or room to store EIV documents that are:

1. Outdated and are destined to be destroyed, or
2. Printed but not yet placed in the participants' files.

Caution will be taken to prevent the combining of each of the above types of documents, with files of each type kept in separate folders.

KEY CONTROL FORM

The Section 8 and Low-income Public Housing Programs utilize the Key Control Form to document:

1. The number of keys issued for the lockable container, file cabinet, or room;
2. The names of program staff who are in possession of these keys; and
3. A change in the number of keys available or a change in the identity of the staff in possession of the key.

DISPOSAL OF APPLICANT AND PARTICIPANT RECORDS

All EIV and related documents will be destroyed at the end of the three-year retention period. Documents will be destroyed in a manner that would not compromise the confidentiality of the applicants and/or participants. The preferred method for destroying documents is by shredding.

EIV SECURITY MONITOR

The CFHA has a designated "EIV Security Monitor" who is responsible for:

1. Ensuring that the EIV security procedures outlined in this document are adhered to; and
2. Providing written notification to the EIV Security Officer when a staff member associated with EIV information is no longer employed with the CFHA, or a staff member who previously had access rights no longer has such rights.

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EIV SECURITY TRAINING

Prior to requesting approval for EIV access and annually thereafter, CFHA staff must:

1. Watch the most recent HUD, EIV Security Awareness Training Webcast; and
2. Confirm they have watched the Webcast by signing EIV Webcast Training Certification form and submitting it to the CFHA EIV Coordinator. A HUD-issued “Certificate of Completion” is not required.

The CFHA may also provide annual EIV training to approved staff or staff may attend annual training during regional meetings or conferences.

BREACH OF EIV SECURITY POLICY

Any breach of the EIV security policy must be immediately reported to the designated CFHA Security Officer.

The data contained in and provided by the EIV system will be protected by the CFHA and only be used for official program purposes. Data will not be disclosed to anyone in any manner that would violate the privacy of the individuals represented.

The CFHA will adhere to EIV security awareness measures to ensure that only authorized system users may access the EIV system in order to maintain overall privacy and security compliance.

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APPENDIX 12 DEFINITIONS

50058 Form: The HUD form that housing authorities are required to complete for each assisted household to record information used in the certification and re-certification process and, at the option of the housing authority, for interim reexaminations.

1937 Housing Act: The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

Absorption: In portability, the point at which a receiving housing authority stops billing the initial housing authority for assistance on behalf of a portable family. [24 CFR 982.4]

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which a participant or tenant rent is based. (24 CFR 5.611)

Administrative fee: Fee paid by HUD to the housing authority for the administration of the program.

Administrative Plan: The plan that describes housing authority policies for the administration of the tenant-based programs.

Admission: The point when the family becomes a participant in the program. In a tenant-based program, the date used for this purpose is the effective date of the first HAP Contract for a family (first day of initial lease term).

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head. An emancipated minor is also considered an adult. In the anti-drug portions of this policy, it also refers to a minor who has been convicted of a crime as an adult under any Federal, State or tribal law.

Affiliated individuals: a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any individual, tenant or lawful occupant living in the household of that individual.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly and disabled families, disability expenses, and child care expenses for children under 13 years of age. Other allowances can be given at the discretion of the housing authority.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

Annual Income: All amounts, monetary or not, that:

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1. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member, or
2. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
3. Are not specifically excluded from Annual Income.
4. Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access. (1937 Housing Act; 24 CFR 5.609)

Applicant (applicant family): A family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403)

Assets: The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see "net family assets.")

Asset Income: Income received from assets held by family members. If assets total more than \$5,000, income from the assets is "imputed" and the greater of actual asset income and imputed asset income is counted in annual income. (See "imputed asset income" below.)

Assisted lease (lease): A written agreement between an owner and a family for the leasing of a dwelling unit to the family. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the housing authority.

Assistance applicant: A family or individual that seeks admission to the public housing program.

Business Days: Days the housing authority is open for business.

Ceiling Rent: Maximum rent allowed for some units in public housing developments under the income method of calculating rent.

Certification: The examination of a household's income, expenses, and family composition to determine the household's eligibility for program participation and to calculate the household's rent for the following 12 months.

Child: For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age. (24 CFR 5.504(b))

Childcare Expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of

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childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income. (24 CFR 5.603(d))

Citizen: A citizen or national of the United States. (24 CFR 5.504(b))

Common space: In shared housing, space available for use by the assisted family and other occupants of the unit.

Community service: The performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

Congregate housing: Housing for elderly or persons with disabilities that meets the HQS/UPCS-V for congregate housing.

Consent Form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine eligibility or level of benefits. (24 CFR 5.214)

Contiguous MSA: In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial housing authority is located.

Continuously assisted: An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Housing Choice Voucher Program or is temporarily residing in a shelter for a legitimate reason.

Cooperative: Housing owned by a corporation or association, and where a member of the corporation or association has the right to reside in a particular unit, and to participate in management of the housing.

Cooperative member: A family of which one or more members owns membership shares in a cooperative.

Covered Families: Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Covered Person: For purposes of the anti-drug provisions of this policy, a covered person is a participant, a tenant, any member of the participant's or tenant's household, a guest or another person under the participant's or tenant's control.

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Currently engaging in: With respect to behavior such as illegal use of a drug, other drug-related criminal activity, or other criminal activity, currently engaging in means that the individual has engaged in the behavior recently enough to justify a reasonable belief that the individual's behavior is current.

Dating Violence: Violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Decent, safe, and sanitary: Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

Department: The Department of Housing and Urban Development. (24 CFR 5.100)

Dependent: A member of the family (except foster children and foster adults), other than the family head or spouse, who is under 18 years of age or is a person with a disability or is a full-time student. (24 CFR 5.603(d))

Dependent Allowance: An amount, equal to \$480 multiplied by the number of dependents, that is deducted from the household's annual income in determining adjusted annual income in the public housing program.

Disability Assistance Expenses: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))

Disability Assistance Expense Allowance: In determining adjusted annual income, the amount of disability assistance expenses deducted from annual income for families with a disabled household member.

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see "person with disabilities.")

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. (24 CFR 5.403(b))

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Displaced Person: A person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. [1937 Act]

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitated with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that persons acts under the domestic or family violence laws of the jurisdiction.

Domicile: The legal residence of the household head or spouse as determined in accordance with State and local law.

Drug: means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity: The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Drug trafficking: The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance.

Economic self-sufficiency program: Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.

Elderly family: A family whose head, spouse, or sole member is a person who is at least 62 years of age; or 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. 24 CFR 5.403)

Elderly/Disabled Family Allowance: For elderly families, an allowance of \$400 is deducted from the household's annual income in determining adjusted annual income.

Elderly person: A person who is at least 62 years of age.

Evidence of citizenship or eligible status: The documents that must be submitted to evidence citizenship or eligible immigration status.

Exception rent: An amount that exceeds the published fair market rent.

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Extremely low-income families: A very low-income family whose income does not exceed 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Fair Housing Act: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.). (24 CFR 5.100)

Fair market rent (FMR): The rent, including the cost of utilities (except telephone, cable TV and Internet), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately-owned existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs are published periodically in the Federal Register.

Family includes but is not limited to:

1. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size); b. An elderly family;
2. A near-elderly family;
3. A disabled family;
4. A displaced family;
5. The remaining member of a resident family; and
6. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family.

Family members: include all household members except live-in aides, foster children and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the HUD-50058 form and the public housing lease.

Family Rent to Owner: In the housing choice voucher program, the portion of rent to owner paid by the family.

Family self-sufficiency program (FSS program): The program established by a housing authority to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u), (24 CFR 984.103(b)).

Family share: The portion of rent and utilities paid by the family or the gross rent minus the amount of the housing assistance payment.

Family unit size: The appropriate number of bedrooms for a family as determined by the housing authority under the housing authority's subsidy standards.

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First-time homeowner: In the homeownership option, a family of which no member owned any present ownership interest in a residence of any family member during the three years before commencement of homeownership assistance for the family. The term "first-time homeowner" includes a single parent or displaced homemaker (as those terms are defined in 12 U.S.C. 12713) who, while married, owned a home with his or her spouse, or resided in a home owned by his or her spouse.

Flat Rent: In the public housing program, a rent amount the family may choose to pay in lieu of having their rent determined under the income method. The flat rent is established by the housing authority based on a HUD mandate that it be set at not less than 80% of the FMR, adjusted for tenant-paid utilities. PHAs have the flexibility to conduct reexaminations of family income once every three years instead of annually for families that choose to pay the flat rent. The flat rent amount a family pays is not locked in for the three-year period. Instead, the PHA must revise the flat rent amount from year to year based on the findings of the PHA's rent reasonableness analysis and changes to the FMR.

FMR/exception rent limit: The Section 8 existing housing fair market rent published by HUD headquarters, or any exception rent. For a tenancy in the Housing Choice Voucher Program, the housing authority may adopt a payment standard up to the FMR/exception rent limit.

Full-time employment: Employment that averages at least 30 hours per week. This can include self-employment as long as the employees earns at least the average of the federal minimum wage over a 30-hour period.

Full-time student: A person who is attending school or vocational training on a full-time basis as defined by the institution.

Gross rent: The sum of the rent to the owner plus any utilities.

Group Home: A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

Guest: Means a person temporarily staying in the unit with the consent of a resident or other member of the household who has express or implied authority to so consent on behalf of the resident.

Head of household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Home: In the homeownership option: A dwelling unit for which the housing authority pays homeownership assistance.

Homeowner: In the homeownership option, a family of which one or more members owns title to the home.

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Homeownership assistance: In the homeownership option, monthly homeownership assistance payments by the housing authority. Homeownership assistance payment may be paid to the family, or to a mortgage lender on behalf of the family.

Homeownership expenses: In the homeownership option, a family's allowable monthly expenses for the home, as determined by the housing authority in accordance with HUD requirements.

Homeownership option: Assistance for a homeowner or cooperative member under Sec. 982.625 to Sec. 982.641. A special housing type.

Household members: include all individuals who reside or will reside in the unit and who are listed on the lease, including live-in aides, foster children and foster adults.

Housing Assistance Payment (HAP): The monthly assistance by a housing authority, which includes (1) a payment to the owner for rent to the owner under the family's lease, and (2) an additional payment to the family if the total assistance payment exceeds the rent to owner.

Housing Assistance Plan: A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

Housing Quality Standards (HQS)/Uniform Physical Conditions Standards for Vouchers (UPCS-V): The HUD minimum quality standards for housing assisted under the Section 8 program.

Housing voucher: A document issued by a housing authority to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family. The housing choice voucher also states the obligations of the family under the program.

Housing choice voucher holder: A family that has an unexpired housing choice voucher.

Immediate Family Member: A spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any other person living in the household of that person and related to that person by blood or marriage.

Imputed Income: For households with net family assets of more than \$5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

Imputed welfare income: The amount of annual income not actually received by a family, as a result of a welfare benefit reduction for welfare fraud or the failure to comply with economic self-sufficiency requirements, that is nonetheless included in the family's annual income for purposes of determining rent.

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In-Kind Payments: Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, babysitting provided on a regular basis).

Income category: Designates a family's income range. There are three categories: low income, very low income and extremely low-income.

Income Method: In public housing, a means of calculating a family's rent based on the greater of 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the income method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

Incremental income: The increased portion of income between the total amount of welfare and earnings of a family member prior to enrollment in a training program and welfare and earnings of the family member after enrollment in the training program. All other amounts, increases and decreases, are treated in the usual manner in determining annual income.

Initial Housing Authority: In portability, both: (1) a housing authority that originally selected a family that later decides to move out of the jurisdiction of the selecting housing authority; and (2) a housing authority that absorbed a family that later decides to move out of the jurisdiction of the absorbing housing authority.

Initial payment standard: The payment standard at the beginning of the HAP contract term.

Initial rent to owner: The rent to owner at the beginning of the initial lease term.

Interest in the home: In the homeownership option:

1. In the case of assistance for a homeowner, "interest in the home" includes title to the home, any lease or other right to occupy the home, or any other present interest in the home.
2. In the case of assistance for a cooperative member, "interest in the home" includes ownership of membership shares in the cooperative, any lease or other right to occupy the home, or any other present interest in the home.

Interim (examination): A reexamination of a household's income, expenses, and household status conducted between the annual recertifications when a change in a household's circumstances warrant such a reexamination.

Jurisdiction: The area in which the housing authority has authority under State and local law to administer the program.

Law enforcement agency: The National Crime Information Center (NCIC), police departments and other law enforcement agencies that hold criminal conviction records.

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Lease: A written agreement between an owner and participant for the leasing of a dwelling unit to the resident. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP Contract between the owner and the housing authority.

Legal capacity: The participant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

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

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

A live-in aide is not a party to the lease.

Low-income families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80% of the median for the area on the basis of HUD's findings that such variations are necessary because of unusually high or low family incomes.

Manufactured home: A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS/UPCS-V.

Manufactured home space: In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space.

Medical expenses: Medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.

Membership shares: In the homeownership option, shares in a cooperative. By owning such cooperative shares, the share-owner has the right to reside in a particular unit in the cooperative, and the right to participate in management of the housing.

Mixed family: A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Mixed population development: A public housing development, or portion of a development, that was reserved for elderly and disabled families at its inception (and has retained that character). If the development was not so reserved at its inception, the PHA has obtained HUD approval to give preference in tenant selection for all units in the development (or portion of

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development) to elderly families and disabled families. These developments were formerly known as elderly projects.

Moderate rehabilitation: Rehabilitation involving a minimum expenditure of \$1000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to:

1. upgrade to decent, safe and sanitary condition to comply with the Housing Quality Standards or other standards approved by HUD, from a condition below these standards (improvements being of a modest nature and other than routine maintenance); or
2. repair or replace major building systems or components in danger of failure.

Monthly adjusted income: One twelfth of adjusted income.

Monthly income: One twelfth of annual income.

Mutual housing is included in the definition of "cooperative".

National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

Near-elderly family: A family whose 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.

Net family assets:

1. Net cash value after deducting reasonable costs that would be incurred in disposal of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.
2. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income.
3. In determining net family assets, housing authorities or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or resident for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will

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not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

4. For purposes of determining annual income under Section 8 Homeownership, the term “net family assets” does not include the value of a home currently being purchased with assistance under the Section 8 Homeownership Program. This exclusion is limited to the first 10 years after the purchase date of the home.

Noncitizen: A person who is neither a citizen nor national of the United States.

Notice of Funding Availability (NOFA): For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

Occupancy standards: The standards that the housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Other person under the tenant’s control: For the purposes of the definition of covered person it means the person, although not staying as a guest (as defined in this section) in the unit, is, or was at the time of the activity in question, on the premises (as premises is defined in this section) because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant’s control.

Owner: Any person or entity, including a cooperative, having the legal right to lease or sublease existing housing. In the anti-drug related Areas of this policy, it means the owner of federally assisted housing.

Participant (participant family): A family that has been admitted to the housing authority's program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the housing authority for the family (first day of initial lease). In public housing, a family or individual that is assisted by the public housing program.

Payment standard: In a housing choice voucher tenancy, the maximum monthly assistance payment for a family (before deducting the total tenant payment by family contribution). For a housing choice voucher tenancy, the housing authority sets a payment standard in the range from 90% to 110% of the current FMR.

Permanently absent: A person or persons not actually residing in the unit who once lived there and does not intend to return. One becomes permanently absent when one vacates the unit.

Person with disabilities: A person who:

1. Has a disability as defined in 42 U.S.C. 423

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2. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - a. Is expected to be of long-continued and indefinite duration;
 - b. Substantially impedes his or her ability to live independently; and
 - c. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
3. Has a developmental disability as defined in 42 U.S.C. 6001

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence.

Personally Identifiable Information (PII): Information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc.

Pre-Applicant (pre-applicant family): A person or family that has completed the pre-application to be placed on the Waiting List for admission to a program but has not yet completed the full application and is not yet a participant in the program.

Portability: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial housing authority.

Premises: The building or complex in which the dwelling unit is located, including common areas and grounds. For purposes of the anti-drug provisions of this policy it means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds.

Present ownership interest: In the homeownership option, "Present ownership option" in a residence includes title, in whole or in part, to a residence, or ownership, in whole or in part, of membership shares in a cooperative. "Present ownership interest" in a residence does not include the right to purchase title to the residence under a lease-purchase agreement.

Preservation: This program encourages owners of eligible multifamily housing projects to preserve low-income housing affordability and availability while reducing the long-term cost of providing rental assistance. The program offers several approaches to restructuring the debt of properties developed with project-based Section 8 assistance whose HAP contracts are about to expire.

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Previously unemployed: This includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Private space: In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

Processing Entity: The person or entity who is responsible for making eligibility and related determinations and an income reexamination. In the Section 8 and public housing programs the processing entity is the responsibility entity.

Project-Based Assistance Program: A Section 8 program administered by a Housing Authority pursuant to 24 CFR part 983, as amended by HUD in the Federal Register, Vol. 66, No. 10 on January 16, 2001 Revisions to PHA Project-Based Assistance Program; Initial Guidance.

Proration of assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance.

Public Housing: Housing assisted under the 1937 Act, other than under Section 8. Public housing includes dwelling units in a mixed finance project that are assisted by a PHA with capital or operating funds.

Public Housing Agency: A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

Reasonable rent: A rent to owner that is not more than charged: (a) for comparable units in the private unassisted market; and (b) for a comparable unassisted unit in the premises.

Receiving Housing Authority: In portability, a housing authority that receives a family selected for participation in the tenant-based program of another housing authority. The receiving housing authority issues a housing choice voucher, and provides program assistance to the family.

Re-certification: A reexamination of a household's income, expenses, and family composition to determine the household's rent for the following 12 months.

Remaining Member of a Tenant Family: A member of the family listed on the lease who continues to live in the public housing dwelling after all other family members have left. (Handbook 7565.1 REV-2, 3-5b.). A minor may be the remaining member of a tenant family only if the adult family member has left the unit due to death, long term incarceration or permanent confinement to nursing care or assisted living, and only if a responsible adult will be the new Head of Household.

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Rent to owner: The monthly rent payable to the owner under the lease. Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

Responsible Entity:

1. For the public housing program, the Section 8 tenant-based assistance program (24 CFR 982), and the Section 8 project-based voucher program (24 CFR 983), and the
2. Section 8 moderate rehabilitation program (24 CFR 882), responsible entity means the PHA administering the program under an ACC with HUD;
3. For all other Section 8 programs, responsible entity means the Section 8 project owner.

Risk assessment: In the context of lead-based paint, an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in residential dwellings, including:

1. Information gathering regarding the age and history of the housing and occupancy by children under age 6;
2. Visual inspection;
3. Limited wipe sampling or other environmental sampling techniques;
4. Other activity as may be appropriate; and
5. Provision of a report explaining the results of the investigation.

Self-Declaration: A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

Sensitive Personally Identifiable Information: PII that when lost, compromised or disclosed without authorization could substantially harm an individual. Examples of sensitive PII include social security or driver's license numbers, medical records, and financial account numbers such as credit or debit card numbers.

Set-up charges: In a manufactured home space rental, charges payable by the family for assembly, skirting and anchoring the manufactured home.

Shared housing: A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family.

Shelter allowance: That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

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Single person: Someone living alone or intending to live alone who does not qualify as an elderly person, a person with disabilities, a displaced person, or the remaining member of a tenant family.

Single room occupancy housing (SRO): A unit for occupancy by a single eligible individual capable of independent living that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities.

Special admission: Admission of an applicant that is not on the housing authority waiting list, or admission without considering the applicant's waiting list position.

Special housing types: Special housing types include: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

Specified welfare benefit reduction:

1. A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
2. "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:
 - a. at the expiration of a lifetime or other time limit on the payment of welfare benefits;
 - b. because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or
 - c. because a family member has not complied with other welfare agency requirements.

Stalking: to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) the spouse or intimate partner of that person; or (iii) an affiliated individual.

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the

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Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Statement of family responsibility: An agreement in the form prescribed by HUD, between the housing authority and a family to be assisted under the Moderate Rehabilitation Program, stating the obligations and responsibilities of the family.

Statement of homeowner obligations: In the homeownership option, the family's agreement to comply with program obligations.

Subsidy standards: Standards established by a housing authority to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension: Stopping the clock on the term of a family's housing choice voucher, for such period as determined by the housing authority, from the time when the family submits a request for housing authority approval to lease a unit, until the time when the housing authority approves or denies the request. Also referred to as tolling.

Temporarily absent: A person or persons not actually residing in a unit for a period of time while still maintaining control of the unit. If the absence exceeds thirty (30) calendar days, the Housing Authority must agree to the absence.

Temporary Assistance to Needy Families (TANF): The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

Tenant: The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant Rent: The amount payable monthly by the family as rent to the housing authority. Where all utilities (except telephone, and cable TV) and other essential housing services are supplied by the housing authority or owner, tenant rent equals total tenant payment. Where some or all utilities (except telephone and cable TV) and other essential housing services are supplied by the housing authority and the cost thereof is not included in the amount paid as rent, tenant rent equals total tenant payment less the utility allowance. (24 CFR 5.603(d))

Third-Party (verification): Written or oral confirmation of a family's income, expenses, or household composition provided by a source outside the household.

Total tenant payment (TTP) – Section 8 Program: The amount calculated under Section 3(a)(1) of the 1937 Act, which is the higher of:

1. 30% of the family's monthly adjusted income;
2. 10% of the family's monthly income;
3. Minimum rent; or

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4. The portion of welfare payments designated specifically for housing cost's if the family is receiving payments for welfare assistance from a public agency and a part of those payments is specifically designated to meet the family's housing cost.
 - a. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the total tenant payment is the amount resulting from one application of the percentage plus any rent above the payment standard.

Total Tenant Payment (TTP) – Public Housing: Total tenant payment for families whose initial lease is effective on or after August 1, 1982 is the amount calculated under Section 3(a)(1) of the 1937 Act which is the higher of:

1. 30% of the family's monthly adjusted income;
2. 10% of the family's monthly income; or
3. If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.
 - a. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under section 3(a)(1) shall be the amount resulting from one application of the percentage.
4. Total tenant payment for families residing in public housing does not include charges for excess utility consumption or other miscellaneous charges.
5. Total tenant payment for families residing in public housing whose initial lease was effective before August 1, 1982: Paragraphs (b) and (c) of 24 CFR 913.107, as it existed immediately before November 18, 1996), will continue to govern the total tenant payment of families, under a public housing program, whose initial lease was effective before August 1, 1982.

Utility allowance: If the cost of utilities (except telephone, and cable TV) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a housing authority or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility hook-up charge: In a manufactured home space rental, costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

Utility reimbursement: The portion of the housing assistance payment that exceeds the amount of the rent to owner. It is only paid when the housing assistance payment exceeds the

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rent to owner. If the cost of utilities (except telephone and cable TV) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

VAWA means the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109–162, approved August 28, 2006), as amended by the U.S. Housing Act of 1937 (42 U.S.C. 1437d and 42 U.S. 1437f).

Verification: The process of obtaining statements from individuals who can attest to the accuracy of the amounts of income, expenses, or household member status (e.g., employers, public assistance agency staff, doctors).

Very low-income families: Families whose incomes do not exceed 50% of the median family income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 50% of the median for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Violent criminal activity: Means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Voucher (rental voucher): A document issued by a housing authority to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family and states the obligations of the family under the program.

Voucher holder: A family holding a housing choice voucher with unexpired search time.

Waiting list admission: An admission from the housing authority waiting list. [24 CFR 982.4]

Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31).

45 CFR 260.31 defines the term “assistance” to include cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

It includes such benefits even when they are:

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1. Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and
2. Conditioned on participation in work experience or community service (or any other work activity under 45 CFR 261.30).
3. Except where excluded later in this definition, it also includes supportive services such as transportation and childcare provided to families who are not employed.
4. The term “assistance” excludes:
 - a. Nonrecurrent, short-term benefits that:
 - i. Are designed to deal with a specific crisis situation or episode of need;
 - ii. Are not intended to meet recurrent or ongoing needs; and
 - iii. Will not extend beyond four months.
 - b. Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);
 - c. Supportive services such as child care and transportation provided to families who are employed;
 - d. Refundable earned income tax credits;
 - e. Contributions to, and distributions from, Individual Development Accounts;
 - f. Services such as counseling, case management, peer support, childcare information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and
 - g. Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of the Act, to an individual who is not otherwise receiving assistance.

Welfare rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

Welfare -to-Work (WTW) families: Families assisted with housing choice voucher funding awarded under the HUD welfare-to-work voucher program.

Written notification: Written communication between the PHA and the applicant or participant that is hand delivered with a signed receipt or mailed via first class mail unless specified otherwise.