

**DRAFT**

**BURBANK HOUSING AUTHORITY**

**SECTION 8 PROGRAM  
ADMINISTRATIVE PLAN**

**PROPOSED CHANGES  
FEBRUARY 2026**



## Table of Contents

### Chapter 1

#### STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION .....	1-1
A. PROGRAM DESCRIPTION.....	1-1
B. HISTORY OF THE BURBANK HOUSING AUTHORITY .....	1-2
C. PROGRAM GOALS AND OBJECTIVES .....	1-2
D. PURPOSE OF THE PLAN .....	1-3
E. FAIR HOUSING POLICY .....	1-3
F. ACCOMMODATIONS POLICY .....	1-4
G. ADMINISTRATIVE FEE RESERVE .....	1-5
H. TRANSLATION OF DOCUMENTS .....	1-5
I. SEMAP - SECTION 8 MANAGEMENT ASSESSMENT PROGRAM .....	1-5
J. RECORDS MANAGEMENT .....	1-6
K. THE HOUSING OPPORTUNITY THROUGH MODERNIZATION ACT OF 2016 (HOTMA).....	1-7

### Chapter 2

#### ELIGIBILITY FOR ADMISSION

INTRODUCTION .....	2-1
A. FAMILY COMPOSITION .....	2-1
B. INCOME LIMITATIONS.....	2-3
C. SOCIAL SECURITY NUMBERS .....	2-4
D. CITIZENSHIP / IMMIGRATION STATUS .....	2-4
E. INELIGIBILITY FACTORS.....	2-4
F. SCREENING PROCEDURES FOR APPLICANTS .....	2-5
G. SUITABILITY AS TENANTS.....	2-6

## Table of Contents

### Chapter 3

#### APPLICATION PROCESS

INTRODUCTION .....	3-1
A. OVERVIEW OF THE APPLICATION PROCESS .....	3-1
B. OPENING AND CLOSING THE APPLICANT WAITING LIST .....	3-1
C. INITIAL APPLICATION PROCEDURES .....	3-2
D. STATUS ON THE APPLICANT WAITING LIST .....	3-3
E. TIME OF SELECTION.....	3-3
F. FULL APPLICATION PROCEDURES .....	3-3
G. VERIFICATION .....	3-4

### Chapter 4

#### APPLICANT WAITING LIST

INTRODUCTION .....	4-1
A. APPLICANT WAITING LIST .....	4-1
B. PREFERENCE CATEGORIES.....	4-1
C. PREFERENCE ELIGIBILITY .....	4-3
D. PREFERENCE DENIAL .....	4-3
E. ORDER OF SELECTION .....	4-3
F. TARGETED FUNDING.....	4-4
G. REMOVAL FROM APPLICANT WAITING LIST .....	4-4
H. EXCEPTIONS FOR SPECIAL ADMISSIONS .....	4-5

## Table of Contents

### Chapter 5

#### INCOME, ASSETS AND ALLOWANCES

INTRODUCTION .....	5-1
A. INCOME .....	5-1
B. COMPUTATION OF ANNUAL INCOME .....	5-6
C. ASSETS .....	5-7
D. CHANGE OF INCOME .....	5-9
E. INCOME CHANGES FROM WELFARE PROGRAM REQUIREMENTS.....	5-9
F. INCOME FROM ADDITIONAL HOUSEHOLD MEMBERS .....	5-9
G. INCOME FROM ABSENT HOUSEHOLD MEMBERS.....	5-10
H. ALLOWANCES AND DEDUCTIONS .....	5-11

### Chapter 6

#### VERIFICATION PROCEDURES

INTRODUCTION .....	6-1
A. METHODS OF VERIFICATION.....	6-1
B. ITEMS TO BE VERIFIED .....	6-3
C. INCOME VERIFICATION .....	6-3
D. INCOME FROM ASSETS .....	6-7
E. ASSET VERIFICATION.....	6-7
F. VERIFICATION OF ALLOWABLE DEDUCTIONS .....	6-7
G. VERIFICATION OF NON-FINANCIAL FACTORS.....	6-9
H. SOCIAL SECURITY NUMBER VERIFICATION .....	6-12
I. VERIFICATION OF PREFERENCES.....	6-13
J. RELEASE OF INFORMATION.....	6-14
K. PRIVACY RIGHTS .....	6-15

## Table of Contents

### Chapter 7

#### SUBSIDY STANDARDS

INTRODUCTION .....	7-1
A. VOUCHER SIZE DETERMINATION .....	7-1
B. UNIT SIZE SELECTED .....	7-2
C. PAYMENT STANDARDS .....	7-2
D. TENANT PAYMENT .....	7-4
E. SUBSIDY AMOUNTS .....	7-5
F. CHANGES IN HOUSEHOLD SUBSIDY .....	7-5
G. AFFORDABILITY STANDARD .....	7-5
H. UTILITY ALLOWANCES .....	7-5
I. PRORATION OF ASSISTANCE .....	7-6

### Chapter 8

#### VOUCHER ISSUANCE AND BRIEFING SESSIONS

INTRODUCTION .....	8-1
A. VOUCHER ISSUANCE .....	8-1
B. BRIEFING SESSIONS .....	8-1
C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION .....	8-3
D. DISCRIMINATION CLAIMS .....	8-3
E. TERM OF THE VOUCHER .....	8-3
F. PORTABILITY .....	8-4
G. VOUCHER ISSUANCE FOR SPLIT FAMILIES/ HOUSEHOLDS....	8-5
H. REMAINING FAMILY/HOUSEHOLD MEMBER .....	8-5

## Table of Contents

### Chapter 9

#### REQUEST FOR LEASE APPROVAL AND CONTRACT EXECUTION

INTRODUCTION .....	9-1
A. REQUEST FOR LEASE APPROVAL.....	9-1
B. ELIGIBLE TYPES OF HOUSING .....	9-1
C. SPECIAL HOUSING TYPES .....	9-2
D. LEASE REVIEW.....	9-3
E. RENT REASONABLENESS.....	9-3
F. INFORMATION TO LANDLORDS.....	9-4
G. DISAPPROVAL OF LANDLORDS .....	9-4
H. CONTRACT EXECUTION PROCESS .....	9-5
I. RECERTIFICATIONS.....	9-5
J. RENT INCREASES .....	9-5
K. CHANGE IN OWNERSHIP .....	9-5
L. MOVES .....	9-6

### Chapter 10

#### HOUSING QUALITY STANDARDS AND INSPECTIONS

INTRODUCTION .....	10-1
A. TYPES OF INSPECTIONS.....	10-1
B. EMERGENCY REPAIR ITEMS .....	10-2
C. LEAD-BASED PAINT.....	10-3
D. FAILED INSPECTIONS.....	10-3
E. OWNER AND FAMILY RESPONSIBILITY FOR HQS COMPLIANCE COMPLIANCE.....	10-3
F. DETERMINATION OF HQS NONCOMPLIANCE.....	10-4
G. REINSPECTION AND RESUMPTION OF ASSISTANCE.....	10-4
H. TERMINATION OF HAP CONTRACT DUE TO NONCOMPLIANCE	10-4

## Table of Contents

I.	RELOCATION AND VOUCHER SEARCH PERIOD.....	10-4
J.	NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE) .....	10-5

## Chapter 11

### DENIAL OR TERMINATION OF ASSISTANCE

	INTRODUCTION .....	11-1
	Violence Against Women and the Reauthorization Act of 2022 (VAWA) .....	11-1
A.	Act of 2022 (VAWA) .....	11-1
B.	GROUND FOR DENIAL OF ASSISTANCE TO APPLICANTS.....	11-1
C.	GROUND FOR TERMINATION OF ASSISTANCE TO PARTICIPANTS.....	11-3
D.	“ONE STRIKE” POLICY .....	11-4
E.	FAMILY OBLIGATIONS .....	11-5
F.	HOUSING ASSISTANCE PAYMENTS CONTRACT TERMINATION.....	11-7
G.	TERMINATION OF TENANCY BY THE LANDLORD .....	11-8
H.	TERMINATION OF TENANCY BY PARTICIPANT .....	11-8
I.	PROGRAM TERMINATION FOR NON-CITIZENS .....	11-8
J.	TERMINATION DUE TO INSUFFICIENT FUNDING.....	11-10

## Chapter 12

### REPAYMENT / RECOVERY OF OUTSTANDING DEBTS

	INTRODUCTION .....	12-1
A.	REPAYMENTS.....	12-1
B.	REPAYMENT AGREEMENTS FOR PARTICIPANTS.....	12-2

## **Table of Contents**

C.	LANDLORD DEBTS TO THE HOUSING AUTHORITY.....	12-3
D.	CRITERIA FOR INVESTIGATION OF SUSPECTED FRAUD AND ABUSE.....	12-3

### **Chapter 13**

#### **COMPLAINTS AND APPEALS**

	INTRODUCTION .....	13-1
A.	COMPLAINTS TO THE HOUSING AUTHORITY .....	13-1
B.	INFORMAL REVIEW PROCEDURES.....	13-1
C.	INFORMAL HEARING PROCEDURES .....	13-2
D.	MITIGATING CIRCUMSTANCES FOR APPLICANTS OR PARTICIPANTS WITH DISABILITIES.....	13-6

### **Chapter 14**

#### **FAMILY SELF-SUFFICIENCY PROGRAM AND SPECIAL PURPOSE FUNDING FOR SPECIAL NEEDS POPULATION**

	INTRODUCTION .....	14-1
A.	PROGRAM SIZE REQUIREMENTS .....	14-1
B.	CONTRACT OF PARTICIPATION .....	14-1
C.	ESCROW ACCOUNT.....	14-2
D.	PORTABILITY .....	14-2
E.	TERMINATION OF CONTRACT OF PARTICIPATION.....	14-2
F.	ACTION PLAN.....	14-3
G.	TARGETED SPECIAL NEEDS RENTAL ASSISTANCE.....	14-6

### **Chapter 15**

## Table of Contents

### ENTERPRISE INCOME VERIFICATION (EIV) SECURITY POLICY AND PROCEDURES

INTRODUCTION .....	15-1
A. TYPES OF UPFRONT VERIFICATION OF INCOME .....	15-1
B. WHAT EIV PARTICIPANT DATA IS USED FOR .....	15-1
C. PUBLIC HOUSING SECURITY OFFICER(S) .....	15-2
D. TECHNICAL SAFEGUARDS.....	15-4
E. ADMINISTRATIVE SAFEGUARDS.....	15-5
F. PHYSICAL SAFEGUARDS.....	15-6

### Chapter 16

#### PANDEMIC: CONTINUING OPERATIONS PLAN (COP)

INTRODUCTION.....	16-1
A. TELEWORK.....	16-1
B. MODIFYING REGULAR PROCESSES .....	16-1
C. DROP BOX .....	16-4
D. ESSENTIAL SERVICES AND EMPLOYEES.....	16-4
E. BUILDING CLOSURE.....	16-4

### Chapter 17

#### EMERGENCY HOUSING VOUCHERS (EHV)

INTRODUCTION.....	17-1
A. QUALIFYING CATEGORIES FOR ELIGIBILITY.....	17-1
B. VOUCHER ISSUANCE .....	17-2
C. REFERRALS .....	17-2
D. PREVAILING REGULATIONS.....	17-2
E. MANDATORY PROHIBITIONS.....	17-3

## Table of Contents

F.	PERMISSIBLE PROHIBITIONS.....	17-3
G.	ADMINISTRATIVE FEES AND FUNDING FOR OTHER ELIGIBLE EXPENSES.....	17-4
H.	WAITLIST PROCESS.....	17-5
I.	FAMILY ELIGIBILITY.....	17-7
J.	HOUSING SEARCH AND LEASING.....	17-8
K.	USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS.....	17-9

## Chapter 18

### PROJECT-BASED VOUCHER PROGRAM

	INTRODUCTION.....	18-1
A.	HUD SUBMISSION .....	18-1
B.	OWNER APPLICATION SUBMISSION.....	18-2
C.	ELIGIBLE AND INELIGIBLE PROPERTIES.....	18-4
D.	SPECIAL HOUSING TYPES.....	18-5
E.	DECONCENTRATION OF POVERTY AND EXPANSION OF HOUSING AND ECONOMIC OPPORTUNITIES.....	18-5
F.	AGREEMENT & SECTION 8 PROJECT BASED VOUCHER HOUSING ASSISTANCE PAYMENTS CONTRACT.....	18-5
G.	REDUCTION OF UNITS.....	18-7
H.	RESPONSIBILITIES OF THE BURBANK HOUSING AUTHORITY... ..	18-7
I.	RESPONSIBILITIES OF THE OWNER.....	18-8
J.	FAMILY PARTICIPATION .....	18-8
K.	BRIEFING SESSIONS FOR PBVP PARTICIPANTS.....	18-9
L.	PHYSICAL CONDITION STANDARDS & PHYSICAL INSPECTION REQUIREMENTS.....	18-10
M.	MAINTENANCE, OPERATION AND INSPECTION .....	18-10
N.	OVERCROWDED, UNDEROCCUPIED, AND ACCESSIBLE UNITS.....	18-10

## Table of Contents

O.	ASSISTED TENANCY AND TERMINATION OF TENANCY.....	18-11
P.	RENT AND HOUSING ASSISTANCE PAYMENT .....	18-11
Q.	LIMITS ON INITIAL RENT TO OWNER .....	18-12
R.	ANNUAL ADJUSTMENT OF RENT TO OWNER.....	18-12
S.	SPECIAL ADJUSTMENT OF THE RENT TO OWNER ...	18-13

## Chapter 19

### SPECIAL PURPOSE VOUCHERS

	INTRODUCTION.....	19-1
PART 1: VETERANS AFFAIRS SUPPORTIVE HOUSING PROGRAM		
A.	SPECIAL RULES FOR THE HUD VASH VOUCHER PROGRAM .....	19-1
B.	THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (VA).....	19-1
C.	REFERRALS.....	19-2
D.	PARTICIPANT ELIGIBILITY.....	19-2
E.	BACKGROUND CHECKS.....	19-2
F.	SOCIAL SECURITY AND DATE OF BIRTH VERIFICATION.....	19-2
G.	INCOME AND ELIGIBILITY.....	19-3
H.	EXCEPTION PAYMENT STANDARD .....	19-3
I.	VOUCHER SEARCH TERM AND LEASING.....	19-3
J.	CASE MANAGEMENT .....	19-4
K.	CHANGE IN FAMILY COMPOSITION.....	19-4
L.	VOUCHER REASSIGNMENT UPON FAMILY BREAK-UP.....	19-4
M.	PORTABILITY .....	19-4
N.	VOUCHER TURNOVER.....	19-5
O.	PROJECT BASING HUD VASH VOUCHERS .....	19-5

## Table of Contents

PART 2: FOSTER YOUTH TO INDEPENDENCE INITIATIVE.....	19-7
A. PUBLIC CHILD WELFARE AGENCY (PCWA) .....	19-7
B. SUPPORTIVE SERVICES.....	19-8
C. FYI ELIGIBILITY .....	19-8
D. WAITING LIST ADMINISTRATION .....	19-9
E. HCV ELIGIBILITY DETERMINATION .....	19-9
F. LEASE UP.....	19-9
G. LENGTH OF ASSISTANCE .....	19-10
H. TERMINATION OF ASSISTANCE .....	19-12
I. PORTABILITY .....	19-13
J. PROJECT-BASING FYI VOUCHERS .....	19-13

## GLOSSARY

GLOSSARY OF TERMS .....	G-1
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## **CHAPTER 1**

### **STATEMENT OF POLICIES AND OBJECTIVES**

#### **INTRODUCTION**

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U. S. Housing Act of 1937. On October 21, 1998, the Quality Housing and Work Responsibility Act of 1998 was signed into law which substantially changed the Section 8 Program. In the past there had been two forms of assistance, namely Certificates and Vouchers, but this new Act combined the two into the new Housing Choice Voucher Program. This Administrative Plan implements those changes. Administration of the Section 8 Program and the functions and responsibilities of the Burbank Housing Authority staff shall be in compliance with the City of Burbank's Personnel Policy and the U. S. Department of Housing and Urban Development's (HUD) Section 8 Regulations, as well as all applicable federal and state laws.

The funding source for the Section 8 Program is an Annual Contributions Contract between the Burbank Housing Authority and the U. S. Department of Housing and Urban Development. The federal funds come directly to the Burbank Housing Authority and are used for Program implementation and administration. The Section 8 Program is self-supporting from the federal government and does not use local funds.

#### **A. PROGRAM DESCRIPTION**

The Section 8 Program is a federally funded rental assistance program where the Burbank Housing Authority makes rent payments to private landlords every month on behalf of very low-income tenant households. The U. S. Department of Housing and Urban Development enters an Annual Contributions Contract with the Housing Authority to pay a certain amount of money every year to administer the Program. The contract specifies the amount of money that will be received and the number of households that can be assisted. When the maximum number is reached, the Program is considered full and someone must leave the Program in order to allow a new person to participate.

When the Section 8 Program is open for new applications, an interested person can fill out an application and submit it directly to the Burbank Housing Authority. The applicant name is placed on the Applicant Waiting List and when the name is selected as outlined later in this Administrative Plan, the person is called to the office for an interview. In order to qualify for the Program, the income for the applicant family must be below 50% of median for Los Angeles County (new income limits are utilized as soon as they are available). Income is verified by the Housing Authority and new participants must be U. S. citizens or legal immigrants to qualify for assistance. After the tenant is determined eligible, a Section 8 Voucher is issued which gives the tenant 120 days to locate a suitable rental unit. The tenant may elect to stay in his/her current rental unit, if the landlord agrees

to participate in the Program, or the tenant may locate a unit anywhere in the United States. The Voucher specifies a certain dollar amount that the Housing Authority will pay directly to the landlord on behalf of the tenant each month. The Section 8 Housing Choice Voucher Program is designed to give the tenant freedom and flexibility to choose a place to live.

The unit selected may be a house or an apartment, and it must be decent, safe, and sanitary. The rent must be reasonable compared to similar units that are not on the Section 8 Program. Every year the unit will be inspected by the Housing Authority to verify the condition. In addition, the income of the tenant household will be verified annually, and eligible tenants may remain on the Program indefinitely.

## **B. HISTORY OF THE BURBANK HOUSING AUTHORITY**

The creation of the Burbank Housing Authority was authorized by Resolution 17,164, which was passed by the Burbank City Council on June 17, 1975, in accordance with Section 34240 of the Health and Safety Code of the State of California. The Burbank City Council also passed Resolution 17,165 on June 17, 1975, which declared that the City Council members would serve as the Commissioners of the Housing Authority in accordance with Section 34290(a) of the Health and Safety Code of the State of California. The by-laws for the Burbank Housing Authority were adopted on July 1, 1975, by Housing Authority Resolution H-4.

The initial allocation of funding for the Section 8 Program in 1975 was \$92,000 for a total program size of 40 Certificates. Over the years, the Section 8 Program has increased in various funding increments to a total of 1,014 Certificates and Vouchers. Each year, as funding for the program is received, staff will provide an annual update to the Housing Authority Board on voucher utilization. In 1992, the Burbank Housing Authority started participating in the Family Self-Sufficiency component of the Section 8 Program which provides incentives to families to become financially independent. The Family Self-Sufficiency Program will be discussed in Chapter 14.

The jurisdiction of the Burbank Housing Authority is the City of Burbank; however, tenants are able to take their Section 8 assistance with them to other parts of the country. The Burbank Housing Authority works cooperatively with other Housing Authorities to transfer tenants when requested. This ability to move from one jurisdiction to another is called portability and will be discussed in Chapter 8.

## **C. PROGRAM GOALS AND OBJECTIVES [24 CFR 982.1]**

The goal of the Burbank Housing Authority is to assist the most needy and vulnerable applicants in the City of Burbank such as those applicants that pay a disproportionate share of their income on rent. The Section 8 Program aims to provide affordable housing to those existing, very low-income applicants by implementing the Section 8 Program, the

Burbank Housing Authority is able to take existing units in the private rental market and make them affordable to existing, very low-income applicant families (defined in Chapter 2). The Burbank Housing Authority has a commitment to provide the highest level of service to assist the greatest number of people possible while staying within the available funding. This commitment to the highest level of service will be supported by use of administrative fee reserve funds when necessary. It is the policy of the Burbank Housing Authority to achieve and maintain full lease-up of all Vouchers. The Section 8 Program is designed to achieve these major objectives:

1. To provide affordable rental housing that is decent, safe, and sanitary to existing, very low-income applicants.
2. To ensure that all units in the Program meet Housing Quality Standards and that tenants pay fair and reasonable rents.
3. To promote fair housing and the opportunity for very low-income applicants of all ethnic backgrounds to experience freedom of housing choice.
4. To promote a housing program which maintains quality service and integrity which encourages private property owners to rent to very low-income households.

#### **D. PURPOSE OF THE PLAN [24 CFR 982.52 and 982.54]**

The purpose of the Section 8 Administrative Plan is to establish policies and procedures to implement the Program in a manner consistent with HUD requirements and local objectives. Section 8 Program requirements are specified in the Code of Federal Regulations, and it is not the purpose of this Plan to restate those regulations. This Plan will describe the policies concerning the functions for which there is discretion to establish local policies and procedures. These policies will cover applicants and participants in the Section 8 Program. The Burbank Housing Authority is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence.

#### **E. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]**

It is the policy of the Burbank Housing Authority to comply fully with all applicable federal and state laws governing fair housing and equal opportunity in housing and employment. No applicant will be denied the opportunity to apply for or receive assistance under the Section 8 Program on the basis of race, color, sex, religion, creed, national or ethnic origin, and age or on the actual or perceived familial or marital status, sexual orientation, gender identity or disability.

To further its commitment to full compliance with applicable civil rights laws, the Burbank Housing Authority will provide information concerning federal and state legislation to Program participants. Such information will be made available during the initial briefing

session and will be contained in the briefing packet. The discrimination complaint forms provided by HUD will also be included.

### **Tenant Outreach**

The Burbank Housing Authority will publicize the availability of applications for Section 8 assistance when the size of the waiting list is not sufficient to accommodate new allocations of funding or existing Program turnover. Advertisements and articles will be placed in newspapers, such as The LA Times, The Daily News, La Opinion, The Sentinel, a local Armenian language newspaper and posted on social media. Notices will also be provided in English, Spanish and Armenian and will be placed in public places. Information concerning eligibility guidelines and Program benefits will be distributed to other service providers in the community to enable them to make client referrals for housing assistance.

### **Owner Outreach**

The Burbank Housing Authority encourages owners of decent, safe and sanitary housing units to lease to Section 8 households. A list of available units is maintained for the Section 8 Program and is updated monthly. To ensure greater mobility and housing choice for very low-income tenants, the list contains information about available rental units that are located throughout the City of Burbank. This list is available in the Burbank Housing Authority office and can be mailed to Program participants upon request. The initial briefing packet for new participants will also include this list.

## **F. REASONABLE ACCOMMODATIONS POLICY [24 CFR 8.28 ]**

The policies and practices of the Burbank Housing Authority are designed to provide equal access to services for a person with disabilities. A reasonable accommodation is an exception or adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the HCV program. The Burbank Housing Authority will provide portable assisted hearing devices, sign language interpreters, and a Braille translation service, as necessary. In addition, the Burbank Housing Authority office is wheelchair accessible and informational posters are placed in such a manner as to make them easily readable from a wheelchair.

Pursuant to the federal Fair Housing Act, the Americans with Disabilities Act (ADA), and the California Fair Employment and Housing Act, the City of Burbank Housing Authority is dedicated to providing any accommodation that is reasonably necessary to afford persons with qualified disabilities an equal opportunity to participate in the Section 8 Program.

To have equal access to the HCV program, persons with qualifying disabilities may request a reasonable accommodation and shall be referred to the City of Burbank ADA

Coordinator to participate in an interactive process with the Burbank Housing Authority, to determine what reasonable accommodation(s) may be granted.

**G. ADMINISTRATIVE FEE RESERVE** [24 CFR 982.155(B)]

The funding for the Section 8 Program allows the Burbank Housing Authority to earn administrative fees based on the number of units that are leased under the Program every month. There is an established HUD formula for calculating these administrative fees.

Any administrative fee reserve funds are to be used first to cover any Program expenses that are not covered by the annual earned administrative fees, but the remainder of the reserve funds may be used for other housing purposes. Any plans to spend reserve funds for purposes other than Program maintenance need to have Housing Authority Board approval.

**H. TRANSLATION OF DOCUMENTS**

The Burbank Housing Authority has bilingual staff to assist non-English speaking persons in Armenian and Spanish languages. The City of Burbank has the ability to provide translation services to the Housing Authority in the languages of Farsi, Arabic, Russian, Korean, Mandarin Chinese, Toisan Cantonese, Filipino Tagalog, and Spanish Tagalog upon request. Any written translation of documents will be reviewed on the basis of need and cost considerations. In determining whether it is feasible to provide translation of documents written in English into other languages, the Burbank Housing Authority will consider the number of applicants and participants who do not speak English and speak the other language. If it is determined translating a document into a different language is not feasible, Burbank Housing Authority will make other efforts to explain the information contained in such documents to applicants and participants in their language. At any time that a person not fluent in English requests an Informal Hearing, the Burbank Housing Authority will have an interpreter present at the hearing whenever possible. The interpreter will execute a statement that the tenant had all of the information explained at the time of the hearing. That document will be retained in the tenant file.

**I. MANAGEMENT ASSESSMENT OBJECTIVES (SEMAP)**

In an effort to monitor the performance of the housing agencies that administer the Section 8 Program, HUD has established the Section 8 Management Assessment Program (SEMAP). There are several areas of Program implementation that are included in SEMAP. Housing agencies are required to submit an annual certification that their policies and practices are in compliance with HUD standards. Every month, information concerning the Program is transmitted electronically to HUD for reporting purposes. This information gives HUD the ability to monitor performance without making a site visit. The quality control policies and practices of the Burbank Housing Authority are consistent with

the goals and objectives of the Section 8 Management Assessment Program. The indicators that are included in this evaluation system include:

1. Selection from the Waiting List.
2. Rent Reasonableness.
3. Determination of Adjusted Income.
4. Utility Allowance Schedule
5. Quality Control Inspections for Housing Quality Standards.
6. Housing Quality Standards Enforcement.
7. Expanding Housing Opportunities.
8. Fair Market Rent/Exception Rent and Payment Standards Compliance.
9. Timeliness of Annual Recertification.
10. Correct Tenant Rent Calculations.
11. Pre-Contract Housing Quality Standards Inspections.
12. Annual Housing Quality Standards Inspections.
13. Lease-up Rate.
14. Family Self-Sufficiency Program Enrollment.
15. Percent of Family Self-Sufficiency Participants with Escrow Account Balances.

#### **J. RECORDS MANAGEMENT**

In order to demonstrate compliance with HUD regulations, the Burbank Housing Authority will maintain records, reports and other documentation for a period of three years. Effective January 1, 2011, all documents pertaining to active files will be scanned and stored electronically within the Housing Pro software system. Once scanned, all hardcopies will be stored for three years and then destroyed. The tenant file will contain the original hardcopy eligibility certification documents. Upon termination of a participant from the Program, records will be maintained for three years then destroyed.

#### **K. THE HOUSING OPPORTUNITY THROUGH MODERNIZATION ACT OF 2016 (HOTMA)**

On July 29, 2016, The Housing Opportunity Through Modernization Act (HOTMA) was signed into law. HOTMA makes numerous amendments to Sections 3, 8, and 16 of the United States Housing Act of 1937(1937 Act), including significant changes to income calculation, net family assets, and income reviews. The rule was officially published in the Federal Register on February 14, 2023, and revises HUD regulations found in 24 CFR Part 5 and 24 CFR Part 982.

This administrative plan has been updated to comply with the following required HOTMA provisions; Use of HUD 9886-A (a HUD form), Income Exclusions, Definitions, De Minimis Errors. All remaining provisions in Section 102 and 104 will be issued at a later date per HUD guidance.

## CHAPTER 2

### ELIGIBILITY FOR ADMISSION

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

#### **INTRODUCTION**

This Chapter defines the criteria used to determine eligibility for admission to the Section 8 program. It is the policy of the Burbank Housing Authority to be objective and consistent in applying these criteria to evaluate the eligibility of those who apply. Only the factors described in this Chapter will be used to determine eligibility. Applicants will be provided the opportunity to explain their circumstances, to furnish additional information, and to receive an explanation of the basis for any decision made by the Burbank Housing Authority pertaining to their eligibility.

#### **Eligibility Factors**

To be eligible for participation, an applicant must: 1) meet the income guidelines as an applicant family; 2) must provide Social Security numbers for every person listed on the application; and 3) must be a citizen of the United States or an eligible immigrant. Initial eligibility for placement on the Section 8 applicant waiting list will be made in accordance with these eligibility factors. Verification will not be obtained until the applicant is selected from the list.

#### **A. FAMILY COMPOSITION** [24 CFR 5.403, 982.201]

An applicant family includes every person listed on the application including but not limited to, the following, regardless of actual or perceived sexual orientation, gender identity or marital status. Each applicant for assistance under the Housing Choice Voucher program must meet the BHA's definition of family as described below:

(1) A single person, who may be:

(i) An elderly person, displaced person, disabled person, near-elderly person, or any other single person;

(ii) An otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or

~~(1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or~~

(2) A group of persons residing together, and such group includes, but is not limited to:

(i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);

(ii) An elderly family;

(iii) A near-elderly family;

(iv) A disabled family;

(v) A displaced family; and

(vi) The remaining member of a tenant family.

### **Household**

A household includes the applicant family (all the persons that applied together as described in Chapter 2), and any additional persons approved by the BHA to live (meeting residency timeframes in Chapter 5) in the assisted unit, including but not limited to: lodgers, foster children, wards of the State, care takers and live-in aides. A person living alone in a housing unit or a group of unrelated people sharing a housing unit such as partners or roommates are also counted as a household.

The various compositions of family and household include the following designations:

### **Head of Household**

The head of household is the adult member of the household who is responsible for paying the rent. This person must have the legal capacity to enter into a lease under state or local law. Emancipated minors who qualify under state law will be recognized as the head of household.

### **Spouse of Head**

Spouse means the husband or wife of the head of household. The term "spouse" does not apply to boyfriends, girlfriends, or significant others.

### **Live-in Aide**

A household may include a live-in aide provided that she/he is determined by a medical doctor to be essential to the care and well-being of an elderly or disabled member of the household. The doctor must provide written verification concerning the medical need for the live-in aide and must include the hours the care will be provided. Relatives are not automatically excluded from being live-in aides. The live-in aide must not be obligated for the support of the person being cared for and would not be living in the unit except to provide care. Voucher Size Determination for a household with a Burbank Housing

Authority approved live-in aide will follow policies outlined in Chapter 7 – Subsidy Standards.

The income of a live-in aide is not to be counted for purposes of determining eligibility. Live-in aides are not subject to Non-Citizen Rule requirements and they are not considered to be a remaining member of the household if the tenant leaves the unit. A live-in aide may only reside in the unit with the approval of the Burbank Housing Authority.

At any time, a particular individual may be disapproved as a live-in aide or previous approval may be withdrawn if:

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

### **Split Households Prior to Voucher Issuance**

When an applicant family or household on the Section 8 applicant waiting list splits into two otherwise eligible households, the members of the family/household must decide which component will remain on the Section 8 Applicant Waiting List. It is not a decision to be made by the Housing Authority.

### **Income of Applicant Family Members**

The incomes of all members of the applicant family, listed on the application, will be taken into consideration to determine eligibility for the Section 8 Program. Applicant family members cannot exclude themselves from consideration.

### **Joint Custody of Children**

Children who are subject to a joint custody agreement and live with the parent who is applying for the Section 8 Program at least 51% of the time, will be considered members of the applicant family/household. The definition of "51% of the time" is 183 days of the year that do not need to be consecutive.

## **B. INCOME LIMITATIONS** [24 CFR 982.201, 982.353]

In order to be eligible for assistance, the applicant family must have an income that is below 50% of median income for the Los Angeles/Long Beach Standard Metropolitan Statistical Area (for the fiscal year). To determine eligibility, the gross annual income of all the persons listed on the application is compared to the applicable income limit for that number of people. Calculated income that is more than 60 days old will need to be

recalculated per HUD Regulations. Applicant families with annual incomes that exceed the income limit will be denied admission and offered an Informal Review.

New admissions to the Program will be monitored so that 75% of new, eligible applicant families have incomes below 30% of median income within the fiscal year. In very limited circumstances, lower income, eligible applicant families with incomes below 80% of median income that have been participating in other HUD Programs may qualify for Section 8 assistance. The applicable programs are specified in 24 CFR 982.201 (b).

#### **C. SOCIAL SECURITY NUMBERS** [24 CFR 5.216, 5.218]

Prior to admission to the Section 8 Program, applicants are required to provide verification of Social Security numbers for all persons listed on the application. This requirement also applies to persons joining the household after admission to the Program. Failure to furnish verification of Social Security numbers is grounds for denial of admission or termination of assistance.

#### **D. CITIZENSHIP/IMMIGRATION STATUS** [24 CFR Part 5, Subpart E]

In order to receive assistance, at least one applicant family member must be a U.S. citizen or an eligible immigrant. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD. The status of each member of the applicant family is considered individually before the applicant family's status is defined. The types of family status are as follows:

1. Mixed family. A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed households." Such applicant families will be given notice that their assistance will be pro-rated and that they may request an Informal Review if they contest this determination.
2. No eligible members. Applicant families that include no eligible members will be ineligible for assistance. Such families will be denied admission and offered an opportunity for an Informal Hearing.
3. Non-citizen students. Applicants falling into this category are not eligible for Section 8 assistance and will be offered an Informal Hearing.

#### **E. INELIGIBILITY FACTORS** [24 CFR 982.552(b)]

Federal requirements mandate that admission to the Section 8 Program be denied to applicants in the following situations:

1. If any member of the applicant family fails to sign and submit the HUD or

- Housing Authority required consent forms for obtaining information.
2. If no member of the applicant family is a citizen of the United States or eligible immigrant.
  3. If an individual in the applicant family is convicted of manufacturing or producing methamphetamine.
  4. If an individual in the applicant family seeking initial eligibility is a medicinal marijuana user as further defined in Chapter 11 – Denial or Termination of Assistance.
  5. If any member of the applicant family is subject to a lifetime registration requirement under a state sex offender registration program.

#### **F. SCREENING PROCEDURES FOR APPLICANTS** [24 CFR 982.307]

In an effort to prevent future drug-related and other violent criminal activity, the Housing Authority will endeavor to screen applicants as thoroughly and fairly as possible. All screening procedures shall be consistently administered in such a way as not to violate rights to privacy or to discriminate on the basis of race, color, nationality, religion, familial status, disability, sex or other legally protected classes under the law (as described in Chapter 1). Such screening procedures will apply to all members of the applicant family who are 18 years of age or older.

Criminal history reports will be obtained for all members of the applicant family who are 18 years of age or older. Assistance will be denied if any applicant family member has ever been convicted or is currently/recently engaged (as defined in each subsection below) in one or more of the following behaviors that meet these HUD definitions:

1. *Drug-related criminal activity* is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance by any family member. Drug-related criminal activity means *on or off the premises, not just on or near the premises* within the last five (5) years of application review.
2. *Violent criminal activity* includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member within the last 10 years of application review.
3. *Other criminal activity* that may threaten the health, safety, or peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity by any family member within the last five (5) years of application review.
4. Any *other activity* that may threaten the health, safety, or peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity by any family member within the last five (5) years of application review.

For purposes of this section, the circumstances related to any drug related or other criminal/non-criminal, or violent criminal activity (e.g., probation, parole, status of parole, etc.) will be reviewed before denying admission. If an applicant family is denied based on criminal record, the Burbank Housing Authority will notify the household of the proposed action and will provide a copy of the record from which the denial is based. For Informal Review procedures for Applicants please see Chapter 13 – Complaints and Appeals.

It is a HUD requirement that persons evicted from public housing, Indian Housing, Section 23 or any Section 8 Program because of drug-related criminal activity are ineligible for admission to the Section 8 Program for a three-year period beginning on the date of such eviction.

**G. SUITABILITY AS TENANTS** [24 CFR 982.202(b)(1)]

The Burbank Housing Authority may not screen for factors which relate to the suitability of the applicant family as tenants. It is the responsibility of the landlord to screen the applicants as to their suitability for tenancy. If an applicant feels that she/he has been discriminated against by a landlord, the Housing Authority will counsel them about their fair housing rights. The applicant will be referred to the local housing rights office to pursue housing discrimination complaints. The applicant will also be given a *Housing Discrimination Complaint* form (HUD-903) to complete and submit to the HUD Local Area Office.

## **CHAPTER 3**

### **APPLICATION PROCESS**

[24 CFR 982.204]

#### **INTRODUCTION**

It is the policy of the Burbank Housing Authority to ensure that all people who express an interest in housing assistance are given an equal opportunity to apply and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for handling new applications and the placement of those applications on the Section 8 Applicant Waiting List.

#### **A. OVERVIEW OF THE APPLICATION PROCESS**

When the Section 8 Program is open, any person who wants to apply for assistance may fill out an application. In an effort to make the application process accessible to all, the application may be given to someone other than the applicant. Upon request from a person with a disability, the application will be provided in an accessible format.

The application process will involve two phases. The first phase is the initial application for assistance, which is referred to as the pre-application. The second phase is the full application where the final determination of eligibility will be made. The full application is taken at the time that the applicant is requested to provide verification of the information provided on the pre-application.

#### **B. OPENING AND CLOSING THE WAITING LIST** [24 CFR 982.206, 982.54(d)(1)]

##### **Opening the Applicant Waiting List**

New applications will be taken when there are less than 100 Burbank residents on the Section 8 Applicant Waiting List. When the Applicant Waiting List is open, the Burbank Housing Authority will advertise through public notices in local newspapers and minority publications, including The LA Times, The Daily News, La Opinion, The Sentinel, a local Armenian language newspaper and posted on social media. The notice that is published will contain the following information:

1. The dates, times, and the locations where applicants may apply.
2. A brief description of the Section 8 program.
3. A statement that public housing residents must submit a separate application if they want to apply for the Section 8 Program.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the Burbank Housing Authority office address and telephone number, how to submit an application, information on eligibility requirements, and the availability of local preferences.

Applications will be made available online and will be distributed to any social service agency that requests them. These social service agencies will include, but are not limited to, the Burbank Temporary Aid Center, the Salvation Army, the Armenian Relief Society, the Burbank Family Service Agency, the Burbank Human Relations Council, the Burbank Advisory Council to the Disabled, and the Burbank Landlord Tenant Commission. Applications will also be available at all three branches of the Burbank Public Library and all of the Burbank Parks and Recreation facilities. Applications must be returned in the manner advertised by the Housing Authority Office.

### **Closing the Applicant Waiting List**

The Burbank Housing Authority will discontinue receiving applications and close the Section 8 Applicant Waiting List per the deadline(s) given on the public notices inviting applications. The names of the new applicants will be added to the Section 8 Applicant Waiting List within the preference categories.

### **C. INITIAL APPLICATION PROCEDURES** [24 CFR 982.204(b)]

The Burbank Housing Authority will use a pre-application for the initial application phase. The purpose of the pre-application is to provide enough information for a preliminary assessment of eligibility and to determine preference category for the Applicant Waiting List. The pre-application will contain questions designed to obtain the following information:

1. Names and ages of all members of the applicant family
2. Sex and relationship of all members.
3. Street address and phone numbers.
4. Mailing address, if different. Homeless applicants should use the address of the service provider in Burbank as further defined in Chapter – 4 Applicant Waiting List
5. Amount and source of income received by applicant family members.
6. Information regarding disabilities pertinent to allowances and deductions.
7. Information related to qualification for preferences.
8. Social Security numbers.
9. Race/ethnicity of head of household.
10. Request for specific accommodation needed to fully utilize program and services.
11. Telephone number for emergency contact person.

Pre-applications will not require an interview. The information on the application will not be verified until the applicant has been selected from the Section 8 Applicant Waiting List. Final eligibility will be determined when the full application process is completed and all information is verified. Applicants who submit pre-applications showing applicant family income that exceeds the eligibility limit will be sent a letter of ineligibility. These applicants will not be placed on the Section 8 Applicant Waiting List. The applicant may request an Informal Review and may submit other information to be used for a redetermination of eligibility.

#### **D. STATUS ON THE APPLICANT WAITING LIST** [CFR 982.204]

After the pre-application has been reviewed for income eligibility, a written confirmation of placement on the Section 8 Applicant Waiting List will be sent to the head of household. Applicants are required to inform the Burbank Housing Authority in writing when they have a change of address. Applicants are also required to respond to requests for information from the Burbank Housing Authority.

#### **E. TIME OF SELECTION** [24 CFR 982.204]

Applicants will be selected from the Section 8 Applicant Waiting List randomly based on a preference point system (described in Chapter 4) through the software program. When the applicant is selected from the Applicant Waiting List, a written request for program eligibility will be sent out, which will specify the time period (deadline) for submitting the required information. Information on incomplete submittals or changes in circumstance will not be accepted after deadline has passed, and the applicant will be removed from the Waiting List. After all of the timely verification has been received, and the applicant has been determined eligible, the applicant will be scheduled for a full application interview.

#### **F. FULL APPLICATION PROCEDURES**

All preferences claimed on the pre-application or while the applicant family is on the Section 8 Applicant Waiting List will be verified at the time that the applicant is selected. The qualification for preference must exist at the time the preference is claimed and at the time of verification. Requests for verification of all pertinent factors, such as income, assets, household composition, disability, and citizenship status will be mailed to the applicant before the interview is scheduled.

After all the verification forms have been received, the final determination of eligibility will be made. If the applicant family is determined to be ineligible for the Program, a written notification will be mailed out. The letter will contain an explanation of the reason for ineligibility determination and an opportunity to request an Informal Review.

If the applicant family is determined to be eligible, an appointment will be made for a full application interview. The applicant is required to participate in a full application interview. The Burbank Housing Authority staff person will complete the formal application and the applicant will need to sign the form and certify that all information is complete and accurate.

All adult members must sign the *Release of Information* (HUD 9886) and the declarations and consent forms related to citizenship or immigration status. Depending on individual circumstances, applicants will be required to sign specific verification forms for information which is not covered by the HUD form 9886. All applicants will be required to authorize the Burbank Housing Authority to obtain their credit reports and criminal histories. Refusal to sign any of these documents will be cause for denial of admission to the Section 8 Program for failure to provide necessary certifications and release as required by the Burbank Housing Authority.

**G. VERIFICATION** [24 CFR 982.201(e)]

Information provided by the applicant will be verified by using the procedures in Chapter 6. Household composition, income, allowances and deductions, assets, full-time student status, disability, eligibility factors, and other pertinent information will be verified. Written verification may not be more than 60 calendar days old at the time of issuance of a Voucher.

## **CHAPTER 4**

### **APPLICANT WAITING LIST**

[24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

#### **INTRODUCTION**

It is the objective of the Burbank Housing Authority to maintain an accurate Applicant Waiting List to provide an adequate pool of qualified applicants to fill vacancies in the Section 8 Program. This Chapter explains the preference categories that determine the order of placement of the applications on the Applicant Waiting List. Maintenance of accurate information on the Applicant Waiting List ensures that applicants are admitted to the Program in the proper order and in a timely manner.

#### **A. APPLICANT WAITING LIST** [24 CFR 982.202(c) and 982.204]

Names will be selected from the Section 8 Applicant Waiting List in accordance with policies and preferences defined in this Administrative Plan. The Applicant Waiting List will be maintained in a manner that an application can be tracked from date of receipt to final disposition. The pre-applications will be sorted by preference category and will be a permanent file while active on the Waiting List. While all can apply, no applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

#### **B. PREFERENCE CATEGORIES** [24 CFR 982.207 and 982.4]

The Section 8 Program allows Housing Authorities to apply local preferences to the applications in order to determine placement on the Applicant Waiting List. These preferences are intended to meet the needs of the community. The local preferences that will be used by the Burbank Housing Authority will be as follows:

##### **Residency Preference**

Applicants who reside in the City of Burbank or applicant families with a member who works or has been hired to work in the City of Burbank will be given preference over non-residents. The Section 8 Applicant Waiting List will be separated into the two broad categories of residents and non-residents. Applicants claiming additional preferences will be placed within that preference category. Burbank homeless individuals/families that have been working with qualified Burbank service providers, should utilize the Burbank address of the service provider.

### **Risk of Rental Assistance Loss Preference**

This preference will be given to households participating in any Burbank Housing Authority Special Purpose Voucher program, who are at risk of losing rental assistance because of funding limitations, program changes, or shifts in eligibility requirements.

### **Persons Displaced by Government Action Preference**

Very low-income tenants who are displaced by government action of the Burbank Housing Authority or the City of Burbank will be given this preference based on involuntary displacement. The activity causing the displacement must be taken in connection with code enforcement or a public improvement or a development program.

### **Veteran Preference**

This preference will be given to applicants who have a current member of the U. S. Military Armed Forces in their applicant family. Veterans and surviving spouses of veterans will also be given this preference.

### **Disability Preference**

This preference is extended to disabled persons or families with a disabled member as defined in this Plan. Proof of disability will be required at time of selection from the waiting list.

### **Homeless Preference**

This preference is for Burbank homeless individuals and families that have been working with qualified Burbank service providers. These service providers will certify that adult applicant members meet the specific criteria for this category and the program and commits to providing on-going supportive services for a minimum of six (6) months after issuance of a housing voucher in order to ensure that the individual/family is able to live independently.

This preference will assist those applicants that become homeless while on the waiting list; and homeless applicants in the future that apply to the Program with no home address that instead will utilize a Burbank service provider address with an Authorization form on file.

### **Severely Rent Burdened Preference**

This preference is for applicant families that pay more than 50% of their gross annual income towards the rent. Proof that 50% or more of applicant family income

(as defined by HUD and included in Chapter 5 of this Administrative Plan) is utilized to pay rent will be required at the time of selection from the waiting list.

### **Substandard Housing Preference**

This preference is for applicant families that are living in unpermitted structures as designated by a government official in the course and scope of their official duties such as code enforcement officer or building inspector. This category is different than the Homeless preference and does not apply to homeless households.

### **C. PREFERENCE ELIGIBILITY** [24 CFR 982.207]

Applicants are allowed to claim the preferences at time of pre-application and their names will be placed on the Section 8 Applicant Waiting List according to that preference category. At time of final eligibility determination, the applicant will be required to provide verification of the preference. Changes in an applicant's circumstances while on the Section 8 Applicant Waiting List may qualify the applicant family for a preference. Applicants are required to notify the Burbank Housing Authority in writing when their circumstances change. When applicants claim to have recently become eligible for a preference, they will be placed on the Applicant Waiting List within the newly claimed preference.

### **D. PREFERENCE DENIAL** [24 CFR 982.207]

If an applicant cannot provide third party verification to prove a preference at the time that the name is selected from the Applicant Waiting List, then the preference will be denied. Applicants will be informed in writing why the preference was denied, and they will be placed back on the Section 8 Applicant Waiting List without the denied preference. Applicants will have the right to an Informal Review.

### **E. ORDER OF SELECTION** [24 CFR 982.207(e)]

When the preliminary applications are received, the preference categories claimed by the applicants will be honored. The verification of the preferences will be obtained at the time that the applicant name is selected from the Section 8 Applicant Waiting List. The applications will be placed on the Applicant Waiting List within weighted preference categories.

### **Burbank Residents**

Applicants that live or work in Burbank (25 points).  
Additional Points for:

- ~~i.~~ Burbank Housing Authority Special Purpose Voucher households whose assistance is at risk of termination due to lack of program funding (50 points)
- ~~i.~~~~ii.~~ Involuntarily displaced by the City of Burbank or Burbank Housing Authority preference (10 points).
- ~~ii.~~~~iii.~~ Homeless working with a qualified service provider preference (10 points).
- ~~iii.~~~~iv.~~ Severely rent burdened preference (5 points).
- ~~iv.~~~~v.~~ Substandard housing preference (5 points).
- ~~v.~~~~vi.~~ Veteran preference (2.5 points).
- ~~vi.~~~~vii.~~ Disability preference (2.5 points).

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### **Non-Residents**

- i. Homeless Preference (5 points).
- ii. Severely rent burdened preference (5 points).
- iii. Substandard housing preference (5 points).
- iv. Veteran preference (2.5 points).
- v. Disability preference (2.5 points).
- vi. All other non-residents.

### **F. TARGETED FUNDING** [24 CFR 982.203]

When HUD awards special funding for specific applicants, the Section 8 Applicant Waiting List will be searched for the first available applicant family meeting the targeted funding criteria. Applicants who meet the specific requirements for the targeted funding will be placed on a separate Applicant Waiting List for use in the targeted program.

### **G. REMOVAL FROM WAITING LIST** [24 CFR 982.204(c)]

In order to ensure applicants on the waiting list receive correspondence from the Burbank Housing Authority, it is the responsibility of each applicant to provide in writing any changes to address and contact information. Current and updated contact information will allow the Burbank Housing Authority to manage and maintain the waiting list, as required by HUD, for optimum implementation of the Section 8 Program. To that end, the Section 8 Applicant Waiting List will be updated periodically to ensure that contact, and preference information is on file for all applicants. Letters will be sent to all applicants on the Applicant Waiting List informing them that any changes in address must be sent in writing to the Burbank Housing Authority. The applicants will also be advised to send written notification of any change in household circumstance that would qualify them for a preference. Applicants will be required to complete an information update form and return it to the Housing Authority office within the specified time period. The Burbank Housing Authority has no control over postal delivery and will assume correspondence was delivered as addressed. Any applicant who fails to respond within the stated time period will have their name removed from the Section 8 Applicant Waiting List. The applicant will be informed in writing of their removal.

If any correspondence that is sent out by the Burbank Housing Authority is returned by the Post Office for any reason without a forwarding address, the name will be removed from the Section 8 Applicant Waiting List without further notice. If a forwarding address is provided by the Post Office, the correspondence will be forwarded, however, time periods to respond will remain unchanged. The envelope will be scanned and attached to the applicants file as proof of no forwarding address.

#### **H. EXCEPTIONS FOR SPECIAL ADMISSIONS** [24 CFR 982.203, 982.54(d)(3)]

If HUD awards special funding to the Burbank Housing Authority for specifically targeted groups, these households will be admitted to the Section 8 Program under a special admission procedure which is outside of the regular Section 8 Applicant Waiting List process. These applicant families will not have to qualify for any preferences, nor are they required to be on the Section 8 Applicant Waiting List. The Burbank Housing Authority will maintain separate records of these admissions. The following are examples of the types of low-income households that may be designated by HUD for special admission based on their participation in the following programs:

1. A household displaced due to demolition or disposition of a public or Indian housing project;
2. A household residing in a multi-family rental housing project when HUD sells, forecloses or demolishes the project;
3. A household residing in housing covered by the Low-Income Housing Preservation and Resident Homeownership Act of 1990;
4. A household residing in a project covered by a project-based Section 8 Housing Assistance Payments contract at or near the end of the contract term; and
5. A non-purchasing household residing in a HOPE 1 or HOPE 2 project.

## CHAPTER 5

### INCOME, ASSETS AND ALLOWANCES

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

#### **INTRODUCTION**

The Burbank Housing Authority will use the methods described in this Administrative Plan to verify and determine that applicant family income at admission and reexamination is correct. The accurate calculation of annual income and adjusted income will ensure that participants are paying the proper amount of rent under the Section 8 Program regulations. This Chapter defines the sources of income that are included and excluded as well as allowable expenses and deductions.

#### **A. INCOME** [24 CFR 5.609]

Income includes all monetary amounts that are received by all members of the applicant family and participant household. Annual income is defined as the gross amount of income anticipated to be received during the future 12-month period after certification or recertification. The amount of annual income is used to determine whether or not applicants are within the applicable income limits. Gross income is the amount of income prior to any allowable expenses or deductions. Adjusted income is defined as the annual income minus any allowable expenses and deductions and cannot be more than 60 days old at the time of admission to the Program. Annual income includes, with respect to the family:

1. All amounts received from all sources by each member of the family who is 18 years of age or older or is the head of household or spouse of the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age.
2. Imputed returns on the net family asset based on the current passbook savings rate, for net family assets which exceed the HUD determined threshold. Imputed returns are only calculated when the actual returns from a given asset cannot be calculated,

Annual income, as defined by 24 CFR 5.609(b), does not include amounts specifically excluded below:

1. Any imputed return on an asset when net family assets total more than the HUD determined threshold and no actual income from the net family assets can be determined.
2. The following types of trust distributions:

- i. For an irrevocable trust or a revocable excluded from the definition of net family assets:
    - a. Distributions of the principal or corpus of the trust; and
    - b. Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.
  - ii. For a revocable trust under the control of the family, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.
- 3. Earned income of children under the 18 years of age.
- 4. Payments received for the care of foster children or foster adults, or State or Tribal kinship or guardianship care payments.
- 5. Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.
- 6. Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member.
- 7. Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled.
- 8. Income of a live-in aide, foster child, or foster adult.
- 9.
  - i. Any assistance that section 479B of the Higher Education Act of 1965, as amended (20 U.S.C. 1087uu), requires be excluded from a family's income; and
  - ii. Student financial assistance for tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and other fees required and charged to a student by an institution of higher education (as defined under Section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.
    - a. Student financial assistance, for the purpose of this program, means a grant or scholarship received from
      - 1. The Federal government
      - 2. A State, Tribe, or local government
      - 3. A private foundation registered as a nonprofit under 26 U.S.C. 501(c)(3);
      - 4. A business entity (such as corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or
      - 5. An institution of higher education.
    - b. Student financial assistance does not include:

1. Any assistance that is excluded in section 9(i).
  2. Financial support provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship)
  3. Gifts, including gifts from family or friends; or
  4. Any amount of the scholarship or grant that, either by itself or in combination with assistance excluded in section 9(i), exceeds the actual covered costs of the student. The actual covered costs of the student are the actual costs of tuition, books and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, or other fees required and charged to a student by the education institution, and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.
10. Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, “baby bond” accounts created, authorized, or funded by Federal, State, or local government.
11. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- 12.
- i. 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);
  - ii. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (e.g., special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
  - iii. Amounts received under a resident service stipend not to exceed \$200 per month. A resident service stipend is a modest amount received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development.

- iv. Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal, 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 unless those amounts are excluded under paragraph 9(i) of this section.
- 13. 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.
- 14. Earned income of dependent full-time students in excess of the amount of the deduction for a dependent currently established by HUD.
- 15. Adoption assistance payments for a child in excess of the amount of the deduction for a dependent currently established by HUD.
- 16. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.
- 17. Payments related to aid and attendance under 38 U.S.C. 1521 to veterans in need of regular aid and attendance.
- 18. 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.
- 19. Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit.
- 20. Loan proceeds, under the terms of a loan agreement, received by the family or a third party.
- 21. Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law.
- 22. Amounts that HUD is required by Federal statute to exclude 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 set forth in this section apply. HUD will publish a notice in the Federal Register to identify the benefits that qualify for this exclusion. Updates will be published when necessary.

23. Replacement housing “gap” payments made in accordance with 49 CFR part 24 that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing “gap” payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing “gap” payments.
24. Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. Nonrecurring income includes:
- i. Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment.
  - ii. Direct Federal or State payments intended for economic stimulus or recovery.
  - iii. Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received.
  - iv. Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received.
  - v. Gifts for holidays, birthdays, or other significant life events or milestones
  - vi. Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.
  - vii. Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.
25. Civil rights settlements or judgments, including settlements or judgments for back pay.
26. Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.
27. Income earned on amounts placed in a family's Family Self Sufficiency Account.
28. Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:
- i. Net income from the operation of a business or profession. 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; and
  - ii. 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.

For fully excluded income, the PHA is not required to follow the verification hierarchy, document when third-party verification is not available, or report the income on the 50058. Fully excluded income is defined as income that is entirely excluded from the annual income determination (for example, food stamps, earned income of a minor, or foster care funds) [Notice PIH 2013-04]. PHAs may accept a family's signed application or reexamination form as self-certification of fully excluded income. They do not have to require additional documentation.

## **B. COMPUTATION OF ANNUAL INCOME** [24 CFR 5.611 and 5.617]

**Gross annual income** will be determined by combining all sources of income to derive the total income for a one-year period. The calculation method to be used for the various types of income will be calculated as follows:

### **Earned Income**

1. Gross monthly – multiply gross monthly income by 12 pay periods.
2. Semi-monthly – multiply the gross semi-monthly income by 24 pay periods.
3. Hourly – multiply the gross hourly rate by the number of hours worked each week by 52 pay periods.
4. Weekly – multiply the gross weekly rate by 52 pay periods.
5. Bi-weekly – multiply the gross bi-weekly rate by 26 pay periods.

### **Income Other Than Wages**

For applicant families or participant households having income other than wages, such as Temporary Aid to Needy Families, Social Security payments, SSI, disability income or pensions, the computations will be based on the gross monthly amount multiplied by 12 months.

### **Fluctuating Income**

For applicant families or participant households that have fluctuating amounts of income over a 12-month, such as Unemployment Insurance payments or earnings from a temporary employment agency, the monthly amount will be projected for a 12-month period to determine income. If the income changes, the head of household may request a recalculation at any time to adjust their portion of rent.

### **Lump Sum Payments** [24 CFR 5.609]

Lump-sum payments caused by delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income in the same manner as bonuses. Lump sum payments from Social Security or SSI are excluded from income,

but any amount remaining, such as accumulated interest, will be considered an asset. The head of household needs to report the lump sum payment within 30 calendar days from receipt of the funds and a recalculation will be performed at that time.

### **De Minimis Errors**

The BHA will not be considered out of compliance when making annual income determinations solely due to de minimis errors in calculating family income. A de minimis error is an error where the BHA determination of family income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income per family.

If the BHA determines that there has been an income calculation error, the error(s) will be corrected retroactive to the effective date the action resulting in an error, regardless of the dollar amount associated with the error. Families will not be required to repay the BHA in instances where the BHA miscalculated income resulting in the family being undercharged for rent. Once the BHA becomes aware of the error, the family will be provided a 30-day notice of the increase to their rent portion.

The BHA will take corrective action to credit a family if the family was overcharged tenant rent in income determination.

The families rent portion will be temporarily adjusted down with additional HAP going to the property owner. The BHA will send a letter to the family and the landlord prior to the change in the payments notifying them of the change and the duration of the change.

### **C. ASSETS [24 CFR 5.609]**

Net household assets will include equity in real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land. Personal property, such as automobiles and furniture, will be excluded.

In the case of a trust fund, the value of the trust will not be considered as an asset as long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income. When the net household assets are in excess of \$5,000, the annual income shall include the greater of the actual income derived from all net household assets or a percentage of the value of such assets based on the current passbook savings rate.

#### **D. CHANGE OF INCOME**

The head of a participant household must report any changes in household income within 30 calendar days of the change. The change of household income may have a direct impact on the calculation of total tenant payment. The Housing Authority must have information by the 5th day of the month in order to process the change for the following month. If the household income increases, and the household does not report the change, a retroactive calculation will be made to the point in time when the changes would have taken place.

#### **E. INCOME CHANGES FROM WELFARE PROGRAM REQUIREMENTS**

[24 CFR 5.618]

Annual income will not be reduced for purposes of calculating rental assistance payments when the reduction in welfare payments is the result of fraud or failure to comply with welfare requirements. When a household requests a rent reduction based on lower welfare payments, written verification must be obtained from the Department of Public Social Services that the reduction in benefits is not based on failure to participate in an economic self-sufficiency program or to comply with work activity requirements. Households that fall into this category will be provided the opportunity for an Informal Hearing. A recalculation of income will be performed when a reduction in benefits is the result of the following factors:

1. The expiration of a lifetime limit has been reached.
2. The participant has sought but has been unable to obtain employment.
3. The household has complied with welfare program requirements but loses welfare because of a durational time limit, such as a cap of welfare benefits for a period of no more than two years in a five-year period.

#### **F. INCOME FROM ADDITIONAL HOUSEHOLD MEMBERS**

The head of a participant household must report changes in household composition within 30 calendar days. The addition of people to the household may have a direct impact on household income and the calculation of total tenant payment. Any change to the household composition will be evaluated to determine if a recalculation of assistance needs to be made.

## **Visitors**

Any adult, not included as a member of the household, who has been in the unit more than 14 consecutive days without Burbank Housing Authority approval, or a total of 30 days in a 12-month period, will be considered to be living in the unit as an unauthorized household member. The household will need to include this person as a member of the household for calculation of income eligibility. If the head of household denies that this person is living in the assisted unit, then the burden of proof will rest with the tenant. In the absence of such proof, the individual will be considered an unauthorized member of the household. Written statements from the landlord concerning occupancy will be considered in making the determination. If the tenant is unable to prove that the person lives at another address, then the assistance will be terminated. The participant will have the right to request an Informal Hearing before the termination date.

## **Caretakers**

There are situations where neither one of the parents remain in the household, due to death, illness, incarceration, or abandonment. In some cases, another adult moves into the unit to care for the minor children. In these situations, the caretaker will be considered a visitor for the first 90 days. At the end of that period, the income of the caretaker will be taken into account. As soon as the caretaker has been granted court-awarded custody or legal guardianship, the caretaker will be designated as the head of household. If the appropriate agency cannot confirm the guardianship status of the caretaker, the Housing Authority will review the status every 60 days.

## **Children**

Minors and full-time students over 18 years of age who were a part of the household, but who now live away from home during the school year, may visit for up to 120 days per year without being considered a member of the household. These visits are subject to the approval of the landlord. In a joint custody arrangement, if the minor is in the household less than 120 days per year, the minor will be considered an eligible visitor and not a household member.

## **G. INCOME FROM ABSENT HOUSEHOLD MEMBERS**

There are times when a member of the household leaves the unit, either temporarily or permanently. It is the responsibility of the head of household to report these changes to the Housing Authority within 30 calendar days of the absence. Depending on the type of absence, the income of the absent member may or may not be taken into consideration. An evaluation will need to be made to determine if the total household income has changed. If the income does change, a recalculation of the housing assistance payment will be made.

## **Temporary Absences**

Any person who is absent from the household for a period of less than 90 days will still be considered part of the household. With temporary absences, the income of the person will be taken into account when determining household income and total tenant payment.

### **Permanent Absences**

Any member of the household who leaves the assisted unit for more than 90 days will be considered permanently absent. In cases where the entire household leaves the assisted unit for more than 90 days, the assistance will be terminated.

In order to determine that the household member is absent from the unit, the Burbank Housing Authority will try to contact the head of household by telephone; send a certified letter; send the Housing Inspector to the unit; and will verify if the utilities are still in service. If there is no response from the household, then the assistance will be terminated. Under no circumstance does HUD allow an absence for more than 180 days.

## **H. ALLOWANCES AND DEDUCTIONS** [24 CFR 5.611]

In calculating adjusted annual income, the HUD established allowances and deductions will be subtracted from the gross annual income. The adjusted annual income is used to determine the amount of rent that the tenant will pay toward the rent.

The following list details mandatory deductions from annual income:

- 1) Dependent Allowance. There is an allowance of \$480 for each person under 18 years of age (other than the head or spouse); for household members who are 18 or older and are full-time students and members who are disabled.
- 2) Elderly/Disabled Household Allowance. There is an allowance of \$400 per household where the head or spouse is at least 62 years of age or is disabled.
- 3) Unreimbursed Expenses. The sum of the following unreimbursed expenses will be deducted to the extent that the sum of these expenses exceeds three percent of annual income:
  - a. Unreimbursed medical expenses of any elderly or disabled household member.
  - b. Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the household who is a person with a disability, to the extent necessary to enable any member of the household (including the member with a disability) to be employed,

- 4) Childcare Expenses. HUD allows any reasonable childcare expenses necessary to enable a member of the household to be employed or to further his or her education. The Burbank Housing Authority will utilize the tax code Child and Dependent Care Credit amount or the actual cost of the childcare; whichever is less per year, for children under 13.

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## **CHAPTER 6**

### **VERIFICATION PROCEDURES**

[24 CFR Part 5, Subparts B, D, E and F; 982.108]

#### **INTRODUCTION**

Proper verification of information is essential to the integrity of the Section 8 Program. Factors of eligibility and total tenant payment will be confirmed by third party verification and retained in the tenant file. Written verification will be obtained from independent sources whenever possible and any deviation from this policy will need to be thoroughly documented in the tenant file. Applicants and Program participants must provide true and complete information to the Burbank Housing Authority whenever information is requested. This Chapter explains the procedures and standards for verification of preferences, income, assets, allowable deductions, citizenship or immigration status, and changes in household composition. The Burbank Housing Authority will obtain written authorization from applicants and participants before requesting information from independent sources.

#### **A. METHODS OF VERIFICATION** [24 CFR 5.233]

The verification methods used to confirm the accuracy of information provided by the applicant or participant will have the following order of priority:

1. HUD's Enterprise Income Verification system (EIV).
2. Non-HUD Income Verification system (EIV).
3. Third-Party Written Verification.
4. Third-Party Written Verification form.
5. Oral Third-Party Verification form.
6. Tenant Declaration form.

Verifications may not be more than 60 days old at the time that the Voucher is issued. This requirement applies to both applicants and participants.

#### **Enterprise Income Verification (EIV) System**

HUD's EIV system contains data showing earned income, unemployment benefits, Social Security, and SSI benefits for participant families. Tenant Income Data (TID) reports will be obtained on a monthly basis. Reports will be generated as a part of the regular reexamination process. Tenant Income Data reports will be used in interim reexaminations when it is necessary to verify and calculate earned income, unemployment benefits, Social Security, and/or SSI benefits.

## **INCOME VERIFICATION TOOL (IVT)**

The IVT is a tool for identifying families who may have concealed or under-reported income. When it appears that a family may have concealed or under-reported income, third party written verification of the income in question will be requested.

### **EIV Identity Verification**

The EIV system verifies tenant identities against SSA records. These records are compared to PIC data for a match on Social Security number, name, and date of birth. Program participants whose identity verification has failed will be identified as part of the annual reexamination process.

### **Work Number**

Participating employers provide employment verification information to The Work Number to act as their official agent for issuing employment verifications.

### **Third Party Written Verification**

Third-party written verification is used to verify information directly with the source. These verification forms must be marked with the office stamp of the independent third party or the information must be provided on their letterhead. Verifications received electronically from the information sources are considered to be third-party written verification. Computer matching reports from other agencies will be considered to be third-party written verification. Each adult member of the household will be required to sign an authorization form for the information source to release the specified information.

Third-party written verification must be an original or authentic document generated by a third-party source dated within 120 days of the date received by the BHA. For fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation.

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

Third-party oral verification will be used when written third-party verification is delayed or not possible. When third-party oral verification is used, staff will be required to complete a *Certification of Document Viewed or Person Contacted form*, noting with whom they spoke, the date of the conversation, and the facts provided. If the information was obtained by telephone, the Housing Authority must originate the call. This type of verification must be approved by a supervisor.

### **Review of Documents**

In the event that third-party written or oral verification is unavailable, the reason for this situation will be noted in the tenant file. At that point, the documents provided by the applicant or participant will be used as the primary source to provide complete information. This type of verification must be approved by a supervisor. All documents, excluding government checks, will be photocopied and retained in the tenant file. In cases where documents are viewed, which cannot be photocopied, staff viewing the documents will complete a *Certification of Document Viewed or Person Contacted form*. If third-party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, staff will utilize the third-party verification.

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

This type of verification is not to be used except in extremely unusual situations. When verification cannot be made by third-party verification or review of documents, applicants and participants will be required to submit a self-certification. The form of the self-certification must be a notarized statement of fact that is signed under penalty of perjury. This type of verification must be approved by a supervisor.

### **B. ITEMS TO BE VERIFIED** [24 CFR 982.516]

The applicant or participant needs to provide whatever information is necessary to determine initial or ongoing eligibility for the Section 8 Program. The following list gives examples of the various items that need to be verified, however, this list is not all-inclusive.

1. All income not specifically excluded by the regulations.
2. Full-time student status, including high school students who are 18 or over.
3. Current assets, including assets disposed of for less than fair market value in preceding two years.
4. Child care expense where it allows an adult household member to be employed or to attend an educational or vocational program.
5. Total medical expenses for households whose head or spouse is elderly or disabled.
6. Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the household which allow the disabled person or another adult household member to be employed.
7. Legal identity of all household members, including birth certificates, driver's licenses or state identification cards.
8. Disability for determination of preferences, allowances or deductions.
9. U.S. citizenship or eligible immigrant status.
10. Social Security numbers for all household members who are 6 years of age or older.
11. "Preference" status for local preferences as described in Section I of this Chapter.

12. Familial or marital status when needed for head or spouse definition under the Non-Citizen Rule.

### **C. INCOME VERIFICATION** [24 CFR 982.516]

This section defines the methods that will be used to verify the various types of income. Applicants and participants are required to report all sources of income at initial certification and recertification, as well as any other time during the year when there are changes.

#### **Credit History Reports**

For applicants and participants, all adult members of the household will be required to sign an authorization to allow the Burbank Housing Authority to obtain a credit history report on that individual. This report indicates the amount of monthly expenditures that the household is making and that information will be compared to the amount of reported income. If the monthly payments are more than 50% of reported income, the applicant or participant will need to provide written verification concerning their ability to pay those monthly bills.

#### **Employment Income**

The employer will need to complete a verification form that requires the following information:

1. Dates of employment,
2. Amount and frequency of pay,
3. Likelihood of change of employment status and effective date of any known salary increase during the next 12 months,
4. Year to date earnings, and
5. Estimated income from overtime, tips, bonus pay expected during next 12 months.

Acceptable methods of verification include, in this order:

1. Employment verification form completed by the employer with two or more recent pay stubs which indicate the employee's gross pay, frequency of pay, and year to date earnings.
2. W-2 forms plus income tax return forms.
3. Self-certifications or income tax returns signed by the applicant or participant may be used for verifying self-employment income, or income from tips and other gratuities. This type of verification requires approval of the supervisor.

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

doubt exists regarding income, a referral to the Internal Revenue Service for confirmation will be made on a case-by-case basis.

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

Acceptable methods of verification include, in this order:

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

### **Unemployment Compensation**

Acceptable methods of verification include, in this order:

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

### **Temporary Aid to Needy Families (TANF) and General Relief**

Acceptable methods of verification include, in this order:

1. Verification form completed by the County of Los Angeles Department of Public Social Services (DPSS).
2. Written statement from payment provider indicating the amount of grant or payment, start date of payments, and anticipated changes in payment in the next 12 months.
3. Computer-generated Notice of Action form or list of recipients from the Welfare Office.

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

Acceptable methods of verification include, in this order:

1. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
2. A notarized letter from the person paying the support.
3. Copy of latest check and/or payment stubs from the Court Trustee.
4. Self-certification of amount received and the likelihood of support payments being received in the future, or that support payments are not being received. This form of verification must be approved by a supervisor.

If payments are sporadic, the applicant or participant must provide a list of actual

payments received, otherwise the full amount that is specified in the divorce decree will be used to calculate income.

### **Net Income from a Business**

In order to verify the net income from a business, the Housing Authority will view IRS forms and financial documents from prior years to anticipate the income for the next 12 months. Acceptable methods of verification include:

1. IRS Form 1040 or Record of Account Transcript from IRS, including:
  - a. Schedule C (Small Business)
  - b. Schedule E (Rental Property Income)
  - c. Schedule F (Farm Income)
2. Audited financial statement(s) of the business.
3. Credit report or loan application.
4. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The applicant or participant will be advised to maintain these documents in the future if they are not available.
5. Self-certification concerning the net income realized from the business during previous years. This form of verification must be approved by a supervisor.

### **Child Care Business**

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

### **Recurring Gifts/Loans**

The applicant or participant must furnish a self-certification which identifies the person who provides the gifts, the value, and the regularity of the gifts.

### **Zero Income Status**

Applicants or participants who claim to have no income will be required to provide verification forms to determine that income, such as Temporary Aid to Needy Families, EDD or SSI are not being received by the member.

### **Full-time Student Status**

Verification of full-time student status must be provided for household members who are over 18 years of age and are not the head of household or spouse. Verification includes the following:

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

2. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution; and showing completion of course(s).
3. Written verification from the provider of the vocational training.

#### **D. INCOME FROM ASSETS** [24 CFR 982.516]

Acceptable methods of verification for savings account interest income and dividends will be verified in this order:

1. Written verification form completed by the financial institution or account statements generated by the financial institution.
2. Broker's statements showing the value of stocks or bonds and the earnings credited to the household.
3. IRS Form 1099 from the financial institution.

#### **E. ASSET VERIFICATION**

Current assets need to be verified to determine the current cash value or the net amount that the household would receive if the asset were converted to cash. The net value of the assets is used to determine initial eligibility. The forms of verification are as follows:

1. Verification forms, letters, or documents from a financial institution or broker.
2. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
3. Quotes from a stock broker or realty agent as to net amount that the household would receive if the securities or real estate were liquidated.
4. Real estate appraisals.
5. Financial statements for business assets.
6. Copies of closing documents showing the selling price and disposition of proceeds.

#### **F. VERIFICATION OF ALLOWABLE DEDUCTIONS** [24 CFR 982.516]

##### **Child Care Expenses**

Written verification from the person who receives the payments is required. The childcare provider must provide a statement of the amount charged to the household for services. Verifications must specify the childcare provider's name, address, telephone number, the names of the children cared for, the number of hours the childcare occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods. The applicant or participant must declare whether any of those payments have been or will be paid or reimbursed by outside sources. The Burbank Housing Authority will utilize the tax code Child and Dependent Care Credit amount or the actual cost of the childcare; whichever is less per year, for children under 13.

### **Medical Expenses**

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

1. Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, concerning the anticipated medical costs to be incurred by the household.
2. Written confirmation by the insurance company or employer of health insurance premiums to be paid by the household and the amount of medical expenses that will be paid out of pocket.
3. Written confirmation from the Social Security Administration showing the amount of the Medicare premiums to be paid by the household over the next 12 months. A computer printout will be accepted.
4. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
5. Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
6. Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. This approach may be used for general medical expenses, such as non-prescription drugs and regular visits to doctors or dentists, but not for one-time, nonrecurring expenses from the previous year.
7. Mileage charged at the IRS allowable rate for personal vehicles, cab fare, bus fare, or other public transit cost for transportation directly related to medical treatment.

### **Attendant Care**

The following verifications would be required for expenses related to attendant care:

1. A doctor's certification that an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation

- purposes.
2. Attendant's written confirmation of hours of care provided and the amount and frequency of payments received from the household or agency. Copies of canceled checks the household used to make those payments or stubs from the agency providing the services may be used.

### **Assistance to Persons with Disabilities** [24 CFR 5.611(c)]

In all cases where the household is claiming a deduction based on assistance to persons with disabilities, the following verification is required:

1. Written certification from a medical doctor that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another adult household member to be employed.
2. Certification from the applicant or participant concerning the amount of reimbursement they receive for any of the expenses of disability assistance.

### **Auxiliary Apparatus**

In cases where auxiliary apparatus is claimed as a deduction, the following verification is required:

1. Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
2. In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

## **G. VERIFICATION OF NON-FINANCIAL FACTORS** [24 CFR Part 5, Subpart B]

In order to prevent Program abuse, the Burbank Housing Authority will require applicants to furnish verification of legal identity for all household members. The documents listed below will be considered acceptable verification of legal identity for adults. If a document that is submitted is illegible or otherwise questionable, more than one of these documents may be required.

### **Legal Identity for Adults**

1. Birth Certificate.
2. Naturalization papers.
3. Current valid driver's license.
4. U.S. military discharge (DD 214).
5. U.S. passport.

### **Legal Identity for Children**

1. Birth certificate.
2. Hospital birth record.
3. Adoption papers.
4. Custody agreement.
5. School records.

### **Verification of Marital Status**

Marital status verification is needed to comply with requirements under the Non-Citizen Rule. A marriage certificate would be required to prove that a non-citizen member of the household qualifies as an eligible household member based on being the spouse of the head of household.

### **Verification of Permanent Absence of Household Member**

If an adult member, who was formerly a member of the household, is reported to be permanently absent, the Housing Authority will consider any of the following as verification:

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

### **Verification of Change in Household Composition**

The Housing Authority may verify changes in household composition, which are either reported or unreported, through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school records, and other sources.

### **Verification of Disability**

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)). Proof of disability may be provided by a written statement from a medical doctor on the Housing Authority approved form.

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

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Eligible immigrants must fall into one of the categories specified by the HUD regulations and must have their status verified by Immigration and Naturalization Service. Each household member must declare his/her status. Assistance cannot be delayed, denied, or terminated while verification of status is pending. The form that must be completed is as follows:

**Citizens or nationals of the United States** are required to sign a declaration under penalty of perjury. Proof of citizenship is required.

**Eligible immigrants**, who were Section 8 participants and 62 years of age or more on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

**Non-citizens, with eligible immigration status**, must sign a declaration of status and verification consent form. They must also submit their original immigration documents which will be copied front and back. The Burbank Housing Authority will verify the status through the Systematic Alien Verification for Entitlements system provided by the Immigration and Naturalization Service. If this primary verification fails to verify status within ten days, then the Housing Authority will request a manual search.

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

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

Any applicant or participant household member who fails to sign the required declarations and consent forms or provide documents will be listed as an ineligible member. If the entire household fails to provide and sign as required, they may be denied participation or terminated from assistance for failure to provide required information.

### **Time of Verification**

Verification of U.S. citizenship or eligible immigrant status occurs at the same time that the applicant is selected from the Applicant Waiting List. Any new members to the household after initial eligibility determination and any households with portable Certificates or Vouchers that move into Burbank will need to provide the appropriate information.

### **Extensions of Time to Provide Documents**

An extension of 30 calendar days will be granted to households to submit evidence of eligible immigrant status. The notice of extension shall be in writing and will specify the dates of the extension period.

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

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

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

A birth certificate is not acceptable verification of status for persons born outside of the United States. All documents in connection with U.S. citizenship or eligible immigrant status will be kept for five years. If the Housing Authority determines that a household member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the unit, the Section 8 assistance will be discontinued.

### **H. SOCIAL SECURITY NUMBER VERIFICATION** [24 CFR 5.216]

Social Security numbers must be provided as a condition of eligibility for all household members, if they have been issued a number. Verification of Social Security numbers will be done through a Social Security card issued by the Social Security Administration. If a household member cannot produce a Social Security card, then the documents listed below showing the Social Security number may be used for verification. The household member would also be required to certify in writing that the documents submitted in lieu of the Social Security card information provided are complete and accurate:

1. A driver's license.
2. An identification card issued by a federal, state or local agency.
3. An identification card issued by a medical insurance company or provider, including Medicare and Medicaid.
4. An identification card issued by an employer or trade union.
5. An identification card issued by a medical insurance company.
6. Earnings statements or payroll stubs.
7. Bank Statements.
8. IRS Form 1099.
9. Benefit award letters from government agencies.
10. Retirement benefit letter.
11. Life insurance policies.

12. Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records.
13. Verification of benefits or Social Security number from Social Security Office.

New household members, who are 6 years of age or older, will be required to produce their Social Security card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in household composition is reported to the Housing Authority.

When a participant family request to add a new household member, who is under the age of six, and does not have an assigned Social Security number, the family must provide the Social Security documentation within 90 calendar days of the child being added to the household. If the family cannot provide the documentation within the allotted time frame, due to circumstances out of their control (delayed processing of Social Security numbers), the family will be granted an additional 90 days.

If an applicant or participant is able to disclose the Social Security number, but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect. Any household member will have an additional 60 calendar days to provide proof of the Social Security number. If they fail to provide this documentation, the rental assistance will be terminated.

In the case of an individual, who is at least 62 years of age, an extension may be granted for an additional 60 calendar days to a total of 120 days. If, at the end of this time, the elderly individual has not provided documentation, the rental assistance will be terminated. If the household member states s/he has not been issued a number, then s/he will be required to sign a certification to this effect. The person will be required to apply for a Social Security number.

## **I. VERIFICATION OF PREFERENCES [24 CFR 982.207]**

### **Residency Preference**

This preference will be provided to applicants who reside in the City of Burbank or applicant families with a member who works or has been hired to work in the City of Burbank. In order to verify the address, the applicant must provide third party documentation which may include a driver's license, utility bills, school records, voter registration records, bank statements or credit reports. When residency cannot be verified based on documentation provided, the Burbank Housing Authority may conduct on-site inspections of the current, claimed residence in order to prove permanent Burbank residency.

A letter from the Burbank employer will be required to show employment or the commitment of employment for any member of the applicant family.

Homeless applicants must provide certification from the Burbank community organizations and service providers they are working with in order to verify eligibility for residence status.

### **Persons Displaced by Government Action**

This preference will be provided to applicants who are displaced by government action of the Burbank Housing Authority or the City of Burbank. The applicant must provide the certification from the local government agency that the involuntary displacement will be caused by an activity in connection with code enforcement or a public improvement or a development program.

### **Veteran Preference**

This preference will be provided to applicants who have a current member of the U.S. Military Armed Forces in their applicant family. Veterans and surviving spouses of veterans will also be given this preference and they must provide a U.S. military discharge (DD214) as proof of military service.

### **Disability Preference**

This preference will be provided to applicant families with a member who has a disability. Verification of disability can be shown by receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)). Proof of disability may be provided by a written statement from a medical doctor on the Housing Authority approved form.

### **Homeless Preference**

This preference is for Burbank homeless individuals and families that have been working with qualified Burbank service providers. These service providers will certify that the adult applicant members meets the specific criteria for this category, and commits to providing on-going supportive services for a minimum of six (6) months after issuance of a housing voucher in order to ensure that the applicant is able to live independently. The service provider is responsible for certifying that the homeless applicant meets the requirements of the Program as outlined in this Administrative Plan.

### **Severely Rent-Burdened Preference**

This preference will be provided to applicant families that pay more than 50% of gross annual income on rent (income as defined and described in Chapter 5 of this Plan). A rental agreement in the applicant family's name will be required, along with proof that the applicant pays the contracted rent through copies of rent receipts, cancelled checks, money order receipts, etc. for the timeframe specified on the eligibility paperwork. The information will be reviewed and a calculation for severely rent-burdened will be

conducted.

### **Substandard Housing Preference**

Families who claim to be living in an unpermitted structure must provide written verification/documentation from a government official in the course and scope of their official duties such as a code enforcement officer or building inspector. This preference may also require visual verification by Building and Safety/HQS inspection staff.

### **J. RELEASE OF INFORMATION** [24 CFR 5.230]

Applicants or participants 18 years or older will be required to sign specific authorization forms when information is needed that is not covered by the *Authorization for Release of Information/Privacy Act Notice* (HUD 9886-A). Refusal to sign this form will result in denial of admission to the Program or termination of assistance.

The consent form remains effective until the earliest of:

- 1) the rendering of a final adverse decision for an assistance applicant;
- 2) the cessation of a participant's eligibility for assistance from HUD and the HA; or
- 3) The express revocation by the assistance applicant or recipient (or applicable family member) of the authorization, in a written notification to HUD or the BHA.

### **K. PRIVACY RIGHTS** [24 CFR Part 16]

The Burbank Housing Authority is required to safeguard personally identifiable information (PII) as required by HUD and for preventing potential breaches of this sensitive data. HUD expects Public Housing Authorities, who collect, use, maintain or disseminate HUD information to protect the privacy of that information in accordance with applicable law. Applicants and participants, including all adults in the household, are required to sign the form, *Authorization for Release of Information* (HUD 9886). This document incorporates the *Federal Privacy Act Statement* and describes the conditions under which HUD will release household information. Any request for the release of information that is presented to the Burbank Housing Authority will be forwarded to the City Attorney's Office. The request will be reviewed for compliance with federal and state laws which may restrict the release of household information.

Written authorization must be on file in order for Burbank Housing Authority staff to release information to other persons besides the applicant or participant.

## **CHAPTER 7**

### **SUBSIDY STANDARDS**

#### **INTRODUCTION**

The subsidy standards used in the Section 8 Program determine the amount of assistance that each eligible applicant family and participant household will receive on a monthly basis. This Chapter explains how the subsidy standards are applied and the methods of calculation that will be used to determine the amount of subsidy.

#### **A. VOUCHER SIZE DETERMINATION**

The number of bedrooms shown on the Voucher indicates the maximum subsidy that would be available to the household before any deductions. The subsidy amount increases with the number of bedrooms. The household size is the determining factor when establishing Voucher size. If the household size changes, the subsidy standard will be changed at the next annual re-examination date. The standards in this section relate to the amount of subsidy only and do not dictate the actual living arrangements of the household.

#### **Guideline for Determining Voucher Size**

<u>Voucher Size</u>	<u>Household Members</u>
1 Bedroom	1 - 2
2 Bedrooms	3 - 4
3 Bedrooms	5 - 6
4 Bedrooms	7 - 8

#### **Changes in Household Composition**

The head of household must report the names of all members of the household that are residing in the unit, including any approved live-in aide. The head of household must obtain approval from the Housing Authority before moving any additional people into the unit. The exceptions to this rule are additions to the household by birth or adoption of a child or court-awarded custody. Any increase or decrease in household members must be reported within 30 calendar days.

#### **Changes in Bedroom Size**

If the size of the household increases, and the unit does not have an adequate number of bedrooms to meet the Housing Quality Standards, the household will need to move to

another unit. A new Voucher, in the correct bedroom size, will be issued and the household will be given up to 120 calendar days to relocate. The Housing Authority will assist the household in locating another unit by providing a current list of available apartments where the landlords will accept the Section 8 Program. If the household does not relocate to another unit within the 120 days, the Section 8 rental assistance will be terminated.

**B. UNIT SIZE SELECTED** [24 CFR 982.505 (c) (i)(ii)]

The payment standard is based on the number of people in the household and specifies the maximum amount of subsidy. The household may select a unit with a different number of bedrooms than what is specified on the Voucher. In those situations, the following guidelines will apply:

1. Subsidy Limitation: In the Voucher Program, the subsidy amount will be the lower of the payment standard or the payment standard amount for the number of bedrooms in the actual unit selected. In cases where the rent is lower than the payment standard, the subsidy amount will be the balance of the rent after the tenant portion is deducted.
2. Utility Allowance: The utility allowance used to calculate the gross rent is based on the lower of the actual unit size or the voucher bedroom size.
3. Housing Quality Standards: These standards allow two persons per living or sleeping room. The following table gives the guidelines for occupancy in order to prevent overcrowding:

<u>Bedrooms</u>	<u>Maximum Number of People</u>
0	2
1	4
2	6
3	8
4	10

**C. PAYMENT STANDARDS** [24 CFR 982.503 (a)(b) and 982.505 (a)(b)]

A payment standard is used to calculate the monthly housing assistance for a household. The payment standard is the maximum monthly subsidy payment before any deductions. It is the policy of the Burbank Housing Authority to set the payment standard in the basic range of 90% and 110% of the fair market rent. This payment standard level will enable

very low-income households to obtain rental units in the City which meet the affordability requirement. Each year when the fair market rent limits are published (usually in September of each year and take effect October 1<sup>st</sup> of each year), the payment standards may be adjusted accordingly.<sup>2</sup> The payment standards will be reviewed annually to determine whether the tenants are able to find quality units in a timely manner. Each year during the Annual Plan approval and adoption process by the Housing Authority Board, the Housing Authority Board will be presented with the payment standard for the upcoming federal fiscal year (October 1 – September 30).

Notification will be provided to Program participants at least 12 months in advance of a reduction in payment standard per HUD rules and regulations during the annual recertification process. An increase in the payment standard will be calculated at the next, regularly scheduled annual recertification for an existing participant. Furthermore, all participants of the Program will receive advance notification of any Resident Advisory Board (RAB) and Housing Authority Board meetings when a reduction in payment standard/subsidy level will be considered (increasing a participants' portion of the rent).

### **Small Area Fair Market Rents (SAFMRs)** [24 CFR 888.113(c)(3)]

Small Area Fair Market Rents (SAFMRs) are Fair Market Rents (FMRs) calculated at the ZIP code level rather than for the entire metropolitan area. SAFMRs are designed to help families access low-poverty, high-opportunity areas by offering rental assistance that matches the local market rent, making housing in these neighborhoods more affordable for families. The Burbank Housing Authority has been designated by HUD as an SAFMR PHA and, in accordance with 24 CFR 888.113(c)(3), and was required to implement SAFMR-based payment standards no later than January 1, 2025.

SAFMRs will apply to all tenant-based vouchers in the BHA's jurisdiction, including special vouchers such as the Veterans Affairs Supportive Housing (HUD-VASH) Program, Foster Youth to Independence (FYI), and special housing types such as Single Room Occupancies (SROs).

The BHA may, without HUD approval, establish an exception payment standard of up to and including 120% of the SAFMR if required as a reasonable accommodation for a family that includes a person with a disability (or, in the case of HUD-VASH, up to 140% of the SAFMR). The BHA may request HUD approval to establish a payment standard exceeding 120% of the SAFMR (or 140% in the case of HUD-VASH), if necessary, as a reasonable accommodation for such a family.

### **Hold Harmless**

If the amount on the payment standard schedule is decreased while the family continues to reside in the assisted unit, the payment standard in effect as of the recertification prior

2 The Housing Opportunities and Modernization Act of 2016 (HOTMA) allows PHAs to continue to use the higher payment standard (outside of the basic range as the result of a reduction in FMRs) for as long as the family continues to reside in the assisted unit.

to the decrease will remain in place. The payment standard shall be frozen at this level until one of the following occurs:

- The payment standard is equal to or above the frozen level.
- The family moves.
- A change in household composition requires a change in payment standard at the next annual reexamination.

### **Increases in Payment Standard during HAP Contract**

If the payment standard amount is increased during the term of the HAP contract, the BHA must use the increased payment standard amount to calculate the monthly housing assistance payment for the family beginning no later than the earliest of:

- The effective date of an increase in the gross rent that would result in an increase in the family share;
- The family's first regular or interim reexamination; or
- One year following the effective date of the increase in the payment standard amount.

### **PBVs**

The BHA will not apply SAFMRs to the Project-Based Voucher (PBV) Program but will apply the Metropolitan Area Fair Market Rents (MAFMRs) to the PBV Program.

### **Exception to Payment Standard as a Reasonable Accommodation**

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for the Public Housing Agency or result in a "fundamental alteration" in the nature of the program or service offered. The BHA may, as an accommodation, grant a higher payment standard if the BHA determines it is necessary and reasonable to enable a person with a disability to obtain a suitable housing unit. The BHA may approve a higher payment standard up to 120% of the FMR. Requests for accommodations requiring approval of a payment standard exceeding 120% of the FMR will require HUD approval. (See Chapter 1 for policies regarding the request for reasonable accommodations)

## **D. TENANT PAYMENT** [24 CFR 5.628]

In the Voucher Program, the tenant payment is the difference between the rent and the Housing Authority subsidy. In cases where the rent is lower than the payment standard,

the tenant portion is the greatest of 30% of the adjusted monthly income or 10% of gross income. The Housing Authority does not have a minimum rent amount.

#### **E. SUBSIDY AMOUNTS [982.505]**

For the Voucher Program, the subsidy is based on the payment standard for the number of household members and the size of the unit selected. The subsidy amount is equal to the lower of the payment standard minus the tenant payment or the gross rent minus the tenant payment.

In situations where special housing types are allowed for participation in the Program as a reasonable accommodation for a household with a disabled member, there are specific rules that apply to the calculation method for the amount of subsidy. These various types of subsidy are found in 24 CFR 982.604, 608, 613, 617 and 619 (Including HOTMA 2016).

#### **F. CHANGES IN HOUSEHOLD SUBSIDY [24 CFR 982.505 (c)]**

The payment standard that was used at the time that the unit was placed under Section 8 contract will remain in effect, unless the household composition changes. If the household size increases or decreases during the HAP contract term, the new family unit size may be used to determine the payment standard amount for the family immediately but no later than the family's first regular reexamination following the change in family unit size.~~the new family size must be used to determine the payment standard amount for the family beginning at the family's first regular reexamination following the change in family size.~~

#### **G. AFFORDABILITY STANDARD [24 CFR 982.508]**

At the time that a household initially receives Section 8 assistance, the tenant portion of the rent cannot be higher than 40% of adjusted income for the first year of occupancy. This requirement applies to new admissions and moves.

## **H. UTILITY ALLOWANCES** [24 CFR 982.517)]

The Housing Authority has a Schedule of Utility Allowances which shows the typical cost of utilities not included in the rent. The allowances are based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same geographical areas. Allowances are not based on an individual household's actual energy consumption. The Schedule of Utility Allowances is updated on an annual basis.

HCV program regulations require a PHA to approve a utility allowance amount higher than shown on the PHA's schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. (See Chapter 1 for policies regarding the request for reasonable accommodations).

## **I. PRORATION OF ASSISTANCE** [24 CFR 5.520]

Proration of assistance must be offered to any mixed household, which includes at least one U.S. citizen or eligible immigrant, and any number of ineligible members based on immigration status. Mixed households that were participants on June 19, 1995, and who do not qualify for continued assistance at full subsidy, must be offered prorated assistance. Prorated assistance is calculated by determining the amount of assistance payable if all household members were eligible and multiplying that figure by the percent of the members who actually are eligible. The tenant payment is the gross rent minus the prorated assistance.

## **CHAPTER 8**

### **VOUCHER ISSUANCE AND BRIEFING SESSIONS**

[24 CFR 982.301, 982.302]

#### **INTRODUCTION**

The procedures described in this Chapter are designed to ensure that applicants selected to participate in the Section 8 Program are given enough information and guidance to locate an acceptable housing unit. After eligibility has been determined, the applicant will be given a briefing session to explain how the Section 8 Program works. The briefing session will provide a broad description of landlord and tenant responsibilities, Program procedures, and steps to follow in finding a unit. The applicant will also receive a briefing packet which provides more detailed information about the Section 8 Program, including the portability provision. Under portability, a participant household may move to another jurisdiction with the Section 8 rental assistance.

#### **A. VOUCHER ISSUANCE** [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, Vouchers will be issued to applicants whose eligibility has been determined. The number of Vouchers issued will ensure that the Program is fully utilized.

#### **B. BRIEFING SESSIONS** [24 CFR 982.301]

A briefing session will be conducted after the applicant family has been determined to be eligible for assistance. The purpose of the briefing session is to explain the documents in the Voucher holder's packet to ensure that the head of household is fully informed about the Section 8 Program. This briefing session will prepare the tenant to discuss the Program with potential landlords and property managers. The Housing Authority staff will provide assistance whenever necessary to ensure that the tenant is successful in locating a unit.

A briefing packet will be given to the tenant which contains the following information:

1. The Voucher with the expiration date and the procedure to follow if an extension of time is needed.
2. A statement concerning rent reasonableness.
3. An explanation of the payment standards used in the Voucher Program. A sample case study will be included to illustrate how the amount of subsidy is calculated.

4. A map of Burbank showing the boundaries of the geographical area under the jurisdiction of the Burbank Housing Authority.
5. A written statement concerning portability which explains that Burbank residents are allowed to move anywhere in the United States with their Voucher. Non-residents must move into the City of Burbank to participate in the Program. They would be required to live in Burbank for a period of one year before being allowed to move outside of Burbank.
6. A Request for Tenancy Approval form, a Rent Schedule to show the rents for other units in the same building, an IRS W-9 form and a Direct Deposit Authorization form all to be completed by the landlord.
7. Procedures for meeting the timelines for submission of the appropriate forms.
8. A sample lease to be used by the landlord and the *Addendum to the Lease* form for the landlord and tenant to sign.
9. The HUD brochure "A Good Place to Live."
10. The HUD brochure on lead-based paint.
11. Information on equal opportunity laws and a copy of the *Housing Discrimination Complaint* (HUD-903).
12. Information concerning the Southern California Housing Rights Center.
13. A list of available apartments that has been supplied by landlords who are interested in renting their units to Section 8 tenants.
14. The "Family Obligations" under the Section 8 Program as shown on the Voucher.
15. The grounds on which the Burbank Housing Authority may terminate assistance based on Program violations or failure to cooperate.
16. The Informal Hearing procedures, including the reasons why an Informal Hearing may be requested, and the procedures to request an Informal Hearing.
17. The HUD-required "tenancy addendum" that must be included in the lease.
18. A statement of the PHA policy on providing information about a family to prospective owners.

19. An explanation of subsidy standards, including when the BHA will consider granting exceptions to the standards and when exceptions are required as a reasonable accommodation for persons with disabilities.

20. The advantages of areas that do not have a high concentration of low-income families.

21. Information on how to request a reasonable accommodation or modification including information on requesting exception payment standards as a reasonable accommodation. if the family includes a person with disabilities, the BHA is required to provide a current listing of accessible units known to the BHA and, if necessary, other assistance in locating an available accessible dwelling unit.

The printed material will be explained at the briefing session and the tenant will be encouraged to ask questions. The briefing session will emphasize the fact that the tenant has the ability to choose a unit that is geographically advantageous to be near employment, schools, medical facilities, childcare providers and any other service that may be required by the household. The tenant will be encouraged to keep in contact with the Housing Authority office to report on any difficulties that may be encountered in trying to locate a suitable unit. The BHA will also provide information regarding the reasonable accommodation process at this time.

The Burbank Housing Authority will comply with the reauthorized and amended Violence Against Women Reauthorization Act of 2022 (VAWA), which protects individuals who are survivors of domestic violence, dating violence, sexual assault and stalking, regardless of sex, sexual orientation, or gender identity from being evicted or terminated from housing assistance based on acts of such violence against them. More information in Chapter 11.

### **Requests to Move**

An individual briefing session will be held for participants who will be issued Vouchers to move. These tenants will need to provide current income information and will need to provide a copy of the written 30-Day Notice to Move that they have given to their current landlord. A briefing session will be given to incoming and outgoing portable households.

## **C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION**

At the briefing session, the tenant will be encouraged to locate housing that meets their individual needs. The Housing Authority does not select the location of the housing and leaves the freedom of choice entirely to the tenant. A map of Burbank, which shows the areas with the highest percentage of low-income residents, will be discussed. During the briefing session, the tenant will be encouraged to move outside of those areas.

#### **D. DISCRIMINATION CLAIMS**

Tenants who claim that they have been discriminated against will be encouraged to contact the Housing Authority and to report such violations. The tenants will be referred to the Southern California Housing Rights Center for counseling and investigation. The City of Burbank has a contract with this agency to handle any complaints concerning discrimination in housing. The head of household will be given the *Housing Discrimination Complaint* (HUD-903) to be filed with federal government.

#### **E. TERM OF THE VOUCHER** [24 CFR 982.303]

During the briefing session, the applicant will be issued a Voucher with a term of 60 calendar days. This document represents a contractual agreement between the Burbank Housing Authority and the tenant, which specifies the rights and responsibilities of each party.

#### **Extensions**

An eligible household may request an extension of the Voucher for an additional 60 calendar days. This request does not need to be in writing, but it must be requested prior to the expiration date of the Voucher. The head of household needs to provide an explanation of the efforts made to find a unit. The Housing Authority will assist the household in finding a suitable unit by providing updated listings of available apartments, online rental information, current listings from local newspapers, and negotiating with landlords as needed.

#### **Suspensions**

The PHA must provide for suspension of the initial or any extended term of the voucher from the date that the family submits a request for PHA approval of the tenancy (RTA) until the date the PHA notifies the family in writing whether the request has been approved or denied.

#### **Expirations**

The Voucher is valid for a total term of 120 calendar days. The household must submit a *Request for Tenancy Approval* within that period or the Voucher will expire. If the Voucher does expire, the head of household may request an Informal Review. For households with a person with a disability, an extension of 60 calendar days will be granted upon request as a reasonable accommodation. The Housing Authority does allow for suspensions (tolling) of time on the term of the Voucher.

#### **F. PORTABILITY** [24 CFR 982.353, 355]

Portability is the practice of Section 8 tenants being allowed to take their rental assistance with them when they move. A Program participant has a statutory right of nationwide portability to any jurisdiction where a Housing Authority is administering the Section 8 Voucher Program. The Housing Authority that issues the Voucher for the first time is called the initial Housing Authority. When the household relocates to another jurisdiction that Housing Authority is referred to as the receiving Housing Authority.

For admission to the Program, the household must be income eligible in the area where the household initially leases a unit with assistance. The receiving Housing Authority does not re-determine eligibility for a portable household that was already receiving assistance in the initial Housing Authority's Section 8 Program. However, for a portable household that was not already receiving assistance, the initial Housing Authority must determine whether the household is eligible for admission to the Receiving Housing Authority's Program.

Burbank residents will be allowed to move out of the jurisdiction during their first year on the Program if they desire. Non-residents need to live in Burbank for their first year of Program participation before being allowed to move to another jurisdiction. In order to qualify for portability, the household must be income eligible in the geographical area where the assisted unit is located.

The receiving Housing Authority must issue a Voucher to the Household. The term of the receiving Housing Authority Voucher may not expire before 30 calendar days from the expiration date of the initial PHA voucher. The receiving Housing Authority must determine whether to extend the Voucher term. The household must submit a Request for Tenancy Approval to the receiving Housing Authority during the term of the Voucher issued by the receiving Housing Authority.

Households that are moving out of Burbank will need to inform the Housing Authority of the location of the new unit. The Burbank Housing Authority will contact the receiving Housing Authority and send the agency the appropriate transfer documents. In situations where household are moving into Burbank under portability, the sending Housing Authority will need to follow the same procedure. If other Housing Authorities decide to bill the Burbank Housing Authority for tenants who moved out of Burbank, the payments will be made on a monthly basis to the appropriate Housing Authority at the same time as the other payments to landlords are made.

**G. VOUCHER ISSUANCE FOR SPLIT HOUSEHOLDS** [24 CFR 982.315]

In instances where an assisted household is divided into two otherwise eligible components, due to divorce or legal separation, the tenants will need to decide which household component will receive the Voucher. A reduction in household size may require a reduction in the bedroom size shown on the Voucher.

**H. REMAINING HOUSEHOLD MEMBER** [24 CFR 982.315]

In cases where the head of household is no longer in the unit, the household member remaining in the unit may be entitled to continued assistance. The remaining household member must have been on the lease and must have been approved by the Burbank Housing Authority to be living in the unit before the head of household vacated. A live-in aide, by definition, is not a member of the household (although considered in household size for appropriate voucher issuance) and will not be considered a remaining member.

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## CHAPTER 9

### REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION

#### **INTRODUCTION**

This Chapter describes the policies and procedures that pertain to processing the required forms to place a rental unit under the Section 8 Program. All of these procedures must be followed in the proper sequence and all documents must be executed by all parties before the first housing assistance payment is made.

#### **A. REQUEST FOR TENANCY APPROVAL** [24 CFR 982.305 (b)]

The *Request for Tenancy Approval* (RTA) is the first document that is signed when the tenant finds a suitable unit for the Program. This form must be signed by the landlord and the tenant and needs to be submitted to the Housing Authority during the period that the Voucher is valid. The information on the form will be reviewed to determine whether the unit qualifies for the Section 8 Program. The landlord must also submit a rent schedule for the other units in the building. The rent for the selected unit will be reviewed in comparison with the unassisted units. In addition, the landlord will need to provide proof of ownership, such as a grant deed or tax bill, and must sign the W-9 form for the IRS. If the property is managed by a professional property management company, a copy of the management agreement must be provided. The unit will be inspected after all of this documentation is received.

If the *Request for Tenancy Approval* cannot be approved for any reason, the landlord and the tenant will be contacted immediately. They will be advised concerning the steps that would be necessary to approve the unit. If the landlord does not want to take steps to change the circumstances, such as reducing the rent or making the repairs, then the tenant will be encouraged to look for another unit. At that time, the tenant will be given a new *Request for Tenancy Approval* form to be used elsewhere.

#### **B. ELIGIBLE TYPES OF HOUSING** [24 CFR 982.352]

All typical structure types, including but not limited to single-family houses, condominiums, townhouses, multi-family apartment units and mobile homes are eligible for inclusion in the Section 8 Program. However, there are no existing mobile home parks in the City of Burbank. If at any point in the future, one such park is developed, this type of housing will be included as being eligible for participation in the Section 8 Program.

### **C. SPECIAL HOUSING TYPES** [24 CFR 982.601]

There are special housing types that are eligible for Section 8 assistance as a reasonable accommodation for a person with a disability. The participant must provide a certification from a medical professional that this type of housing is necessary. The following types of housing fall within this category:

#### **Single Room Occupancy (SRO) Housing** [24 CFR 982.604]

For a person residing in SRO housing, the payment standard is 75 percent of the zero-bedroom payment standard and the utility allowance is 75 percent of the zero-bedroom utility allowance.

#### **Congregate Housing** [24 CFR 982.608]

Unless there is a live-in aide, the household residing in congregate housing, the payment standard is the zero-bedroom payment standard amount. If there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard is the one-bedroom payment standard amount.

#### **Group Home** [24 CFR 982.613]

Unless there is a live-in aide, the payment standard for a person who resides in a group home is the lower of the payment standard for the household size or the pro-rata share of the payment standard for the group home size. The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

#### **Shared Housing** [24 CFR 982.617]

An assisted household may live in shared housing with other assisted or unassisted residents including the owner of the residence. The payment standard is the lower of the payment standard for the household size or the pro-rata portion of the payment standard for the shared housing unit size. The utility allowance is the pro-rata portion of the utility allowance for the shared housing unit.

#### **Cooperative Housing** [24 CFR 982.619]

For this type of housing, the rent to landlord is the monthly carrying charge under the agreement between the assisted member and the cooperative. The carrying charge consists of the amount assessed to the member which covers the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. This monthly amount is subject to the rent limitations in the Section 8 Program.

**D. LEASE REVIEW** [24 CFR 982.308]

The Housing Authority will provide a sample lease and will encourage the landlord to use that form. If the landlord submits a different lease, the Housing Authority may review the lease to determine if the lease complies with State and local law. The Housing Authority may decline to approve the tenancy if the Housing Authority determines that the lease does not comply with State or local law. House rules of the landlord may be attached to the lease as an addendum, provided that they do not violate any fair housing provisions and do not conflict with the *Addendum to Lease* form that is required by HUD.

**E. RENT REASONABLENESS** [24 CFR 982.507]

The Housing Authority will not approve a lease until it has been determined that the rent is reasonable compared to rents for unassisted units.

This determination will be made:

1. At initial lease-up,
2. Any time the landlord requests a rent increase,
3. When directed by HUD,
4. At the HAP contract anniversary if there is a 10 percent decrease in the published fair market rent (FMR) in effect 60 days before the HAP contract anniversary.

The Housing Authority may also re-determine reasonable rents at any time. The rent charged for a unit under the Section 8 Program cannot be the highest rent for that size unit in the building. Landlords will be required to provide rent schedules for all of the units in their building where the Section 8 unit is located.

The Housing Authority will maintain a Rent Comparable Reference Guide to be used to determine rent reasonableness. The items that will be included will be:

1. Number of bedrooms,
2. Square footage,
3. Quality,
4. Amenities (dishwasher, air conditioning, covered parking),
5. Age of unit,
6. Neighborhood, and
7. Unit type.

The listings in the Reference Guide will be updated annually. A point system to rate the comparability of units will be used and documented in the case file. At least three

comparables will be used for new units (initial lease-up) and one comparable will be used when the landlord requests a rent increase.

Units considered assisted due to a rent restriction remain excluded from rent reasonableness determinations until the PHA is notified by the owner or otherwise determines that the rent restriction has expired, or the restricted rents are no longer below market.

**F. INFORMATION TO LANDLORDS** [24 CFR 982.307(B), 982.54 (d)(7)]

When landlords call the Burbank Housing Authority to obtain information concerning tenants, they will be told that information about tenants is not given to individuals. Landlords will be encouraged to follow their standard screening procedures to determine the suitability of Voucher holders as tenants. If a landlord needs to obtain specific information about a previous tenant who is still on the Section 8 Program, a staff person will call the tenant and request that the tenant call the landlord.

**G. DISAPPROVAL OF LANDLORDS** [24 CFR 982.306]

A landlord does not have a right to participate in the Section 8 Program. There are certain circumstances under which a property landlord will be disapproved for participation. These circumstances include but are not limited to:

1. HUD has informed the Burbank Housing Authority that the landlord has been disbarred, suspended, or subject to a limited denial of participation under federal regulations.
2. HUD has informed the Housing Authority that the federal government has instituted an administrative or judicial action against the landlord for violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending.
3. HUD has informed the Housing Authority that a court or administrative agency has determined that the landlord has violated the Fair housing Act or other federal equal opportunity requirements.
4. The landlord has a conflict of interest with the Section 8 Program.
5. The landlord has violated his/her obligations under the Section 8 Program with other tenants.
6. The landlord has a history or practice of non-compliance with the Housing Quality Standards for units leased under the Section 8 Program.

7. The landlord is verbally abusive or belligerent to any member of the Housing Authority staff.
8. The landlord threatens violence against any member of the Housing Authority staff.
9. The landlord is related to any household member as a parent, child, grandparent, grandchild, sister or brother. This restriction will be waived as a reasonable accommodation for a household that has a person with a disability.

#### **H. CONTRACT EXECUTION PROCESS** [24 CFR 982.305(c)]

In order to finalize the contract process, the landlord and the tenant will execute the Lease and the *Addendum to the Lease*. The landlord and the Housing Authority will execute the *Housing Assistance Payments Contract* and copies will be given to all parties. The unit must pass inspection prior to the first payment under the contract. Payments to landlords are made on the first day of the month unless the first falls on a weekend or holiday, then the payment will be made the first following business day. The term of the contract is specified on the documents as the first day of assistance. The contract continues as long as the tenant continues to receive assistance in that unit.

#### **I. RECERTIFICATIONS** [24 CFR 982.516]

The income of each participant household is required to be recertified annually. Third party verification will be obtained for income and assets. The recertification process will commence 90 days before the anniversary date of the Housing Assistance Payments Contract. Income limits are not used as a test for continued eligibility at recertification. The household remains eligible for participation as long as the tenant portion does not equal the rent.

#### **J. RENT INCREASES**

Rent increases in the Voucher Program must be given in writing to the tenant and the Housing Authority 60 days in advance. In all cases, the new rent must be considered reasonable when compared to unassisted units.

The Housing Authority will not approve a rent increase for a unit that is in failed HQS status or subject to abatement of Housing Assistance Payments.

#### **K. CHANGE IN OWNERSHIP**

The Housing Authority will process a change of ownership upon the request of the new landlord when it is accompanied by a copy of the escrow statement or a recorded grant

deed showing the transfer of title. The new landlord must sign the W-9 form for the IRS. The Housing Authority will confirm that the Taxpayer Identification Number (TIN) matches the IRS records by ordering an online TinCheck report. All of this documentation must be complete before a payment is made to the new landlord. The recertification date for the tenant will remain the same.

#### **L. MOVES** [24 CFR 982.354]

The Program regulations allow households to move with continued assistance provided that they are in good standing with the Housing Authority. The household is informed that they should not move in the first year of a new Housing Assistance Payments Contract. However, there are situations that may necessitate the household to move.

These situations include the following circumstances:

1. The lease was terminated by mutual agreement between the landlord and the tenant.
2. The landlord has given the household a notice to vacate or has commenced an action to evict the tenant.
3. The household has given the landlord a written 30-Day Notice of Intent to Vacate and has provided a copy to the Housing Authority.
4. The lease for the old unit has termination because the Housing Authority has canceled the Housing Assistance Payments Contract for landlord breach of obligations or the unit does not pass inspection.

At the time of a move, the assistance will stop at the old unit at the end of the month in which the tenant ceases to occupy the unit. Assistance will start in the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the household moves. A move within the same building or project will be processed like any other move.

Households that owe the Burbank Housing Authority money under a Repayment Agreement must pay all monies owed in full before being allowed to move. This requirement may be waived if the inability to move would present a hardship to the tenant. Any exception to this rule would need to be approved by the Housing Administrator.

## CHAPTER 10

### HOUSING QUALITY STANDARDS AND INSPECTIONS

[24 CFR 982.401]

#### **INTRODUCTION**

Housing Quality Standards are the HUD minimum quality standards for the Section 8 Program. Units are required to meet these standards at both initial occupancy and during the term of the assistance. These standards apply to the unit, the building, and the premises. Newly leased units must pass the Housing Quality Standards inspection before the beginning date of assistance.

The Burbank Housing Authority will inspect each unit under the Section 8 Program at least once per year. Quality control inspections will be performed by a Housing staff member on at least five percent of all units under contract. This Chapter describes the procedures for performing Housing Quality Standards inspections and the time frames to be used for repairs. It also explains the responsibilities of the landlord and tenant as well as the consequences of non-compliance with the Housing Quality Standards requirements.

#### **A. TYPES OF INSPECTIONS** [24 CFR 982.401(a), 982.405]

##### **Initial Inspections**

At the time that the *Request for Tenancy Approval* is submitted, an initial inspection will be scheduled to be performed within five working days. The purpose of the initial inspection is to make sure that the unit meets the minimum requirements for decent, safe and sanitary housing, which are contained in the Housing Quality Standards. The requirements for the various items to be inspected are contained in the *HUD Inspection Report*. This report form is completed for all units approved for the Section 8 Program.

If a unit does not pass inspection, the landlord and tenant are notified immediately, and the landlord will be given 14 calendar days to make the repairs<sup>3</sup>. The landlord will be allowed to have two reinspection's to check that the repairs have been made. The maximum time period to make these repairs will be 30 calendar days. If the landlord does not make the repairs within the maximum time period, the tenant will need to find another unit. In addition, the utilities must be in service and the appliances must be present and in working order prior to the effective date of the *Housing Assistance Payments Contract*.

<sup>3</sup> The HQS Inspection Manual requires the Burbank Housing Authority Inspector to check for minimum standards of habitability. Using the guidance available, the inspector makes determinations as to whether or not a unit passes inspection. In recent years, bed bugs have reemerged in the United States. Inspectors will utilize the HQS Inspection Manual to determine if a bed bug infestation exists and subsequently the unit may fail the HQS inspection.

## **Biennial Inspections**

All units under the Section 8 Program will be inspected at least every two years. However, the Housing Authority reserves the right to inspect units more often as deemed necessary, such as units that do not pass inspection. Those units will be inspected as often as necessary, and more often than once every two years. The landlord and tenant are advised of the inspection date and they must make the unit available for inspection.

## **Move-Out Inspections**

At the time that a tenant moves out of the unit, either the landlord or the tenant may request a move-out inspection in order to verify the condition of the unit.

## **Special Inspections**

If at any time that the landlord or tenant notifies the Housing Authority that the unit does not meet Housing Quality Standards, a special inspection will be performed. The unit will be inspected, and the Inspector will notify the landlord and tenant of any repairs that need to be made. A special inspection may also be conducted as the result of a complaint by a responsible party, such as a property manager, that unauthorized people are living in the unit.

## **Quality Control Inspections** [24 CFR 982.405(b)]

Each month a Housing staff member or other qualified person will conduct quality inspections of at least 5 percent of the total number of units under contract during the fiscal year. The unit sample must include only units that have been inspected within the preceding three months. The purpose of the quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections. This procedure will also ensure that there is consistency among the inspectors in the application of the Housing Quality Standards. A log will be maintained to document the dates that the quality control inspections were conducted.

## **Time Standards for Repairs**

1. Emergency items which endanger health or safety must be corrected by the landlord within 24 hours of notification.
2. For non-emergency items, repairs must be made within 30 calendar days.
3. For major repairs, time periods beyond 30 calendar days may be granted.

## **B. EMERGENCY REPAIR ITEMS** [24 CFR 982.401(a)]

The following items are considered to be of an emergency nature and must be corrected within 24 hours of notice by the Inspector:

1. Missing doors.

2. Waterlogged ceiling in imminent danger of falling.
3. Major plumbing leaks or flooding.
4. Natural gas leak or fumes.
5. Electrical problem which could result in shock or fire.
6. Lack of heat.
7. Utilities not in service.
8. Lack of running hot water.
9. Broken glass where someone could be injured.
10. Obstacle which prevents entrance or exit.
11. Lack of functioning toilet.

### **C. LEAD-BASED PAINT**

The Burbank Housing Authority will notify property owners of their responsibility to remediate lead-based paint in accordance with EPA standards as outlined in CCR § 745.227. If an Inspector makes note of deteriorated (peeling, chipping, chalking, cracking or otherwise damaged) paint in a unit (during visual assessment inspections), the Inspector will notify the owner that he or she is legally required to hire an Environmental Protection Agency (EPA) certified tester to determine if lead-based paint exists; and to remediate, if necessary. Once assessment, and if required, remediation is complete, the report is required to be retained by the property owner for review at the request of the Burbank Housing Authority.

### **D. FAILED INSPECTIONS** [24 CFR 982.405, 982.453] [24 CFR 982.404(b)]

If a unit fails to meet Housing Quality Standards, the Housing Authority will abate the rental assistance payment to the landlord. After the repairs have been made, an inspection will be conducted, and rental assistance payments will be resumed if the unit passes inspection. No retroactive payments will be made to the landlord for the period of time that the unit did not comply with the Housing Quality Standards.

### **E. OWNER AND FAMILY RESPONSIBILITY FOR HQS COMPLIANCE**

The Housing Authority will require that owners maintain assisted units in compliance with Housing Quality Standards (HQS) at all times. A unit is considered in noncompliance when HQS deficiencies are identified during inspection, the owner is notified in writing, and the deficiencies are not corrected within the required timeframes.

- Life-threatening deficiencies must be corrected within 24 hours.
- Non-life-threatening deficiencies must be corrected within 30 days, or within a longer period approved by the BHA.

The family is responsible for HQS deficiencies caused by the family or household members, including failure to pay family-paid utilities, failure to maintain family-supplied appliances, and conditions such as excessive clutter or poor housekeeping.

Families will be notified in writing with an appointment to come into the office for counselling if their annual inspection fails for poor housekeeping two consecutive years. If the family does not show improvement with their housekeeping habits, the Housing Authority may propose termination of the family's rental assistance for breach of HQS and violation of the program's Family Obligations.

#### **F. DETERMINATION OF HQS NONCOMPLIANCE**

A unit is considered in HQS noncompliance when:

1. HQS deficiencies are identified during inspection;
2. The owner has been notified in writing;
3. The deficiencies are not corrected within required or approved timeframes.

#### **G. REINSPECTION AND RESUMPTION OF ASSISTANCE**

Upon notification by the owner that all HQS deficiencies have been corrected, the Housing Authority will conduct a reinspection within a reasonable timeframe. If the unit passes HQS inspection within 60 days, or within a longer period approved by the Housing Authority, HAP will resume effective the date the unit is determined to be HQS compliant. No HAP will be paid for the period during which assistance was abated.

#### **H. TERMINATION OF THE HAP CONTRACT DUE TO HQS NONCOMPLIANCE**

If the owner fails to correct HQS deficiencies within 60 days of the notice of abatement, or within a longer period approved by the BHA, the BHA will terminate the HAP contract. The BHA will issue the family a voucher to relocate at least 30 days prior to the effective date of HAP contract termination.

#### **I. RELOCATION AND VOUCHER SEARCH PERIOD**

When the HAP contract is terminated due to owner-caused HQS noncompliance, the BHA will provide the family with at least 90 days to locate and lease a new unit. The BHA may grant extensions in accordance with Administrative Plan policies. Assistance may be terminated if the family is unable to lease a unit within the BHA-approved search period.

**J. NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE) [24 CFR, 5.703]**

HUD is currently transitioning its HQS inspection requirements to the National Standards for the Physical Inspection of Real Estate (NSPIRE). The BHA shall comply with all NSPIRE requirements upon HUD's formal implementation mandate. Until such time, the BHA shall continue to administer inspections in accordance with the pre-NSPIRE protocols set forth in this chapter. Program participants and property owners shall be provided advance notice prior to the effective date of BHA's NSPIRE implementation.

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## **CHAPTER 11**

### **DENIAL OR TERMINATION OF ASSISTANCE**

#### **INTRODUCTION**

The federal regulations dictate circumstances when assistance must be denied or terminated due to willful action or inaction by the applicant or participant household. The Burbank Housing Authority has not established any other circumstances under which such action is necessary. There is a concerted effort made to inform applicants and participants about their responsibilities and obligations under the Section 8 Program. At the initial briefing session, the requirements of the Program are discussed with the head of household and the reasons for denial or termination of assistance are explained. This Chapter also describes the situations where the Housing Authority is required to deny or terminate assistance.

#### **VIOLENCE AGAINST WOMEN AND REAUTHORIZATION ACT OF 2022 (VAWA)**

The Burbank Housing Authority will comply with the reauthorized and amended Violence Against Women Reauthorization Act of 2022 (VAWA). VAWA protects individuals who are survivors of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, sexual orientation, or gender identity from being evicted or terminated from housing assistance based on acts of such violence against them. Victims will need to complete any of the HUD forms that would best apply to their situation under current law, signed and submitted by the family along with written certification from a knowledgeable professional. Finally, staff will follow HUD rules and regulations when an applicant, resident, or tenant requests admission or continued residency as a result of being a self-petitioner under VAWA (non-citizen victims) and will have on file an Emergency Transfer Plan as required by HUD. HUD's Offices of Fair Housing and Equal Opportunity and General Counsel will enforce VAWA 2022 using existing Fair Housing Act complaint process. The BHA will continue to comply as regulations and policies are issued and implemented by HUD.

VAWA 2022 revises the definition of "domestic violence" and adds the definitions of "economic abuse" and technological abuse as noted in the Glossary."

#### **A. GROUNDS FOR DENIAL OF ASSISTANCE TO APPLICANTS [24 CFR 982.552 and 982.553]**

A person who applies for the Section 8 Program is considered an applicant from the time that the initial application is submitted and ends with the expiration of the Voucher or the execution of a Housing Assistance Payments Contract. Applicants will have their admission denied for any of the following as mandated by HUD and outlined in Chapter 2:

1. If any member of the applicant family fails to sign and submit the HUD or Housing Authority required consent forms for obtaining information.
2. If no member of the applicant family is a citizen of the United States or eligible immigrant.
3. If an individual in the applicant family is convicted of manufacturing or producing methamphetamine.
4. If any member of the applicant family is subject to a lifetime registration requirement under a state sex offender registration program.

In addition, applicants may have their ability to participate in the Program denied due to the following reasons:

1. The existing applicant family income at the time eligibility is reviewed exceeds the limits for the Program.
2. Any adult member of the applicant family has a conviction for drug-related or is or has been currently engaged in drug-related or criminal activity as outlined in Chapter 2 – Section F, Eligibility for Admission.
3. Any adult member of the applicant family that has a conviction for violent criminal activity as outlined in Chapter 2 – Section F, Eligibility for Admission.
4. Pursuant to the Quality Housing and Work Responsibility Act of 1998 (QHWRA), the use of medicinal marijuana constitutes use of an illegal drug and is grounds for denial in this federally funded Program. The Burbank Housing Authority may admit an applicant family with a member that no longer uses medicinal marijuana by including the following for review:
  - a. Certifies in writing that he or she is not currently engaged in the use of medicinal marijuana, and
  - b. Either provides verifiable documentation from a physician of having successfully completed a supervised drug rehabilitation program since the last instance of medicinal marijuana use, or
  - c. Provides verifiable documentation from a physician that he or she is no longer using medicinal marijuana.
5. Any adult member of the applicant family violates the “Family Obligations” under the Section 8 Program as listed in Section D of this Chapter.

6. Any member of the applicant family engages in or threatens abusive or violent behavior toward Burbank Housing Authority personnel. Abusive or violent behavior includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for denial of assistance. Threatening behavior refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence. Actual physical abuse or violence will always be cause for denial of assistance. A detailed policy related to this item is on file with the Burbank Housing Authority Office.

**B. GROUNDS FOR TERMINATION OF ASSISTANCE TO PARTICIPANTS**

[24 CFR 982.552, 982.553]

A tenant is considered a participant from the time that a Housing Assistance Payments Contract is executed, and first rental assistance payment is made. Termination of assistance will occur under the following circumstances:

1. Any member of the household commits drug-related, violent or other criminal activity as described in Section C of this Chapter.
2. Any member of the household violates any one of the "Family Obligations" under the Section 8 Program as listed Section D of this Chapter.
3. The head of household breaches the terms of a Repayment Agreement with the Burbank Housing Authority to repay amounts owed.
4. The household has had a zero rental assistance payment for a period of 180 days due to the fact that the household income is so high that the tenant portion equals the rent.
5. Any member of the household engages in or threatens abusive or violent behavior toward Burbank Housing Authority personnel. Abusive or violent behavior includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination of assistance. Threatening behavior refers to oral or written threats or physical gestures that communicate an intent to abuse or commit violence. Actual physical abuse or violence will always be cause for termination.—A detailed policy related to this item is on file with the Burbank Housing Authority Office.
6. If it is determined existing participants are using medicinal marijuana, defined by the U.S. Department of Housing and Urban Development as marijuana which, when recommended by a physician to treat a serious illness such as

AIDS, cancer, or glaucoma is legal under California State Law, the Burbank Housing Authority will issue a warning to the participant that use of medicinal marijuana is grounds for termination of assistance.<sup>4</sup> The Burbank Housing Authority will offer conditions on assistance to the family and the family must sign the agreement acknowledging that they understand the policy. If the family violates the terms of the Burbank Housing Authority's agreement, program assistance may be terminated.

Participants who have been convicted of manufacturing or producing methamphetamine on the premises of an assisted housing project will have their assistance terminated and will be permanently ineligible for future participation in the Section 8 Program. The Burbank Housing Authority will not deny admission to or terminate assistance under the Section 8 Program ~~to for~~ a tenant or an immediate family member if any members of the household are victims or threatened victims of domestic violence, dating violence, sexual assault, ~~or~~ stalking, economic abuse, or technological abuse.

If the tenant claims that the denial or termination of assistance is based upon behavior resulting from a disability, the Housing Authority will refer the matter to the ADA Coordinator for the City of Burbank. The ADA Coordinator will review the case to determine if there is an accommodation which would negate the behavior resulting from the disability. This referral will occur before any final determination is effective.

### **C. "ONE STRIKE" POLICY** [HUD Notice PIH 96-27]

The "One Strike" Policy established by HUD is designed to emphasize the fact that federally assisted housing is intended to provide a decent, safe and sanitary place to live and raise families. Assisted housing is not meant to be a place to commit crime, to use drugs, to sell drugs or to terrorize neighbors. It is the intention of the Burbank Housing Authority to fully endorse and implement a policy which is designed to encourage a safe and drug-free community and to keep Program participants free from threats to their personal safety.

### **Notice of Termination of Assistance**

If an adult member of the household is convicted of or engaged in drug-related, violent criminal activity or other criminal activity during the time that the household is participating in the Section 8 Program, the Housing Authority will terminate assistance. In this case, the Housing Authority will give the household a written notice that contains the following information:

<sup>4</sup> The Quality Housing and Work Responsibility Act (QHWRA) of 1998 (42 U.S.C. 13661) prohibits the illegal use of controlled substances, including state legalized medicinal marijuana, in housing assistance programs. State laws that legalize medicinal marijuana directly conflict with requirements set forth in QHWRA and are thus subject to federal preemption.

1. The effective date of the proposed termination,
2. The reason(s) for the proposed termination,
3. The participant's right to request an Informal Hearing to be held before the termination of assistance.
4. The date by which the written request for an Informal Hearing must be received by the Housing Authority.

The Housing Authority will simultaneously provide a written notice of the Housing Assistance Payments Contract termination to the landlord. This notice will not include any details regarding the reason for the termination of assistance.

### **Confidentiality of Criminal Records**

The Housing Authority will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed after the purpose for which it was requested is accomplished. All criminal reports, while needed, will be housed in a locked file with access limited to Housing Authority personnel. If the household is deemed eligible for initial or continued assistance, the criminal report shall be shredded as soon as the information is no longer necessary for such determination. If the household's assistance is denied or terminated, the criminal record information shall be shredded upon completion of the review or hearing procedures and a final decision has been made. The Housing Authority will confirm the destruction date with the City Attorney's office before any documents are destroyed. The circumstances of the criminal report and the date that the report was destroyed will be included in the case file.

### **D. FAMILY OBLIGATIONS** [24 CFR 982.551]

In the Section 8 Program, there are certain requirements that applicants and participants must meet in order to remain eligible for Section 8 assistance. These obligations are included in the initial briefing packet and are discussed with new participants. These requirements are sent out to the participants annually at the time of recertification. The family obligations under the Section 8 Program include:

1. The household must supply any information that the Housing Authority or HUD determines is necessary in the administration of the Program, including submission of required evidence of continuing eligibility, including but not limited to citizenship or eligible immigration status (as provided by 24 CFR part 5), and any other additional information, certification, release or other documentation.
2. The household must supply any information requested by the Housing Authority or HUD for use in a regularly scheduled reexamination or interim

reexamination of household income and composition in accordance with HUD requirements.

3. The household must disclose and verify Social Security Numbers (as provided by 24 CFR part 5, subpart B) and must sign and submit consent forms for obtaining information in accordance with 24 CFR part 5, subpart B.
4. All information supplied by the household must be true and complete.
5. The household is responsible for any Housing Quality Standards breach caused by the household as described in 982.404(b).
6. The household must allow the Housing Authority to inspect the unit at reasonable times and after reasonable notice.
7. The household may not commit any serious or repeated violations of the lease.
8. The household must notify the landlord and, at the same time, notify the Housing Authority before moving out of the unit or terminating the lease.
9. The household must promptly give the Housing Authority a copy of any owner eviction notice.
10. The household must use the assisted unit for residence by the household. The unit must be the household's only residence.
11. The household must promptly inform the Housing Authority of the addition of any members to the household. This requirement includes additions to the household from birth, adoption or court-awarded custody of a child. The addition of adult household members will require screening for drug-related or violent criminal activity convictions.
12. The household must promptly notify the Housing Authority if any household member no longer resides in the unit.
13. If the Housing Authority has given approval, a foster child or a live-in aide may reside in the unit. If the household does not request approval or Housing Authority approval is denied, the household may not allow a foster child or live-in aide to reside with the assisted household.
14. Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to the primary use of the unit as a residence by members of the household.
15. The household must not sublease or let the unit.

16. The household must not assign the lease or transfer the unit.
17. The household must supply any information or certification requested by the Housing Authority to verify that the household is living in the unit. Conversely, the household must promptly notify the Housing Authority of any household absences from the unit.
18. The household must not own or have any interest in the unit, unless authorized under the homeownership provision of the Section 8 Program or as a reasonable accommodation for a person with a disability.
19. The members of the household must not commit fraud, bribery or any other corrupt or criminal act in connection with the Section 8 Program.
20. The members of the household may not engage in drug-related, violent criminal activity or other criminal activity (as outlined in Chapter 2 of this Administrative Plan) that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or person residing in the immediate vicinity.
21. The members of the household must not abuse alcohol or engage in other disruptive intimidating or abusive activity in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
22. Members of the household may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative federal, state or local housing assistance program.

**E. HOUSING ASSISTANCE PAYMENTS CONTRACT TERMINATION** [24 CFR 982.311]

The Housing Assistance Payments Contract (“Contract”) is the contract between the landlord and the Housing Authority which defines the responsibilities of both parties. The term of the Contract is the same as the term of the lease agreement between the landlord and the tenant. After the first year of participation, the lease becomes a month-to-month rental agreement. The Contract may be terminated by the Housing Authority or the landlord. The tenancy may be terminated by the tenant or the landlord.

No future subsidy payments on behalf of the household will be made after the month in which the Contract is terminated. If the household continues to occupy the unit after the Section 8 Contract is terminated, then the household will be responsible for the total amount of rent due to the landlord. If the household decides to move and is still eligible for the Program, then the assistance will be transferred to another unit.

Any time that the Housing Authority proposes termination of the Housing Assistance Payments Contract, the participant will be given an opportunity for an Informal Hearing. The Housing Authority will give both the participant and the landlord a written 30-Day Notice of Termination. The Housing Assistance Payments Contract will be terminated in the following situations:

1. When the Housing Authority terminates assistance to the participant household.
2. When the household is required to move from a unit due to overcrowding.
3. When the unit does not pass the Housing Quality Standards inspection.
4. When there has been a zero rental assistance payment for 180 days due to the tenant portion of the rent being equal to the rent.
5. When funding is no longer available under the Annual Contributions Contract from the federal government.

**F. TERMINATION OF TENANCY BY THE LANDLORD** [24 CFR 982.310, 982.455]

If the landlord wishes to terminate the tenancy, the eviction procedures found in the California Civil Code must be followed. The landlord must provide the Housing Authority with a copy of the eviction notice. Housing assistance payments will continue while the tenant remains in the unit provided that the unit meets the Housing Quality Standards. By accepting the monthly payment from the Housing Authority, the landlord certifies that the tenant is still in the unit, the rent is reasonable, the unit is in good condition, and the landlord is in compliance with the Housing Assistance Payments Contract.

**G. TERMINATION OF TENANCY BY THE PARTICIPANT** [24 CFR 982.309(b)(2)]

The participant is not a party to the Housing Assistance Payments Contract, but the Contract will terminate at such time as the household moves out of the unit. The Housing Authority cannot make housing assistance payments for the unit after the household vacates. The household cannot move out of the unit in the first year of lease unless the landlord consents.

**H. PROGRAM TERMINATION FOR NON-CITIZENS** [24 CFR 5.514, 5.516, 5.518]

Participant households without U.S. citizens or eligible immigrants are not eligible for the Section 8 Program. If a participant household becomes ineligible due to no eligible members, the Housing Assistance Payments Contract will be terminated. If any member of the household claims eligible immigrant status, but the Immigration and Naturalization

Service (INS) primary and secondary verifications fail to document the eligible status, the household may make an appeal to the INS. Assistance may not be terminated while verification of the eligible immigration status is pending. Prior to the time that the assistance is terminated, the household will be offered an Informal Hearing.

Assistance to the household may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal. In addition, assistance to a participant household may not be terminated or denied while the Housing Authority Informal Hearing is pending. However, assistance to an applicant household may be delayed pending the Housing Authority Informal Review.

### **INS Determination of Ineligibility**

If a household member claims to be an eligible immigrant and the INS verification system and manual search do not verify the claim, the Housing Authority will notify the applicant or participant. The notice will be sent within 10 calendar days of determination to inform the household of their right to appeal to the INS within 30 calendar days. The household may also request an Informal Hearing with the Housing Authority either in lieu of or subsequent to the INS appeal. If the household appeals to the INS, they must give the Housing Authority a copy of the appeal and proof of mailing or the Housing Authority may proceed to deny or terminate assistance. The time period to request an appeal may be extended by the Housing Authority for good cause.

The written request for an Informal Hearing must be received by the Housing Authority within 30 calendar days from the date of the letter sent to the applicant or participant. If an appeal was made to the INS, then the request for Informal Hearing must be made within 30 calendar days of receipt of that notice. After receipt of the written request, an Informal Hearing will be conducted in accordance with the procedures described in Chapter 13 for participants. If the Hearing Officer decides that the individual is not eligible, and there are no other eligible household members, then the Housing Authority will deny assistance to the applicant household.

If there are eligible members in the household, the Housing Authority will offer to prorate the assistance or give the household the option to remove the ineligible members. There are other situations that pertain to the Non-Citizen Rule and involve the following actions:

1. If any household member fails to provide documentation or certification as required by the federal regulations, then that member is treated as ineligible.
2. Participants whose termination is carried out after temporary deferral may not request an Informal Hearing at time of termination because they had an

opportunity to request one at the time of the eligibility determination.

3. Participants whose assistance is pro-rated are entitled to an Informal Hearing based on the grounds that their portion of the rent is being redetermined.
4. Households who are denied participation or are terminated from assistance for fraud in connection with the Non-Citizen Rule are entitled to an Informal Hearing.

**Temporary Termination** [24 CFR 5.514 (c)(1)(iii)]

If the Housing Authority determines that a household member has knowingly permitted another individual who is not eligible for assistance to reside on a permanent basis, the Housing Authority will terminate assistance for a period of 24 months. This provision does not apply if the ineligible household member was taken into consideration for proration of assistance.

**I. TERMINATION OF HAP CONTRACT AND HOUSING CHOICE VOUCHERS (HCV) DUE TO INSUFFICIENT FUNDING** [24 CFR 982.454]

The Housing Choice Voucher program regulations allow the Housing Authority to deny families permission to move and to terminate Housing Assistance Payments (HAP) contracts if funding under the Consolidated Annual Contributions Contract (CACC) is insufficient to support continued assistance for families participating in the program.

The Housing Authority will determine whether there is sufficient funding to pay for currently assisted families. Prior to terminating any HAP contracts, the Housing Authority will determine if any other actions can be taken to reduce program costs. If after implementing all reasonable cost cutting measures, there is not enough funding available to provide continued assistance for current participants, the Housing Authority will terminate HAP contracts as a last resort.

Before terminating HAP contracts, the Housing Authority will notify the HUD field office and the Financial Management Center (FMC). In addition, the Housing Authority Board must approve any HAP contract terminations due to insufficient funding.

The Housing Authority will terminate HAP contracts and/or cancel HCV in the following order:

1. Cancel all outstanding vouchers issued to applicants from the waiting list.
2. Contact receiving Housing Agencies to request absorption of portable contracts.
3. Cancel all outstanding vouchers for participants who are not currently being assisted in a contracted unit.
4. Participants with zero HAP contracts.

5. Participants residing in income-restricted units including those properties with tax credits funds, HUD funding, former redevelopment agency funding, etc.
6. Participants with disregard income. Disregard income may include:
  - a. Wages from adult full-time students.
  - b. Foster care payments.
  - c. Adoption assistance payments.
  - d. Lump sum additions to household income (Inheritances, insurance settlements, etc.).
7. Participants that are non-elderly and non-disabled households.
8. Participants that are elderly and disabled households.
9. Participants with Special Purpose Vouchers (SPVs).

Participants whose termination was the result of insufficient funding will not be automatically reinstated when funding becomes available. Terminated participants will need to reapply for the HCV program once the waiting list is open. Reapplying does not guarantee the family will be selected to participate in the HCV program. Applicants will be placed on the waitlist in accordance with the Chapter 4 of the BHA Administrative Plan.

## **CHAPTER 12**

### **REPAYMENT/RECOVERY OF OUTSTANDING DEBTS**

[24CFR 982.453(b), 982.552 (v)(vii)]

#### **INTRODUCTION**

This Chapter describes the policies to be followed to recover funds that are owed by tenants and landlords to the Burbank Housing Authority. In an effort to prevent overpayments, the Burbank Housing Authority informs Program participants about the Section 8 Program rules and regulations on a regular basis. Before a debt is assessed, the participant or the landlord will be given ample opportunity to present documentation that would dispute the Housing Authority assertion that an overpayment has been made. The case file will contain written documentation concerning the cause of the overpayment and the calculations to determine the amount of the debt. The Burbank Housing Authority will use a variety of collection methods to recover debts including, but not limited to:

1. Repayment agreements
2. Collection agencies
3. Abatements
4. Reductions
5. Income tax set-off programs
6. Civil Suits
7. Credit bureaus
8. Prosecutions

#### **A. REPAYMENTS**

There are situations where participants do not report changes in household income and receive more rental assistance than they are entitled to under the Program regulations. Case Managers will meet with participants to review the overpayment calculation and participants may submit any additional documents or paperwork relevant to the situation at this time. At the conclusion of this meeting, participant will be required to sign an Overpayment and Repayment Agreement that states the participant has 60 days to begin reimbursing the Housing Authority. Failure to sign the Agreement may result in termination of assistance. If the payment is not made within the 60 day period, the rental assistance may be terminated. If an overpayment occurs in the future due to the tenant's failure to report changes, the rental assistance may be terminated based on the amount of the overpayment. A second Repayment Agreement may be offered if the second overpayment, combined with the first overpayment, is not over \$10,000. Under no circumstances, however, will a participant be offered a third Repayment Agreement. In the case of a third overpayment, rental assistance will be terminated for failure to comply with Program requirements.

## **B. REPAYMENT AGREEMENTS FOR PARTICIPANTS**

[24 CFR 982.552(c)(1)(v)(vii)]

Tenants will be offered a Repayment Agreement to recover the amount owed. A Repayment Agreement is the document entered into between the Housing Authority and the participant who owes the debt.

This agreement will contain the following information:

1. The reason for the overpayment.
2. The total amount of the overpayment.
3. A statement that failure to make a payment may result in termination of assistance.
4. A statement that the entire overpayment must be repaid before the participant can voluntarily move to another unit.
5. A statement that the participant must report all future changes in income and that a second violation may result in termination of assistance.
6. A statement that a third violation will result in termination of assistance.
7. Remedies available to the Housing Authority upon default of the agreement.

The typical arrangement for repayment of the debt will be to offer the participant the opportunity to repay the full amount in one lump sum or to make payments in the amount of \$100 per month, or other amount affordable to the participant. The monthly payments must be received by the 10<sup>th</sup> of the month in order to be considered current. The Housing Authority will not charge interest on the amount that is owed.

There are situations where a tenant, who is current in making payments, would need to move to another unit before the debt is paid in full. In these instances, the Housing Authority will approve such a move if one of the following conditions is met:

1. The household size exceeds the maximum occupancy standards.
2. The Section 8 contract is terminated due to actions of the landlord.
3. The unit is declared to be uninhabitable due to a natural disaster.

### **C. LANDLORD DEBTS TO THE HOUSING AUTHORITY** [24 CFR 982.453(b)]

If the Housing Authority determines that the landlord has retained a rental assistance payment that the landlord is not entitled to, the Housing Authority will request reimbursement. If the landlord refuses to pay, then the Housing Authority may deduct the amounts from future rental assistance payments for any other units owned by that landlord. If future payments are not sufficient to recover the amount owed, the Housing Authority will require the landlord to pay the amount in full before being allowed to participate in the Section 8 Program in the future.

### **D. CRITERIA FOR INVESTIGATION OF SUSPECTED FRAUD AND ABUSE**

The Housing Authority has the expectation that participants will comply with HUD requirements, provisions of the Voucher, and other Program rules. Staff will make a diligent effort to orient and educate all households in order to avoid unintentional violations. However, the Housing Authority has a responsibility to the federal government, to the community, and to eligible households in need of housing assistance to follow up on indicators of possible fraud and abuse. Under no circumstances will the Housing Authority arbitrarily undertake an inquiry or an audit of a participant household. The Housing Authority will initiate an investigation of a participant household in the event of one or more of the following:

**Referrals, Complaints, or Tips.** The Housing Authority will follow up on referrals from other agencies, companies or individuals which allege that a participant is in non-compliance with or is violating Program rules. Such follow-up will be made provided that the referral contains at least one item of information that is independently verifiable. The case file will be documented concerning the allegation.

**Internal File Review.** A follow-up will be made if Housing Authority staff discovers that information in the case file is in conflict with previous file data. Information received from the household which contradicts previous information will be pursued.

**Verification of Documentation.** A follow-up will be made if the Housing Authority receives independent verification conflicts with information in the case file. These documents may include computer matching reports from other agencies.

## **CHAPTER 13**

### **COMPLAINTS AND APPEALS**

#### **INTRODUCTION**

It is the duty of the Burbank Housing Authority to comply with all Section 8 Program regulations and to exercise a superior level of customer service. All complaints received by the Housing Authority will be taken seriously. There is an appeal process for both applicants and participants who disagree with an action, decision or inaction of the Housing Authority. This Chapter describes the policies, procedures and standards to be used when applicants or participants disagree with Housing Authority decisions. The procedures for Informal Reviews and Informal Hearings will be explained in this section. It is the policy of the Burbank Housing Authority to ensure that all households have the benefits and protections due to them under the law.

#### **A. COMPLAINTS TO THE HOUSING AUTHORITY**

The Housing Authority will respond promptly to complaints from applicants, participants, landlords, employees and members of the public. All complaints will be documented in the case file or in the form of a memorandum to the file. Complaints against Housing Authority staff will be referred to the Housing Specialist for initial resolution. If the Housing Specialist is unable to resolve the matter, the complaint will be forwarded to the Housing Authority Manager. If the situation still cannot be resolved, the complaint will be forwarded up the chain of command for resolution.

#### **B. INFORMAL REVIEW PROCEDURES FOR APPLICANTS**

[24 CFR 982.54(d)(12), 982.554]

When the Housing Authority determines that an applicant is ineligible for the Program, a written notification will be mailed out that specifies the reason and the procedure for requesting an Informal Review. Housing Authority decisions that require the opportunity for an Informal Review include denial of placement on the Section 8 Applicant Waiting List or denial of a claimed preference. If the Housing Authority does not issue a Voucher to an ineligible applicant or does not allow the applicant to participate in the Program after being issued a Voucher, the applicant has the right to request an Informal Review.

There are situations where applicants are not entitled to an Informal Review. Disputes concerning certain established policies and procedures of the Housing Authority, even though they are the basis for a decision to deny assistance to the applicant family, are not included in the Informal Review process.

The decisions that are not subject to an Informal Review include:

1. Discretionary administrative determinations by the Housing Authority.
2. General policy issues or class grievances.
3. Refusal to extend a Voucher beyond the 120-calendar day maximum.
4. Disapproval of a unit to be placed on the Program.
5. Disapproval of a lease provided by a landlord.
6. Determination that a unit does not meet Housing Quality Standards, including overcrowding.

### **Request for Informal Review**

A request for an Informal Review must be received within 14 calendar days from the date of the Housing Authority written notice of assistance denial. Requests should be in writing for proper documentation, but may be verbal.

### **Procedure for Informal Review**

The Housing Authority Manager or his/her designee will conduct the Informal Review. Information submitted during the informal review shall be limited to the documents and information received prior to the deadline provided by the Burbank Housing Authority. New information not provided within timeframes and deadlines specified, will not be accepted during the Informal Review process. A meeting is not required for this process, however, should a meeting be requested it will be scheduled. The applicant may have an attorney or other representative present at the applicant's own expense. If the tenant requests it, the Housing Authority will have an interpreter available whenever possible.

A written notice of the results of the Informal Review will be sent to the applicant within 14 calendar days of completion of the review process. The notice shall include the decision of the Housing Authority Manager or his/her designee and an explanation of the reasons for the decision. The request for an Informal Review, the supporting documentation, and a copy of the notice of the final decision will be retained in the case file.

## **C. INFORMAL HEARING PROCEDURES FOR PARTICIPANTS**

[24 CFR 982.555 (a-f), 982.54(d) (13)]

Current participants of the Section 8 Program have the right to request an Informal Hearing within timeframes and deadlines specified when an action adversely affects them. The Housing Authority must provide participants with the opportunity for an Informal Hearing to consider whether Housing Authority decisions are in accordance with HUD regulations and this Administrative Plan. The following areas are subject to the Informal Hearing procedures:

1. Calculation of the household income and the computation of the housing assistance payment.
2. Appropriate utility allowance used from the established schedule.
3. Determination of the number of bedrooms shown on Voucher.
4. Determination that the household is not entitled to an exception under the subsidy standards.
5. Decision to terminate assistance due to action or failure to act by the household, including overpayments, and Housing Quality Standards violations caused by the household.
6. Decision to terminate a Contract of Participation under the Family Self-Sufficiency Program and the forfeiture of escrow account.

Participants are not entitled to an Informal Hearing to dispute established policies and procedures of the Housing Authority, such as:

1. Discretionary administrative determination by the Housing Authority.
2. General policy issues or class grievances.
3. Amounts shown on the Utility Allowance Schedule.
4. Refusal to extend a Voucher beyond the 120-day maximum.
5. Disapproval of a unit to be placed on the Program.
6. Disapproval of a lease provided by a landlord or disapproval of a landlord.
7. Determination that a unit does not meet Housing Quality Standards due to deficiencies that are the responsibility of the landlord.

8. Determination that the unit is overcrowded.
9. Housing Authority determination to exercise or not exercise any right or remedy against the landlord under the Housing Assistance Payments Contract.

When the Housing Authority determines that it is necessary to propose termination of assistance, the household will be provided with a written notification that contains the following information:

1. The proposed action or decision of the Housing Authority,
2. The date the proposed action or decision will take place,
3. Citation of the regulation used as the basis for the Housing Authority decision,
4. The procedures for requesting an Informal Hearing, and
5. The time limit for requesting an Informal Hearing.

#### **Notification of Hearing**

The Housing Authority will schedule an Informal Hearing subject to the earliest availability of the Hearing Officer. A notice of hearing will be sent to the household and will contain the following information:

1. The date and time of the Informal Hearing,
2. The location where the Informal Hearing will be held,
3. The participant's right to bring evidence, witnesses, legal counsel, advocate or other designated representative at their own expense,
4. The participant's right to view any documents or evidence upon which the decision for the proposed action was based. The participant may obtain a copy of such documents prior to the Informal Hearing.

#### **The Informal Hearing**

The Informal Hearing shall be conducted by a Hearing Officer, who is a representative from the Los Angeles County Bar Association Dispute Resolution Service. The Hearing Officer will record the Informal Hearing and the audio file will be retained by the Housing Authority after the final decision is rendered. The Informal Hearing shall concern only the issues which are relevant to the Housing Authority action or decision that is being

contested. Evidence presented at the Informal Hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings. No documents may be presented which have not been provided to the other party before the Informal Hearing, if they were requested by the other party. Documents include records and regulations. At the Informal Hearing, participants have the right to:

1. Present written or oral objections to the Housing Authority's determination.
2. Examine the documents in the file which are the basis for the Housing Authority's action, and all documents submitted to the Hearing Officer.
3. Copy any relevant documents at their own expense.
4. Present any information or witnesses pertinent to the issue of the Informal Hearing.
5. Request that Housing Authority staff be available or present at the Informal Hearing to answer questions pertinent to the case.
6. Request that the Housing Authority provide an interpreter.
7. Be represented by legal counsel, advocate, or other designated representative at their own expense.

At the Informal Hearing, the Housing Authority has the right to:

1. Present evidence and any information pertinent to the issue of the Informal Hearing.
2. Be notified if the participant intends to be represented by legal counsel, advocate or another party.
3. Examine and copy any documents to be used by the participant prior to the Informal Hearing.
4. Have the Housing Authority attorney present.
5. Have staff persons or witnesses who are familiar with the case in attendance. During the Informal Hearing, the Hearing Officer may ask the household for additional information. The Hearing Officer may adjourn the Informal Hearing in order to reconvene at a later date, before reaching a final decision. Based upon the evidence and testimony provided at the Informal Hearing, the Hearing Officer will determine whether the action, inaction or decision of the Housing Authority is proper in accordance with HUD regulations and this Administrative Plan. Factual determinations relating to the individual circumstances of the

household will be based on a preponderance of the evidence presented at the Informal Hearing. All requests for an Informal Hearing, supporting documentation, and a copy of the final decision will be retained in the case file.

A written notice of the final decision of the Hearing Officer will be provided to the Housing Authority within 30 calendar days of the date of the Informal Hearing. The participant will be given a written notice within 14 calendar days concerning this decision and that notice will contain all of the following information:

1. A clear summary of the decision and reasons for the decision.
2. The amount of monies owed, if applicable.
3. Documentation of the calculation of monies owed.
4. The date the decision goes into effect.

**D. MITIGATING CIRCUMSTANCES FOR PARTICIPANTS WITH DISABILITIES**  
[24 CFR, 982.552(c)]

During the Informal Hearing process, participants will be informed in writing that the presence of a disability as defined in the Americans with Disabilities Act may be considered as a mitigating circumstance. An example of a mitigating circumstance would be a person with a cognitive disorder not understanding the requirement to report increases in income or the importance of making regularly scheduled payments on a Repayment Agreement. Participants who claim this mitigating circumstance will have their cases referred to the City of Burbank ADA Coordinator to engage in the interactive process as required by State and Federal laws.

## **CHAPTER 14**

### **FAMILY SELF-SUFFICIENCY PROGRAM AND SPECIAL PROVISIONS FOR USE OF TARGETED VOUCHERS**

#### **INTRODUCTION**

The Family Self-Sufficiency (FSS) Program was created by the National Affordable Housing Act of 1990 and became a mandatory requirement for the receipt of Housing Choice Voucher funding in 1993. The intention of the Program is to leverage public and private sector resources to Housing Choice Voucher participants to achieve economic independence. The FSS Program offers a financial incentive to participants through the establishment of an escrow account which becomes available to the household upon successful completion of their Contract of Participation. The original purpose of the FSS Program has been incorporated in the federal welfare reform legislation of 1996 and consequently the FSS Program is gradually being phased out of the Housing Choice Voucher Programs. The information in this Chapter refers to the FSS requirements and procedures for those tenants who have chosen to participate in the FSS Program. The minimum size of the FSS Program will be reduced over time through attrition.

#### **A. PROGRAM SIZE REQUIREMENTS** [24 CFR 984.101]

Each time that the Housing Authority received additional funding from HUD during the period of October 1, 1993, through October 20, 1998, it was mandated that those units be designated as FSS Certificates or Vouchers. During that time period, the Burbank Housing Authority received 50 additional Certificates and Vouchers which made the minimum FSS Program size 50. The Housing Choice Voucher regulations have been changed to state that any FSS participants who successfully complete their Contract of Participation obligations after October 21, 1998, will reduce the minimum size of the FSS Program by that number. This process will continue until FSS is phased out completely.

#### **B. CONTRACT OF PARTICIPATION**

In order to participate in the FSS Program, the head of household must sign a Contract of Participation. By regulation, the contract of participation is considered to be concluded when the FSS family has fulfilled all of its obligations under the contract of participation on or before the expiration of the contract term, including any extension thereof. This contract may be extended if the participant needs additional time to accomplish certain goals. The FSS Case Manager and the participant develop short term and long-term goals that need to be accomplished in order to move forward in education and work experience. The Contract specifies the tenant responsibilities and the timelines to be followed. The FSS Case Manager will provide the participant with various resources and referrals concerning education and job placement. The Contract of Participation will be

monitored annually to evaluate progress and to make modifications to short term goals if necessary. Contract of participation may be extended for good cause to include:

- (i) Circumstances beyond the control of the FSS family, as determined by the PHA or owner, such as a serious illness or involuntary loss of employment;
- (ii) *Active pursuit of a current or additional goal that will result in furtherance of self-sufficiency during the period of the extension (e.g., completion of a college degree during which the participant is unemployed or under-employed, credit repair towards being homeownership ready, etc.) as determined by the PHA or owner or*
- (iii) Any other circumstances that the PHA or owner determines warrants an extension, as long as the request is reasonable and the PHA or owner is consistent in its determination as to which circumstances warrant an extension.

### **C. ESCROW ACCOUNT**

The financial incentive for participants to use the FSS Program is the escrow account. The Housing Authority establishes an escrow account for a participant at the time that there is an increase in the tenant portion of rent based on increased income from earnings. Although the tenant actually pays the increase in tenant rent to the landlord, the Housing Authority calculates the differential between the previous payment and the new payment to determine the amount that is credited to the escrow account every month. If the participant who successfully completes the goals established in the Contract of Participation and is employed full time (working a minimum of 32 hours a week), at the time of Contract completion the escrow account will be dispersed to the tenant. If the FSS participant requests an interim disbursement, the Housing Authority will review on a case-by-case basis. Any funds owed to the Housing Authority by the tenant would be deducted from the escrow amount first. If the participant does not successfully complete the goals and the Contract of Participation is terminated, the escrow account will be forfeited.

### **D. PORTABILITY** [24 CFR 984.306]

Participants in the FSS Program may request to move under portability to another jurisdiction. The Housing Authority will approve this request provided that the landlord and tenant have mutually agreed to terminate the Housing Choice Voucher lease and contract. After the first 12 months of participation in the FSS Program, the tenant may move to another jurisdiction under portability in the same manner as other Housing Choice Voucher participants.

### **E. TERMINATION OF CONTRACT OF PARTICIPATION**

The participant may decide at any time to terminate the FSS Contract of Participation and the Housing Authority will close out the escrow account at that time. The participant will continue to receive Housing Choice Voucher rental assistance as before. The Housing

Authority may terminate the FSS Contract of Participation when the participant does any of the following:

1. Fails to complete the requirements of the Contract of Participation within the term.
2. Violation of obligations under the Contract of Participation.
3. Violation of Housing Choice Voucher Program requirements.

Participants who are terminated from the FSS Program have the same right to an Informal Hearing. If at any time in the future, the head of FSS household may request to participate in the FSS Program again. The Housing Authority would need to document the file to explain why it is reasonable to believe that the previous problems have been corrected and the Contract of Participation will be reinstated.

**F. ACTION PLAN** [24 CFR 984.201]

The following Action Plan for the Family Self-Sufficiency Program was originally prepared in 1993 and was submitted to HUD to demonstrate that the Burbank Housing Authority had the administrative capacity to implement the FSS Program. It describes the cooperative effort between the Burbank Housing Authority and the Verdugo Private Industry Council in providing supportive services to Housing Choice Voucher participants to become financially independent. The format of the Action Plan follows a series of questions that needed to be answered to demonstrate to HUD that the Burbank Housing Authority had addressed the various issues of concern. The numbered sections correspond to the listing of these items in the Federal Register, Volume 58, No. 101 that was dated May 27, 1993. The Burbank Housing Authority was approved to participate in the FSS Program and this Action Plan is incorporated in the Administrative Plan for reference.

## **FAMILY SELF-SUFFICIENCY PROGRAM**

### **ACTION PLAN**

**November 1993**

**Updated March 2015 and September 2022**

1. The participants in the Family Self-Sufficiency (FSS) Program administered by the Burbank Housing Authority will be taken from the Housing Choice Voucher Programs. The demographic composition of this population will reflect the characteristics of the current Program participants. The racial and ethnic breakdown of the Housing Choice Voucher Program in 1993 was 58% White, 6% Black, 2% Asian or Pacific Islander, 33% White/Hispanic, and 1% Other. As of 2022, the racial and ethnic breakdown of the Housing Choice Voucher Programs is 81% White, 5% Black, 2% Asian or Pacific Islander, and 12% Hispanic.
2. The supportive services that are required for the FSS participants include, but are not limited to, child care, transportation, education and skills assessment, remedial education, high school diploma or equivalency preparation, college education, vocational training, job training, job preparation and counseling, substance abuse treatment and counseling, homemaking and parenting skills, household management skills, money management and budgeting, grooming skills, job development and placement, social skills, health care, nutrition, legal assistance, motivation and self-esteem counseling, time management, assistance in dealing with various government agencies and mentoring. The case management approach is practiced in order to define and address the individual needs of the participant.
3. There are adequate supportive services in the community to accommodate the needs of the 50 households participating in the FSS Program. The Verdugo Private Industry Council serves as the resource center for the various supportive services for the cities of Burbank and Glendale. Participants have graduated from the program; therefore, the required figure continues to change over the years.
4. The Verdugo Private Industry Council (VPIC) is a consortium of the cities of Burbank, Glendale and La Canada/Flintridge which serves as the entity that receives federal Job Training Partnership Act funds for the Verdugo service delivery area. The VPIC coordinates various job training and Job placement activities that relate to low income people throughout the entire service delivery area. There are a number of private businesses and public agencies that have representation on the Board of Directors for the VPIC. The following list provides the names of the organizations that have representatives as members of the Coordinating Committee for the FSS Program administered by the Burbank Housing Authority and the Glendale Housing Authority.

- a. The Department of Public social Services for the County of Los Angeles which provides cash assistance, food stamps, and medical coverage to low income families through the Aid to Families with Dependent Children Program. This agency also administers the Greater Avenues to Independence Program (GAIN).
  - b. The Employment Development Department of the State of California which provides Unemployment Insurance Benefits to people who have been terminated from their jobs. This office also provides job referrals.
  - c. Alliance for Education is a job training and job placement provider for the long term unemployed, laid off workers and low-income job seekers.
  - d. Burbank Adult School provides courses designed to help clients obtain high school diplomas, General Education Certificates, reading and math skills, job readiness skills, post-employment skill development, computer training, and job skills for particular positions in the work force.
  - e. Burbank Temporary Aid Center provides food, temporary shelter, clothing and a variety of supportive services to low income Burbank residents.
  - f. Verdugo Mental Health Center provides counseling and assessment for low income people with multiple barriers to employment.
  - g. Armenian Relief Center provides social services to clients within the VPIC service delivery area.
  - h. Glendale Memorial Hospital Perinatal Clinic provides a variety of services to low income pregnant women and women with children.
  - i. Glendale Community College provides a variety of educational opportunities for low income students who want to obtain high school diplomas, college credit, job training and job placement.
5. The Housing Authority conducts an initial interview with the head of household and will complete an initial assessment of the individual needs of that household. The head of the FSS family is designated by the participating family. The Housing Authority may make itself available to consult with families on this decision, but it is the assisted household that chooses the head of FSS family that is most suitable for their individual household circumstances. The designation or any changes by the household to the Head of FSS Family must be submitted to the Burbank Housing Authority in writing. The Voucher head of household does not need to participate as the head of the FSS family. The FSS Program is labor intensive because each household will have unique characteristics and requirements. It is the responsibility of the FSS Case Manager to determine the specific needs of the household and to

coordinate the various programs and community resources available to assist the participant household.

6. Various public and private resources are available throughout the VPIC service delivery area and additional agencies will be contacted if necessary. If there are needs that an individual household has that are not addressed by the agencies represented on the Coordinating Committee, the FSS Case Manager will contact the appropriate agencies for referral. Private employers serve as the resource for on the job training and final career placement.
7. The implementation of the FSS Program includes outreach, tenant selection, initial assessment and creation of an individual training and service plan (ITSP) for the household's successful completion of the goals listed in the Contract of Participation. Referrals can be made to the Verdugo Assessment Center to determine the type of remedial education or job training that the participant requires. A counselor at the Assessment Center will discuss potential career paths with each applicant.
8. The delivery of services related to assessment and job training and ultimately job placement is coordinated through the Verdugo Private Industry Council subcontractors, and various other City and community training and employment programs. The provision of the support services related to child care, transportation, money management and the other related needs is coordinated by the FSS Case Manager, if the tenant requests assistance in these areas. There are a variety of public and private service providers in the Burbank and Glendale area to accommodate the varied needs of the participating households.
9. Letters that describe the FSS program are sent to current tenants on the Voucher Program according to bedroom size. All tenants in that bedroom category are to be sent letters at the same time in order to give everyone an equal opportunity to apply for participation. Requests for participation in the FSS Program are based on date and time of request. The Burbank Housing Authority does not operate other self-sufficiency programs therefore no additional families are expected to enroll. The Burbank Housing Authority does not offer selection preference for porting families.
10. At the time that the tenant signs the Contract of Participation an ITSP is developed. The COP may be modified upon mutual agreement of the Housing Authority and the FSS family. This includes modification of goals in writing with respect to the ITSPs, the contract term and designation of the head of the FSS family. Established goals on the ITSP may be revised, providing that:
  - a. The revised goals are comparable to those, which were initially established.
  - b. The revised goals can be accomplished within the remaining term of the COP

Various community resources will be identified that may provide assistance to the tenant. The relationship established between the Case Manager and the tenant

carry through during the contract period and the tenant is encouraged to rely on the Case manager to assist and guide the tenant in arriving at the ultimate destination of gainful employment and severance from public assistance.

11. The Contract of Participation (COP) is described in the Administrative Plan. The COP is considered to be concluded when the FSS family has fulfilled all of its obligations under the COP, on or before the expiration of the contract term including any extensions thereof. This COP may be extended if the participant needs additional time to accomplish certain goals. The Housing Authority will require a combination of self-certification and third-party verification to document completion of ITSP goals.
12. Any Housing Choice Voucher program participant who declines participation in the FSS Program will remain on the Section 8 Program as before. There is no penalty for refusing to participate.
13. The outreach activities that the Burbank Housing Authority follows are described in the Administrative Plan.
14. Failure to cooperate with the FSS Program requirements can result in cancellation of the FSS Contract of Participation. The procedure to be followed includes giving prompt written notice to the participant concerning determinations that have been made that adversely affect the tenant. The participant will be advised that a further explanation may be requested. Additionally, the notice will advise the participant that a written request for an Informal Hearing may be submitted to the Housing Authority within 10 calendar day from the date of the notice.

When a request for Informal Hearing is received within the proper time limits, the Hearing will be scheduled within 14 calendar days for receipt of the request. A letter of confirmation will be sent to the participant indicating the date and time for the Hearing. The Informal Hearing will be conducted in accordance to the procedures described in Chapter 13 of the Administrative Plan.

15. The Burbank Housing Authority and City of Burbank have a long-established working relationship with the Verdugo Private Industry Council. The original connection was the Summer Youth Employment and Training Program that was funded with Community Development Block Grant (CDBG) funds. The working relationship between the two agencies continues to be cooperative and productive.

The fact that the Verdugo Private Industry Council is well-established in this service delivery area is an asset to the FSS program concept. The VPIC has an array of successful programs that have received State recognition. The Burbank Housing Authority and the Glendale Housing Authority are working cooperatively to implement the FSS Program.

**G. SPECIAL PROVISIONS FOR USE OF TARGETED VOUCHERS FOR SPECIAL NEEDS POPULATIONS**

The Burbank Housing Authority may administer vouchers per HUD Guidelines, Rules and Regulations as they become available in the future. One such targeted and special use voucher program is the Permanent Supportive Housing Program “formerly Shelter Plus Care Program”. The Burbank Housing Authority will oversee the administration and compliance with fiscal controls and accounting procedures of such programs.

For purposes of administering the daily program operations and functions of special needs populations, Interdepartmental Policies and Procedures will be developed and maintained.

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## **CHAPTER 15**

### **ENTERPRISE INCOME VERIFICATION (EIV) SECURITY POLICY AND PROCEDURES**

#### **INTRODUCTION**

The EIV system is intended to provide a single source of income-related data to PHAs for use in verifying the income reported by participants in the various assisted housing programs. The Office of Public and Indian Housing (PIH) is responsible for administering and maintaining the EIV system.

#### **A. TYPES OF UPFRONT VERIFICATION OF INCOME PROVIDED BY EIV**

The EIV system compares the participant income data obtained from various sources including:

1. Participant-supplied income data captured on Form HUD-50058 and maintained in the PIC databases;
2. U.S. Department of Health and Human Services, National Directory of New Hires (NDNH) data. NDNH becomes the single source for wage, unemployment insurance benefit information, and the new hire (employment) information;
3. Social Security and Supplemental Security Income from the Social Security Administration (information formerly accessed through TASS); and
4. User profile information from the PIC database.

#### **B. WHAT EIV PARTICIPANT DATA IS USED FOR**

EIV data is the first level in the hierarchy of income verification. The EIV data may be used in the following way:

1. To verify a participant's eligibility for participation in a HUD rental assistance program and to determine the level of assistance the participant is entitled to receive;
2. No adverse action can be taken against a participant until the PHA has independently verified the EIV and the participant has been granted an opportunity to contest any adverse findings through the established grievance hearing, or other legal procedures.

## **Applicability**

The procedures in this document apply to all Burbank Housing Authority staff that access EIV data.

## **Purpose**

The purpose of this document is to establish the Burbank Housing Authority's policies and procedures to assure that the practices, controls and safeguards used by Public Housing are in compliance with the Federal laws regarding the protection of this information.

## **Privacy Act**

The data provided via the EIV system will be protected to ensure that it is only used for official purposes and not disclosed in any way that would violate the privacy of the individuals represented in the system data. Privacy of data and data security for computer systems are covered by a variety of Federal laws and regulations. The Privacy Act of 1974 as amended, 5 U.S.C. 552 (a) is one such regulation. The full text of the Privacy Act can be accessed at <http://www.usdoj.gov/fois/privstat.htm>.

## **Examples of Privacy Act Violations**

Public Housing will not rely entirely upon staff to read and understand the Privacy Act. To ensure that staff has a complete understanding of the Privacy Act and how seemingly harmless actions may be violations, examples of Privacy Act violations will be provided during security awareness training. The following example of a security violation was explained during the HUD Satellite Broadcast introducing the EIV system:

EIV data can only be viewed by authorized PHA staff and the individual adult who the information pertains to. This means that EIV data for an adult household member in a participant family cannot be shared with another adult household member of the participant family (even the head of household) unless that family member is present or signs a waiver authorizing the other family member to view their EIV information. The Privacy Act protects the privacy of each adult family member from any unauthorized person viewing their EIV data, even another family member. However, EIV data for minor children may be viewed by the Head of Household.

## **C. PUBLIC HOUSING SECURITY OFFICER(S)**

A Public Housing EIV Security Officer(s), is responsible for ensuring that proper technical, physical, and administrative safeguards are in place and enforced.

The duties of the security officer are as follows:

1. Conducts quarterly reviews of all User IDs issued to determine if the users still have a valid need to access the EIV data and modifies or revokes access rights as appropriate;
2. At the request of the Director, updates the EIV Security Policy and Procedures;
3. Maintains a key control log or audits the key control log to ensure that one is properly maintained (locking file cabinets);
4. Maintains a list of users who can access the restricted areas;
5. Assures that a copy of Form HUD-9886 has been signed by each member of the household age 18 years or older and is in the household file;
6. Ensures compliance with the PHA security policies and procedures outlined in this document;
7. Communicates security information and requirements to appropriate personnel, including coordinating and conducting security awareness training sessions;
8. Ensures that any infractions of security procedures are promptly reported to Department Director for investigation and enforcement; and
9. Ensures that all EIV records and forms (i.e. signed user agreements) are kept and updated as needed.

### **Security Awareness Training**

Security awareness training is a crucial aspect of ensuring the security of the EIV system and data. Users and potential users will be made aware of the importance of respecting the privacy of data, following established procedures to maintain privacy and security, and notifying management in the event of a security or privacy violation.

In addition to security awareness training, the Security Officer(s) will communicate security information and requirements to appropriate personnel. Security Awareness training will be provided to each employee upon granting access to the EIV system. Thereafter, annual security awareness refresher training will be provided to each employee with EIV access.

The PH EIV Officer(s) will conduct security awareness training in the following manner:

1. The trainer and the employee will both sign a certification that EIV security training has been provided. The training certification and a record of the training material provided at the awareness training will be kept in the PH EIV Security binder.
2. At the end of the training, each employee will also sign the EIV Rules of Behavior and User Agreement form. One copy will be given to the employee to be placed in their desk manual and one copy will be retained in the PH EIV Security binder. The forms will be updated once a year at the refresher training.
3. The PH Security Officer(s) will limit the security awareness training to security awareness and compliance issues only. Instructing staff on how to navigate in the EIV modules and how to run reports or to interpret data is the responsibility of the Supervisor or designated trainer.
4. Examples of potential Privacy Act and security violations will be provided during the training.

#### **D. TECHNICAL SAFEGUARDS**

The purpose of these technical safeguards is as follows:

1. To reduce the risk of a security violation related to the EIV system's software, network, or applications;
2. To identify and authenticate all users seeking access to the EIV system;
3. To deter and detect attempts to access the system without authorization;
4. To monitor the user activity of the EIV system;
5. Each user is required to have their own User ID and Password;
6. The User ID identifies the PHA's and tenant information that the user is authorized to access;
7. Passwords are encrypted and the password file is protected from unauthorized access;
8. The system forces all user to change their password every 21 days and limit the reuse of previous passwords;
9. After three unsuccessful attempts to log in, the User ID is locked and the user must contact the HUD System Administrator to have the password reset; and

10. Online warning messages that inform the user of the civil and criminal penalties associated with unauthorized use of the EIV system will be displayed.

In addition, the Burbank Housing Authority will follow the following technical security requirements:

1. Public Housing will not save EIV data to a computer hard drive or any other automated information system (i.e. network drive, disk or CD);
2. Public Housing staff will not leave their computer, printer or office unattended with EIV data displayed; and
3. Public Housing staff will not log in on another user's ID.

#### **E. ADMINISTRATIVE SAFEGUARDS**

The Security Officer(s) will maintain security-related records and monitor programmatic security issues. The Security Officer(s) will adhere to the following administrative safeguards:

1. Ensure that all users who have access to EIV data have an Access Authorization form signed by the Director of Housing on file;
2. Ensure that all users who access the EIV system have a current signed Rules of Behavior and User Agreement on file;
3. Conduct quarterly reviews of all User IDs to determine if the user still has a valid need to access the EIV data; and
4. Ensure the access rights are modified or revoked as appropriate.

The Public Housing Security Officer(s) will maintain the following EIV security records and forms:

1. EIV Rules of Behavior and User Agreement Forms;
2. EIV Access Authorization Forms;
3. EIV Disposal Records List;
4. EIV Security violation information;
5. Key Control Logs for secure areas or filing cabinets;

6. EIV Security Awareness Training Records;
7. Records of internal audits to ensure that the Form HUD-9886 has been signed by each adult member of the household and is kept in the Confidential Resident File; and
8. A record of all users who have approved access to EIV data including the date the access was granted and the date access was terminated.

## **F. PHYSICAL SAFEGUARDS**

The purpose of physical safeguards is to provide barriers between unauthorized persons and documents containing private data.

### **Confidential Participant Files**

All EIV data will be printed and saved in the “Confidential” participant file. Each participant file will be clearly labeled on the front cover as “Confidential”. This alerts staff that this file contains EIV data that must be protected at all times when not in use.

### **Locking File Cabinets for Confidential Files**

Even though the Burbank Housing Authority has a monitored office building, persons unauthorized to view EIV data, such as maintenance staff, janitorial staff, or temporary staff, have access to the office spaces. In office settings where any staff other than the staff responsible for the participant file or their supervisor has access to the office; all Confidential Participant Files will be kept in locking file cabinets. The cabinets will be locked whenever the responsible staff leaves the workspace.

### **Hard Copy Security Violations**

The Burbank Housing Authority will handle EIV data in such a manner that it does not become misplaced or available to unauthorized personnel. Any marked confidential participant file will contain EIV data. Therefore the file cannot be viewed by **any personnel** that are not expressly authorized (i.e. staff in charge of that file, the supervisor of the staff in charge of the file, the security officer, or the Public Housing Internal Auditor) and who do not have both an Access Authorization Form and a Rules of Behavior and User Agreement on file with the EIV Security Officer.

Viewing the EIV information of a participant outside of a staff's caseload assignment is considered a security violation for both the staff unlawfully viewing the EIV information and for the staff that left the information unattended. Unless a supervisor has specifically authorized staff to view another staff's EIV data, this is expressly prohibited.

## **Disposal of EIV Information**

To reduce the risk of improper destruction of EIV hard copy data and to eliminate the need for monitoring and tracking individual destruction logs, all EIV data will become part of the “Confidential” file. As part of the confidential file, the EIV data will be secured and disposed of like all other confidential file documents which require Privacy Act protection, in accordance with Public Housing policy and procedures and records retention procedures.

## **Reporting Improper Disclosures**

Recognition, reporting and disciplinary action in response to security violations are crucial to successfully maintaining the security and privacy of the EIV system.

Security Violations may include the following:

1. Disclosure of private data;
2. Attempts to access unauthorized data; and
3. Sharing of User IDs and passwords.

Upon discovery of a possible improper disclosure of EIV information or another security violation by a Public Housing Employee or any other person, the individual making the observation or receiving the information should contact the Security Officer(s). The PHA Security Officer(s) will document all improper disclosures in writing on a security disclosure form providing details including who was involved, what was disclosed, how the disclosure occurred, and where it occurred.

The following contacts will be made:

1. The Security Officer(s) will contact and provide the Director of Public Housing the written documentation of the security violation;
2. The Administrator or his designee will provide the HUD Field Office Public Housing Director with the written documentation; and
3. The HUD Field Office Public Housing Director upon receipt of the documentation will make a determination regarding the referral and provision of the written documentation to the Headquarters EIV Coordinator and / or EIV Security Officer(s) for further review and follow-up action.

## **Safeguards Provided by the Privacy Act**

The Privacy Act provides safeguards for individuals against invasion of privacy by requiring Federal agencies, except as otherwise provided by law or regulation to:

1. Permit individuals to know what records pertaining to them are collected, maintained, used or disseminated;
2. Allow individuals to prevent records pertaining to them, obtained for a particular purpose from being used or made available for another purpose without their consent;
3. Permit individuals to gain access to information pertaining to them, obtain a copy of all or any portions thereof, and correct or amend such records;
4. Collect, maintain, use or disseminate personally identifiable information in a manner that ensures the information is current and accurate, and that adequate safeguards are provided to prevent misuses of such information;
5. Permit exemption from the requirements of the Act only where an important public policy need exists as determined by specific statutory authority; and
6. Be subject to a civil suit for any damages that occur as a result of action that violates any individual's rights under this Act.

## **CHAPTER 16**

### **PANDEMIC: CONTINUING OPERATIONS PLAN (COP)**

#### **INTRODUCTION**

HUD recommends a PHA adopt a Continuing Operations Plan (COP) to continue service uninterrupted to the community. This chapter was developed in collaboration with the City's Emergency Operations Center (EOC) protocols. The World Health Organization (WHO) defines a pandemic as the "worldwide spread of a new disease." The COVID-19 pandemic is considered as the most crucial global health calamity of the century. A pandemic has a trickle down, chain reaction effect on all aspects of life. Since the threat to an organization's continuity of operations is high during a pandemic outbreak; it is important for the Burbank Housing Authority (BHA) to have a Continuing Operations Plan (COP) in place to ensure we can carry out our essential functions and services. While we may be forced to suspend some operations due to the severity of a pandemic outbreak, an effective COP can assist us in our efforts to remain operational, with the emphasis of maintaining our mission. The BHA has concluded that the following topics listed below are critical in our efforts to continue our essential functions and services while understanding that the safety and health of our tenants, landlords, and BHA staff is top priority.

#### **A. TELEWORK**

The purpose of telework is to support social distancing as a precautionary measure to inhibit the spread of a virus during a pandemic. The goal is to increase overall social distancing with the safety of the community in mind. When offices are temporarily closed to the public, telework allows BHA operations to continue and services to continue uninterrupted to the public. As the situation continues to evolve, staff will reassess service delivery and staffing levels following the guidance of city and local requirements.

#### **B. MODIFYING REGULAR PROCESSES**

The following processes will change during an emergency.

##### **Housing Quality Standard (HQS) Unit Inspections**

1. Annual/Biennial Inspections
  - a. All annual/biennial inspections will be conducted over the phone with the tenant (or family representative) and/or the landlord.
2. Initial Inspections
  - a. BHA staff will conduct initial inspections if the unit is vacant. Staff will wear personal protective equipment such as a mask, gloves, and shoe covers. Staff will ask the tenant, building manager or landlord to refrain from coming into the unit during the inspection. Tenant, building manager or

- landlord must wait outside of the unit to follow social distancing requirements.
- b. If the unit is not vacant, the BHA will request a self-certification from the landlord to see if the unit passes HQS. BHA will confirm once inspections resume. This third-party verification will be documented in Housing Pro.
3. 24-Hour Emergency Inspections
    - a. Emergency repairs for items which endanger health or safety must be corrected by the landlord within 24 hours of notification.
  4. Quality Control (QC) Supervisory Inspections
    - a. QC inspections will be cancelled until it is deemed by local officials to resume site visits.
  5. If deficiencies are found in any type of inspection, the tenant and landlord will be sent a fail letter by United States Postal Service (USPS), mail, email, fax, Assistance Check or a phone call to the landlord will be made. Re-inspections will be conducted over the phone with the tenant, building manager or landlord. This third-party verification will be documented in Housing Pro.

### **ANNUAL RECERTIFICATIONS**

1. Staff will continue to mail out recertification paperwork via USPS mail, email, fax, and Assistance Check.
2. Tenants may return documents via USPS mail, email, fax, Assistance Check, and through a drop box, as noted in Section C, below.
3. In addition to the normal process outlined in Chapter 6, case managers will utilize the following methods to complete a recertification:
  - a. Documents submitted; whether complete or incomplete
  - b. Income certifications older than 120 days, as a last resort. If applicable, staff will document as to why we do not have access to current verifications (i.e. COVID-19)
  - c. All recertifications will be completed with information provided and collected. If the paperwork is not complete, case managers may utilize information from prior recertification.
  - d. Self-certification for income and document completion over the phone. This can be performed as a last resort.

### **RECALCULATIONS**

1. All recalculations (recalcs) will be completed in a timely manner to benefit the tenant as soon as possible. For example, the tenant or household member loses his/her job, hours are decreased, change in family composition, etc., this recalc will be a priority file. The effective date is dependent upon the timeframe when the information is submitted to the case manager. If the following month's Housing Assistance Payments (HAP) have already been processed, the change will take effect the first of the following month.

2. The additional verification methods noted under Annual Recertifications will be utilized for recalcs.

### **PORT-IN FILES (HOUSEHOLDS MOVING TO THE CITY)**

1. No in-person interviews with the tenant will be conducted. Phone interviews will be conducted once the portable file is received.
2. Staff will mail (USPS), email or fax all documents to be completed, signed and returned.
3. Initial inspection and other inspections will follow HQS Unit Inspections as outlined in this chapter.

### **REASONABLE ACCOMMODATION REQUESTS**

No changes at this time.

### **PIC SUBMISSION**

No changes at this time.

### **VMS SUBMISSION**

No changes at this time.

### **SEMAP**

The Section Eight Management Assessment Program (SEMAP) measures the performance of the public housing agencies (PHAs) that administer the Housing Choice Voucher program in 14 key areas. SEMAP helps HUD target monitoring and assistance to PHA programs that need the most improvement. During the COVID-19 pandemic, HUD will utilize the last SEMAP score for the BHA.

During an emergency, HUD may suspend regular SEMAP monitoring. The BHA will monitor HUD information and utilize waivers and flexibilities as provided.

### **EMERGENCY FUNDING**

Emergency funding allocated to the BHA will follow expenditure rules and regulations noted with the fund award, including all monitoring and reporting requirements.

### **INCOME EXCLUSIONS**

1. Stimulus Payments

During a pandemic, certain income, such as, payments and benefits will be considered as excluded income. Pursuant to 24 CFR 5.609(c)(9), annual income does not include temporary, nonrecurring, or sporadic income. As distributed to

individuals and families during the COVID-19 pandemic, therefore, any stimulus payments would be excluded from annual income, as they are temporary, non-recurring payments.

2. Regular Unemployment Benefits

Regular unemployment benefits will continue to be considered income.

3. Pandemic Unemployment Assistance (PUA)

PUA expands the qualification of unemployment insurance (UI) for people that are self-employed, work part-time, or who would otherwise not qualify for regular UI. PHAs shall include PUA in the income calculation, as it mirrors the regular UI benefit, which is included in income under 24 CFR 5.609(b)(5).

4. Federal Pandemic Unemployment Compensation (FPUC)

FPUC provides a specific amount for a certain amount of time as an enhanced unemployment benefit. PHAs shall exclude this benefit because these payments are temporary and likely non-recurring.

5. Pandemic Emergency Unemployment Compensation (PEUC)

PEUC allows regular unemployment compensation to receive up to 13 weeks of additional benefits (this extends regular UI from 26 weeks to 39 weeks in total). PHAs shall include PEUC in the income calculation, as it is simply an extension of regular UI benefits.

**C. DROP BOX**

The BHA has installed an interior drop-box for all paperwork to be submitted to our office without any physical contact. The interior drop-box will be available during normal office hours or specific times during the day.

**D. ESSENTIAL SERVICES AND EMPLOYEES**

Essential services are the services and functions that are necessary, even during a pandemic. They maintain the health and welfare of the municipality. Without these services, sickness, poverty, violence, and chaos would likely result. Housing Authority staff are essential employees and required personnel to maintain essential services, including the Housing Choice Voucher Program.

**E. BUILDING CLOSURE**

During a pandemic, the BHA office may be closed to the public for in-person service, following local city, county, and state orders. This decision protects the service

population, many of them who are elderly and people with underlying medical conditions, as well as our employees. However, BHA staff will continue to serve participants and the general public via phone, USPS mail, email, fax, and Assistance Check. In the event of a building closure, the public will be notified via the city's public information office including the City website and social media outlets.

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## CHAPTER 17

### EMERGENCY HOUSING VOUCHERS (EHV)

#### **INTRODUCTION**

The Emergency Housing Voucher (EHV) program is available through the American Rescue Plan Act (ARPA), which was signed into law on March 11, 2021. Through EHV, HUD is providing approximately 70,000 housing choice vouchers to local Public Housing Agencies (PHAs) to assist individuals and families who are (1) homeless; (2) at risk of homelessness; (3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or (4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of house instability. Locally, HUD has provided a total of 67 vouchers distributed to the Burbank Housing Authority (BHA).

This chapter will outline the policies and procedures for the EHV program and if not noted here, the HUD issued Notice PIH 2021-15 will apply.

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHV. Therefore, participants of the EHV programs are subject to the same basic family obligations, termination procedures, hearings etc. as set in the HCV Administrative Plan. Where there is a conflict between regulations outlined in the HCV Administrative Plan and the EHV Program regulations, the EHV program regulations will prevail.

#### **A. QUALIFYING CATEGORIES FOR ELIGIBILITY**

In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories:

1. Homeless
2. At risk of homelessness
3. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
4. Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

In general, the verification conducted that the individual or family meets one of these four eligibility categories is steered by the Continuum of Care (CoC) or another partnering agency that makes direct referrals to the BHA. The CoC or other direct referral partner must provide supporting documentation to the BHA verifying that the family meets one of the four eligible categories for EHV assistance.

The CoC must establish and implement a system to identify EHV-eligible individuals and families within the agency's caseload and make referrals to the BHA. The CoC must certify that the EHV applicants they refer to the BHA meet at least one of the four EHV eligibility criteria. The CoC adopted an Interim Prioritization and Matching for Permanent

Housing through HUD's Emergency Housing Voucher Program dated June 23, 2021. This document can be viewed at [www.LAHSA/EHV](http://www.LAHSA/EHV).

## **B. VOUCHER ISSUANCE**

In general, EHV families are issued EHV's as the result of either:

1. The direct referral process from the CoC Coordinated Entry System (CES) and/or other partnering organizations, or
2. A situation where the BHA makes an EHV available in order to facilitate an emergency transfer in accordance with the Violence Against Women Act (VAWA) as outlined in the BHA's Emergency Transfer Plan.

## **C. REFERRALS**

The BHA must also take direct referrals from outside the CoC CES if:

1. The CES does not have a sufficient number of eligible families to refer to the BHA, or
2. The CES does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

If at any time the BHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC CES or other partner referral agencies (or the BHA and CoC cannot identify any such alternative referral partner agencies), HUD may permit the BHA on a temporary or permanent basis to take EHV applications directly from EHV applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

## **D. PREVAILING REGULATIONS**

1. Requires partnership with the Coordinated Entry System (CES) for direct referrals.
  - a. Direct referrals for EHV's are not added to the regular HCV waiting list. A separate waiting list for EHV referrals/applicants shall be established.
  - b. Local preference for the Housing Choice Voucher (HCV) program is not applicable to EHV vouchers.
2. Self-certification of income may be accepted as the highest form of income verification at admission.
  - a. This income will be verified within 90 days through the EIV system. Discrepancies in reported income can lead to adjustments of Tenant

portions of rent, repayments to the Housing Authority, and/or termination from the program.

3. Applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the BHA's request. For example, a Supplemental Security Income (SSI) benefit letter that was issued in November 2020 to represent the applicant's benefit amount for 2021 and was provided to the PHA in September 2021 would be an acceptable form of income verification.
4. Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the BHA must review reports to confirm/validate family-reported income within 90 days through the EIV System.
5. Self-Certification of social security number or eligible noncitizen status can be accepted at admission. Verification must be obtained within 180 days of voucher issuance.
6. Self-Certification of date of birth and disability status can be accepted at admission. Verification must be obtained within 90 days of voucher issuance.

#### **E. MANDATORY PROHIBITIONS**

1. The BHA must prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants.
2. The BHA must prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program to EHV applicants.

#### **F. PERMISSIBLE PROHIBITIONS**

Before denying an EHV applicant, the BHA may consult with the CoC on the following permissive grounds, and may take the CoC's recommendation into consideration.

1. If the BHA determines that any household member is currently engaged in, or has engaged in within the previous 12 months:
  - a. Violent criminal activity.
  - b. 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.

2. If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the previous 12 months.
3. If the family engaged in or threatened abusive or violent behavior toward the BHA personnel within the previous 12 months.

## **G. ADMINISTRATIVE FEES AND FUNDING FOR OTHER ELIGIBLE EXPENSES**

The BHA will maintain separate financial records from its regular HCV funding for all EHV funding, both HAP and administrative fee amounts.

### **Ongoing administrative fees**

EHV ongoing administrative fees may be used for any eligible administrative expenses related to the EHV. These fees may also be used to pay for any of the eligible activities under the EHV services fee.

### **Services Fee**

One-time service fees support efforts in implementing and operating an effective EHV services program that will best address the needs of EHV eligible individuals and families in its jurisdiction. The BHA will determine eligible uses of service fees to assist families to successfully lease units with the EHV. The BHA may limit the amount of assistance for any of the eligible uses or place other restrictions on those uses. However, the services fee funding must be initially used for these defined eligible uses and not for other administrative expenses of the EHV. Service fee funding may never be used for the HCV program.

**If service fee funding is available, the BHA may consider these eligible uses:**

1. Application Fees/non-refundable administrative or processing fee. The BHA may provide assistance with these expenses. Application fees will be paid directly to the owner.
2. Security deposit assistance. The BHA may provide security deposit assistance for the family. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum-security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner.

The BHA may choose to pay the security deposit assistance directly to the owner or may pay the assistance to the family, provided the BHA verifies the family paid the security deposit. The BHA may place conditions on the security deposit assistance, such as requiring the owner or family to return the security deposit assistance to the BHA at the end of the family's tenancy (less any amounts retained by the owner in accordance with the lease). Security deposit assistance

returned to the BHA must be used for either services fee eligible uses or other EHV administrative costs.

3. Utility deposit assistance/utility arrears. The BHA may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. The BHA may choose to pay the utility deposit assistance directly to the utility company or may pay the assistance to the family, provided the BHA verifies the family paid the utility deposit. The BHA may place conditions on the utility deposit assistance, such as requiring the utility supplier or family to return the utility.
4. Essential housing items. The BHA may assist the family with some or all of the costs of acquiring essential household items such as but not limited to: Refrigerator, washer/dryer, tableware, bedding, etc.
5. Owner-related uses. The BHA may design the owner incentive payment to meet the specific needs of the eligible EHV individual or family.
  - Owner incentive payments may not exceed one month Fair Market Rent.
  - Owner incentive payments, such as holding fees or signing bonuses, are not required to be returned to the BHA.
6. Other eligible uses. To be determined by the BHA Housing Manager to best address the leasing challenges faced by EHV eligible families. Eligible activities of the EHV service fee are outlined in PIH 2023-23

## **H. WAITLIST PROCESS**

The BHA will inform families on the HCV waiting list of the availability of the EHV program by posting on the City of Burbank's website and Assistance Connect. In addition, a letter will be mailed out to the families on the HCV waiting list with a homeless preference explaining the EHV Program. Families must contact the CoC or an applicable partnering referral agency if they believe they may be eligible for EHV assistance. The CoC or partnering referral agency will determine if the family is eligible for an EHV. A separate waiting list will be maintained for the EHV referrals/applicants that are eligible, however, a voucher is not available. The EHV Waiting List is based on eligible applicants/referrals from the CoC as required by HUD, and not applications of the general public.

## **Preferences**

With the exception of a residency preference, the BHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHV's. The BHA may, however, choose to not establish any local preferences for the EHV waiting list.

For purposes of this Program, the BHA and Los Angeles Homeless Services Authority (LAHSA) have chosen to give local preference to the EHV waiting list, as follows:

1. BHA may accept referrals directly from service providers within the City of Burbank of individuals who are eligible for the EHV program under the category “*Individuals and families experiencing homelessness who are survivors of domestic violence, dating violence, sexual assault, stalking, or human trafficking, as defined under Homeless Emergency Assistance and Rapid Transition to Housing Act (HEARTH Act), the Violence Against Women Act (VAWA) and Trafficking Victims Protection Act (TVPA).*” Such referrals shall be given first priority among eligible participants in the EHV Program.
2. Persons or households who are enrolled in CES who are enrolled in a time limited subsidy/interim local program within the City of Burbank, Glendale, North Hollywood, or Pacoima.
3. Persons or households who are enrolled in CES whose “field geolocation” or “community of origin” is within the City of Burbank, or who are enrolled in a local shelter or interim housing program within the City of Burbank or Project Room Key / Project Home Key.
4. Persons or households who are enrolled in CES whose “field geolocation” or “community of origin” is within the City of Glendale or communities of North Hollywood or Pacoima.
5. Moving On – Individuals only. As part of HUD’s strategic priority to end homelessness, HACB will implement Moving On strategies for clients in permanent supportive housing (PSH) who may no longer need or want the intensive services offered in PSH but continue to need assistance to maintain their housing.
6. Prioritization of persons experiencing street homelessness, and a history of homelessness.
7. At- risk of becoming homeless and meeting one of the following conditions (\*\*This group is to be prioritized when referrals from the above prioritized populations have been exhausted\*\*):
  - a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for assistance;
  - b. Is living in the home of another because of economic hardship;
  - c. Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
  - d. Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals;
  - e. Lives in a single room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than one and a half persons per room.

Applications of applicants that meet the requirements of the qualifying categories will be placed on the EHV Waiting List in order of date and time.

## **I. FAMILY ELIGIBILITY**

### **Social Security Number and Citizenship Status Verification**

For the EHV program, the BHA is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, the BHA may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the BHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

### **Age and Disability Verification**

If self-certification is used, the BHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

The BHA will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to the BHA and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, the BHA will verify the information in EIV or through other third-party verification if the information is not available in EIV. The BHA will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

### **Income Targeting**

The BHA must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and BHA policy in Chapter 3; however, income targeting requirements do not apply for EHV families. The BHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

The BHA will include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

## **J. HOUSING SEARCH AND LEASING**

### **Initial Voucher Term**

Unlike the standard HCV program, which requires an initial voucher term of at least 60 days, EHV vouchers must have an initial voucher term of at least 120 days (a period to submit a Request for Tenancy Approval from the date of the voucher issuance). BHA policies on extensions as outlined in Chapter 8 – Section E, Extensions will apply.

All EHV's will have an initial term of 120 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the BHA grants an extension.

### **Housing Search Assistance**

The BHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the BHA or through the CoC or another partnering agency or entity.

### **Initial Lease Term**

Unlike in the standard the HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months.

### **Payment Standards and Exception to Payment Standards**

HUD is waiving § 982.503(a)(3) and establishing an alternative requirement permitting PHAs to establish separate higher payment standards for the EHV's in order to increase the potential pool of available units for EHV families. The Participants with an EHV voucher not residing in an already subsidized unit will receive the HUD approved Exception Payment Standard for a Zero, One, Two- and Three-Bedroom Voucher.

### **Termination of Vouchers upon Turnover after September 30, 2023**

HUD is identifying whether a voucher issuance is a turnover voucher or a voucher that has never been leased by counting the number of cumulative EHV lease-ups. Once BHA's total cumulative leased EHV count reaches 67, any EHV issuance is considered a reissuance. Once the BHA has reached 67 cumulative EHV lease-ups, the BHA may not reissue any EHV voucher after September 30, 2023. All EHV's under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

If the BHA has not reached its 67 cumulative leased vouchers, the BHA may continue to issue vouchers to eligible households after September 30, 2023, until the cumulative

leased vouchers equal 67, or until directed by HUD to stop issuing EHV. If the BHA is reallocated additional EHV, these EHV are considered never leased and may be issued.

### **Household Moves and Changes**

EHV participants may still move (including under portability) after September 30, 2023. The termination of vouchers upon turnover provision does not impact an individual or family's ability to move within the PHA's jurisdiction or their ability to move under the portability procedures to another PHA's jurisdiction.

### **K. USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS**

EHV funds allocated to the BHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the BHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the BHA are to be used for those purposes and must not be used for HAP. The appropriated funds for EHV are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHV and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts, or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

The BHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15. The BHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHV in accordance with the HCV program requirements at 24 CFR 982.158.

## **CHAPTER 18**

### **PROJECT-BASED VOUCHER PROGRAM**

#### **INTRODUCTION**

The Burbank Housing Authority has the discretion whether to operate a project-based voucher program., and has elected to provide rental assistance under the Project Based Voucher Program (PBVP) to encourage property owners of existing housing, newly constructed housing or rehabilitated housing to make these properties available to low-income families at affordable rents. This will ensure that the city maintains an affordable rental housing stock that is at risk of becoming unaffordable for low-income families and/or to produce new affordable units. The PBVP provided by the Burbank Housing Authority may be used only for units within the City of Burbank.

The provision of assistance that is attached to units as project-based assistance is different in its application than that of tenant-based assistance typically provided by the Housing Choice Voucher Program. Under project-based assistance, the Burbank Housing Authority enters into a HAP Contract with the owner to make housing assistance payments during the contract term for a specific unit(s) that is leased and occupied by an eligible family.

The Burbank Housing Authority PBV program is funded with a portion of appropriated funding (budget authority) available under the Burbank Housing Authority's voucher annual contributions contract (ACC). The Burbank Housing Authority may provide up to 20% ACC and an additional 10% for homeless families, families with veterans, supportive housing for persons with disabilities or elderly persons, or in areas where vouchers are difficult to use. The Burbank Housing Authority will consider using up to 20% of its authorized units for project-based assistance. This will be done on a project by project basis.

However, only 25% of the units in a project or 25 units in a project, whichever is greater, may be project based with the exception of single-family dwellings and "excepted units or housing exemption" in a multifamily building.

"Excepted Units or Housing Exemption" means units in a multifamily building that are specifically made available for qualifying families who are elderly, disabled, or a family receiving supportive services. There is no special or additional funding for project-based vouchers and HUD does not reserve additional units for project-based vouchers.

#### **HOUSING OPPORTUNITY THROUGH MODERNIZATION ACT (HOTMA)**

The Burbank Housing Authority will make a decision regarding implementation of HOTMA provisions for this chapter upon HUD's issuance of Notice or Regulation.

## **A. HUD SUBMISSION**

The Burbank Housing Authority may attach voucher assistance to PBV units in accordance with 24 CFR 983 if:

1. The number of units to be project-based does not exceed the applicable percent limit or number.
2. The number of units to become project-based are not under a tenant-based or project-based HAP Contract or otherwise committed (e.g., vouchers issued to families searching for housing or units under an Agreement).

Before implementing PBVP, the Burbank Housing Authority must submit the following information to the HUD field office for review:

1. The total number of units for which the Burbank Housing Authority is requesting approval to attach assistance.
2. The number of budgeted voucher units.
3. The number of voucher units available to be project-based; e.g., the number of budgeted voucher units that are not under a tenant-based or project-based HAP Contract or otherwise committed (e.g., vouchers issued to families searching for housing or units under an Agreement).

The Burbank Housing Authority must ensure that the amount of assistance that is attached to units is within the amounts available under the ACC.

## **B. OWNER APPLICATION SUBMISSION [24 CFR 983.51]**

1. The BHA has adopted a written policy establishing competitive procedures for owners' submission of applications. This written policy identifies and specifies the weight to be given to the factors that will be used to rank and select applications. These factors are as follows:

Local Experience/Administrative Capacity:	20 Points
Need:	20 Points
Mixed Income:	20 Points
Financial/Marketability:	20 Points
Community Impact:	15 Points
Equal Opportunity Employment Practices:	5 Points

2. The Burbank Housing Authority will select units to which assistance is to be attached. These units must be selected in accordance with the Burbank Housing Authority's selection policy and 24 CFR 983.51.

3. The Burbank Housing Authority will advertise in a newspaper of general circulation that the Burbank Housing Authority will accept applications for assistance under the PBVP for specific projects. The advertisement must be approved by the HUD field office and may not be published until after HUD's authorization to implement a PBVP or ACC execution.

The advertisement must: be published once a week for two to three consecutive weeks; specify an application deadline of at least 30 days after the date the advertisement is last published; specify the number of units the Burbank Housing Authority estimates it will be able to assist under the funding the Burbank Housing Authority is making available for this purpose; and state that only applications submitted in response to the advertisement will be considered.

4. The owner's application submittal must contain the following:

- a. A description of the housing to be constructed or rehabilitated, including the number of units by size (square footage), bedroom count, bathroom count, sketches of the proposed new construction or rehabilitation, unit plans, listing of amenities and services, and estimated date of completion. For rehabilitation, the description must describe the property as is and must also describe the proposed rehabilitation.
- b. Evidence of site control, and for new construction identification and description of the proposed site, site plan and neighborhood.
- c. Evidence that the proposed new construction or rehabilitation is permitted by current zoning ordinances or regulations, if applicable.
- d. Evidence to indicate that the needed re-zoning is likely and will not delay the project, if applicable.
- e. The proposed contract rent per unit, including an indication of which utilities, services, and equipment are included in the rent. For those utilities that are not included in the rent, an estimate of the average monthly cost for each unit type for the first year of occupancy.
- f. A statement identifying:
  1. The number of persons (families, individuals, businesses and nonprofit organizations) occupying the property on the date of submission of the application.
  2. The number of persons to be displaced, temporarily relocated or moved permanently within the building or complex.
  3. The estimated cost of relocation payments and services, and the sources of funding.
  4. The organization(s) that will carry out the relocation activities.
  5. The identity of the owner, project principals, names of officers, principal members, shareholders, investors and other parties having substantial interest. Certification showing that the above-mentioned parties are not on the U.S. General Services Administration list of parties excluded from Federal procurement and nonprocurement programs; a disclosure of any possible conflict of interest by any of these parties that would be a violation of the Agreement or the HAP Contract; and information on the qualifications and experience of the principal participants. Information concerning any participant who is not known at the time of the owner's submission must be provided to the Burbank Housing Authority as soon as the participant is known.
  6. The owner's plan for managing and maintaining the units.

7. Evidence of financing or lender interest and the proposed terms of financing.
8. The proposed term of the HAP Contract; and
9. Any other information the Burbank Housing Authority believes necessary.

**C. ELIGIBLE AND INELIGIBLE PROPERTIES [24 CFR 983.9 & 983.53]**

Newly constructed and existing structures of various types may be appropriate for attaching assistance to the units under 24 CFR 983, including single-family housing and multi-family housing. Eligible housing under 24 CFR 982.352 does not apply.

The Burbank Housing Authority may not attach or pay PBVP assistance in the following types of housing:

1. Housing for which the construction is started before Agreement execution.
2. Housing for which the rehabilitation is started before Agreement execution.
3. Shared housing, nursing homes, and facilities providing continual psychiatric, medical, nursing services, board and care or intermediate care.
4. Units within the grounds of penal, reformatory, medical, mental, or similar public or private institutions.
5. Housing located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards.
6. College or other school dormitories.
7. Units owned or controlled by an educational institution or its affiliate and are designated for occupancy by students of the institution.
8. Manufactured homes.
9. Cooperative housing.
10. Transitional housing.
11. Units occupied by the owner.

The Burbank Housing Authority may not attach or pay PBVP assistance to any of the following types of subsidized housing:

1. Public housing dwelling unit;
2. A unit subsidized by any other form of Section 8 assistance (tenant-based or project based);
3. A unit subsidized with any governmental rent subsidy (a subsidy that pays all or any part of the rent);
4. A unit subsidized with any government subsidy that covers all or any part of the operating costs of the housing;
5. A section 236 project (insured or noninsured) or a unit subsidized with Section 236 rental assistance payments;
6. A unit subsidized with rental assistance payments under Section 521 of the Housing Act of 1949 (a Rural Housing Services Program);
7. A Section 202 project for non-elderly persons with disabilities (assistance under Section 162 of the Housing and Community Development Act of 1987);
8. Section 202 supportive housing for the elderly;
9. Section 811 supportive housing for persons with disabilities;
10. A Section 101 rent supplement project;

11. A unit subsidized with tenant-based assistance (as defined at 24 CFR 982.1(b)(2)) (e.g. Home Program); or
12. Any unit with any other duplicative Federal, State, or local housing subsidy as determined by HUD. For this purpose, "housing subsidy" does not include the housing component of a welfare payment, a Social Security payment received by the family, or a rent reduction because of a tax credit.

#### **D. SPECIAL HOUSING TYPES [24 CFR 983.9]**

In PBVP, the Burbank Housing Authority will not provide assistance for shared housing, cooperative housing, manufactured homes space rental, or the homeownership option. A group home may include one or more group home units. A separate lease is executed for each elderly person or person with disabilities who resides in a group home.

#### **E. DECONCENTRATION OF POVERTY AND EXPANSION OF HOUSING AND ECONOMIC OPPORTUNITIES**

In accordance with HUD requirements, all PBVP HAP Contracts or assistance agreements must be for units located in census tracts with poverty rates of less than 20%, unless HUD specifically approves an exception. The City of Burbank meets this requirement. Activities under the PBVP are subject to HUD environmental regulations in 24 CFR 50 and 58.

#### **F. AGREEMENT & SECTION 8 PROJECT BASED VOUCHER HOUSING ASSISTANCE PAYMENTS CONTRACT [24 CFR 983.202, 983.203, 983.204, & 983.205] on**

The Burbank Housing Authority must enter into an Agreement with the owner. The owner agrees to develop the contract units to comply with the HQS, and the Burbank Housing Authority agrees that upon timely completion of such development in accordance with the terms of the Agreement, the Burbank Housing Authority will enter into an Agreement with the owner for the approved number of units. The Agreement will be canceled if the HAP Contract is not executed within 120 days of notification of completion.

The Burbank Housing Authority must enter into an Agreement with the owner stating the terms and conditions of the PBVP project. The initial Agreement term for existing housing may not be less than one year nor more than ten years. The initial Agreement term for new construction or rehabilitated housing may not be less than one year nor more than 20 years. The Burbank Housing Authority has sole discretion to determine the initial term of the HAP Contract with these limits.

Within one year before expiration of the Agreement, the Burbank Housing Authority may agree to extend the term of the Agreement for existing housing for an additional term up to 20 years for new construction or rehabilitated housing if the Burbank Housing Authority determines an extension is appropriate to continue to provide affordable housing for low-

income families. Agreements may be renewed for terms for an aggregate total of 40 years, subject to the availability of appropriated funds.

At the sole option of the Burbank Housing Authority, the Burbank Housing Authority may renew expiring Agreements for such period or periods as the HUD field office determines appropriate to achieve long term affordability of assisted housing. The Burbank Housing Authority must identify the funding source for renewals; different funding sources may be used for the initial term and review terms of the Agreement.

The Agreement must provide that the term of the Burbank Housing Authority contractual commitment is subject to the availability of sufficient appropriated funding (budget authority) as determined by HUD or by the Burbank Housing Authority in accordance with HUD instructions. If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the Agreement, the Burbank Housing Authority has the right to terminate the Agreement by notice to the owner for all or any of the contract units.

Once the Burbank Housing Authority has received owner notification that the construction or rehabilitation has been completed, the owner must submit at minimum the following evidence of completion to the Housing Department:

1. Owner certification that the work has been completed in accordance with the HQS and all requirements of the Agreement; and
2. Owner certification that the owner has complied with labor standards and equal opportunity requirements in the development of the housing.

At the Burbank Housing Authority discretion, the Agreement may specify additional documentation that must be submitted by the owner as evidence of housing completion.

1. Certificate of Occupancy; and
2. An architect's certification that the housing complies with HQS, State, local and/or other building codes

After the Housing Department has received owner notice, the Burbank Housing Authority must inspect the building to determine if the housing has been completed in accordance with the Agreement, including compliance with the HQS and any additional requirements imposed by the Burbank Housing Authority under the Agreement. If the work has not been completed in accordance with the Agreement, the Burbank Housing Authority must not enter into the HAP Contract.

The Burbank Housing Authority must execute the HAP Contract if the Burbank Housing Authority accepts the unit(s). The effective date of the HAP Contract may not be earlier

than the date of the Burbank Housing Authority inspection and acceptance of the Unit(s).

After commencement of the HAP Contract term, the Burbank Housing Authority must make monthly housing assistance payments for each unit occupied under lease by an eligible family.

At the discretion of the Burbank Housing Authority and subject to all PBVP requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same building for previously covered contract unit. Prior to such substitution, the Burbank Housing Authority must inspect the proposed substitute unit and must determine the reasonable rent.

The Quality Housing and Work Responsibility Act of 1998 (QHWRA) requires owners to provide not less than one-year written notice to tenants and HUD of expiration or termination of the Contract.

#### **G. REDUCTION OF UNITS**

Owners must lease all assisted units under a HAP Contract to eligible families. Leasing of vacant, assisted units to ineligible tenants is a violation of the Agreement and grounds for all available legal remedies, including suspension or debarment from the HUD program and reduction of the number of units under the Agreement. Once the Burbank Housing Authority determines that a violation exists, the Burbank Housing Authority must notify the HUD field office of its determination and the suggested remedies. At the direction of the HUD field office, the Burbank Housing Authority must take the appropriate action.

If at any time beginning 180 calendar days after the effective date of the Agreement, the owner fails to have the assisted units leased to families receiving housing assistance or to families who were eligible when they initially leased the unit, but are no longer receiving housing assistance, the Burbank Housing Authority may, on at least a 30 calendar days notice, reduce the number of units covered by the Agreement. The Burbank Housing Authority may reduce the number of units actually leased or available for leasing by eligible families, plus 10 percent (round up).

If the owner has only one unit under a HAP Contract, and if one year has elapsed since the date of the last housing assistance payment, the HAP Contract may be terminated with the consent of the owner.

The Burbank Housing Authority will agree to an amendment of the Agreement to provide for subsequent restoration of any reduction made pursuant to the above-mentioned paragraph of this section, if:

1. The Burbank Housing Authority determines that the restoration is justified by demand.
2. The owner otherwise has a record of compliance with obligations under the Agreement; and
3. Contract authority is available.

#### **H. RESPONSIBILITIES OF THE BURBANK HOUSING AUTHORITY [24 CFR 983.201]**

The BHA must:

1. Inspect the project before, during, and upon completion of new construction or rehabilitation; and
2. Ensure that the amount of assistance that is attached to units is within the amounts available under the ACC.

#### **I. RESPONSIBILITIES OF THE OWNER [24 CFR 983.208 & 24 CFR 982.452]**

The owner is responsible for performing all of the owner responsibilities under the Agreement and the HAP Contract, providing the Burbank Housing Authority with a copy of any termination of tenancy notification, and offering vacant, accessible units to a family with one or more members with a disability requiring accessibility features of the vacant unit and occupying an assisted unit not having such features.

#### **J. FAMILY PARTICIPATION [24 CFR 983.251]**

The Burbank Housing Authority will use the tenant-based assistance waiting list for its PBVP, pursuant to 24 CFR 982.201, 982.202 except paragraph (b)(c), 982.203, 982.204 except paragraph (a)(b), 982.205 except paragraph (a), 982.206 and 982.207. When the owner notifies the Burbank Housing Authority of vacancies in the PBVP units, the Burbank Housing Authority will refer one or more families of the appropriate size from its waiting list. A family that refuses an offer of a PBVP unit will keep its place on the tenant-based waiting list. The owner must rent all vacant PBVP units to eligible families referred by the Burbank Housing Authority. The Burbank Housing Authority will determine eligibility of any family referred for a PBVP unit.

Before the Burbank Housing Authority selects a specific unit to which assistance is to be attached, the Burbank Housing Authority must determine whether the unit is occupied, and if so, whether the occupants are eligible for assistance. If the unit is occupied by an eligible family (including a single person) and the Burbank Housing Authority selects the unit, the family must be given the opportunity to lease that unit or another appropriately sized, project-based unit in the project without requiring that the family be placed on the waiting list. The Burbank Housing Authority may not enter into an agreement to provide project-based assistance to a unit whose occupants are not eligible to participate in the program.

If the Burbank Housing Authority does not refer a sufficient number of interested families on the Burbank Housing Authority's waiting list to the owner within 30 days of the owner's notification to the BHA of a vacancy, the owner may advertise for or solicit applications from eligible, very low-income families. The owner must refer these families to the BHA to determine eligibility. The Burbank Housing Authority and/or owner may also partner with other agencies for referrals for project-based units.

The owner is responsible for screening and selection of tenants for their project parameters. The owner must adopt written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income households and with a family's ability to perform the lease obligations. The owner must promptly notify any rejected family in writing of the grounds for that rejection.

In order for a family to be eligible for participation under the PBVP, the family must meet the eligibility criteria outlined in Chapter 2 of this Plan, "Eligibility for Admission" and the family's annual income may not exceed the applicable income limit as set by HUD.

A family becomes a participant when the family and owner execute a lease for a unit with project-based assistance.

If the HAP Contract for the unit expires or if the Burbank Housing Authority terminates the HAP Contract for the unit:

1. The Burbank Housing Authority must issue the assisted family in occupancy of a unit a HCV for assistance under the Burbank Housing Authority's voucher program, unless the Burbank Housing Authority has determined that it does not have sufficient funds for continued assistance for the family, or unless the Burbank Housing Authority denies issuance of a HCV in accordance with 24 CFR 982.552.
2. If the unit is not occupied by an assisted family, then the available funds under the ACC that were previously committed for support of this project-based assistance for the unit must be used for the Burbank Housing Authority's tenant-based voucher program.

#### **K. BRIEFING SESSIONS FOR PBVP PARTICIPANTS [24 CFR 983.252]**

Briefing sessions will be held for families who have been selected to occupy a project-based unit. The briefing session will provide the family with the following:

1. Information regarding the tenant rent and any applicable utility allowance.
2. A copy of the Lead-Based Paint information pamphlet.
3. Family and owner responsibilities under the lease and HAP Contract.
4. Information on Federal, State, and local equal opportunity laws.
5. The fact that the subsidy is tied to the unit, that the family must occupy a unit under the program, that a family that moves from the unit does not have any right to continued assistance.
6. The likelihood of the family receiving a HCV after the HAP Contract expires.
7. The family's options under the program if the family is required to move because of a change in family size or composition; and
8. Information on the Burbank Housing Authority's procedures for conducting informal hearings for participants, including a description of the circumstances in which the Burbank Housing Authority is required to provide the opportunity for an informal hearing, in accordance with 24 CFR 982.555, and the procedures for requesting a hearing (see Chapter 13 of this Plan).

#### **L. PHYSICAL CONDITION STANDARDS & PHYSICAL INSPECTION REQUIREMENTS**

Housing used in the PBVP must be maintained and inspected in accordance with the requirements in 24 CFR 5, subpart G prior to the HAP Contract execution. In addition to the standards in 24 CFR 5, subpart G, the dwelling unit must have a living room, a kitchen area, and a bathroom. The dwelling unit must have at least one bedroom or living/sleeping room for each two persons.

The Lead-Based Paint Poisoning Prevention Act and implementing regulations at 24 CFR 35, subparts A, B, H, and R of this title apply to units assisted under this part.

The dwelling unit must be inspected and must pass HQS prior to the execution of the Lease.

#### **M. MAINTENANCE, OPERATION AND INSPECTION [24 CFR 983.208]**

The following sections do not apply to the PBVP:

1. 24 CFR 982.404: Maintenance: Owner and family responsibility; PHA remedies.

2. 24 CFR 982.405: PHA periodic unit inspections and enforcement of HQS.

The owner must provide all the services, maintenance and utilities as agreed under the HAP Contract, subject to abatement of housing assistance payments or other applicable remedies if the owner fails to meet these obligations.

In addition to the inspections required prior to execution of the HAP Contract, the Burbank Housing Authority must inspect or cause to be inspected each dwelling unit under a HAP Contract at least annually, and at such other times as may be necessary to ensure that

the owner is meeting the obligations to maintain the unit in decent, safe, and sanitary conditions and to provide the agreed upon utilities and other services. The Burbank Housing Authority must take into account complaints and any other information coming to its attention in scheduling inspections.

If the Burbank Housing Authority notifies the owner that the units under HAP Contracts are not being maintained in decent, safe, and sanitary conditions and the owner fails to take corrective action within the time prescribed in the notice, the Burbank Housing Authority may exercise any of its rights or remedies under the HAP Contract, including abatement of housing assistance payments, even if the family continues in occupancy, or the termination of the HAP Contract and termination of assistance to the family, in accordance with 24 CFR 982.552.

#### **N. OVERCROWDED, UNDEROCCUPIED, AND ACCESSIBLE UNITS** **[24 CFR 983.260]**

If the Burbank Housing Authority determines that a family is occupying the wrong sized unit or the unit with accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, the Burbank Housing Authority must promptly notify the family and the owner of this determination, and of the Burbank Housing Authority offer of continued assistance in another unit. If the Burbank Housing Authority's subsidy standards changed after the family moved into the unit and the family has not had a change in family composition, the family will not be considered in the wrong sized unit.

The owner must offer the family a suitable alternative unit if one is available and the family shall be required to move. If the owner does not have a suitable unit available within the family's ability to pay the rent, the Burbank Housing Authority (if it has sufficient funding) may offer tenant-based assistance to the family or otherwise assist the family in locating other standard housing in the Burbank Housing Authority's jurisdiction within the family's ability to pay and require the family to move to such a unit.

If the Burbank Housing Authority offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the Burbank Housing Authority must terminate the housing assistance payments for a wrong-sized or accessible unit at expiration of the term of the family's voucher (including any extension granted by the PHA).

If the Burbank Housing Authority offers the family the opportunity for another form of continued housing assistance in accordance with 24 CFR 983.261(b)(2) (not in the tenant-based voucher program), the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the Burbank Housing Authority, or both, the Burbank Housing Authority must terminate the housing assistance payments for the wrong-sized or accessible unit, at the expiration of the reasonable period that was determined by the Burbank Housing Authority

**O. ASSISTED TENANCY AND TERMINATION OF TENANCY [24 CFR 983.206]**

The term of a lease, including a new lease or a lease amendment, executed by the owner and the family must be for at least one year, or the remaining term of the HAP Contract if the remaining term of the HAP Contract is less than one year. The family must notify the Burbank Housing Authority and the owner before the family moves out of the unit. Term of assisted tenancy, 24 CFR 982.309, and owner termination of tenancy, 24 CFR 982.310(d)(1)(iii)(iv), do not apply to the PBVP.

The family is required to terminate the lease with a 60-day advance written notice to the owner and a copy of the notice to the Burbank Housing Authority. The owner may offer the family a new lease for execution by the family for a term beginning at any time after the first year of the term of the lease. The owner must give the family written notice of the offer at least 90 days before the proposed commencement date of the new lease term. The offer may specify a reasonable time for acceptance by the family. Failure by the family to accept the offer of a new lease in accordance with this paragraph shall be "other good cause" for termination of tenancy.

**P. RENT AND HOUSING ASSISTANCE PAYMENT [24 CFR 983.302]**

In 24 CFR 982 subpart K, rent and housing assistance payment for tenant-based program, the following are the only sections that apply to the PBVP under 24 CFR 982 subpart K (regular and interim re-examination of the family income and composition) and 24 CFR 982.517 (utility allowance schedule).

**Q. LIMITS ON INITIAL RENT TO OWNER [24 CFR 983.301]**

The initial rent to owner for a unit may not exceed the reasonable rent as determined by the Burbank Housing Authority, in accordance with 24 CFR 983.303.

The tenant rent under the PBVP is limited to 30% of the participant's adjusted monthly income minus tenant paid utilities.

The initial gross rent for a unit (rent to owner plus utility allowance) may not exceed the payment standard rent limit as determined by the BHA, in accordance with 24 CFR 982.503. However, at the time of initial occupancy by the eligible family, the family gross rent must not exceed 40% of the family adjusted monthly income.

The PBVP HAP Contract shall establish gross rents that do not exceed 110% of the established Fair Market Rent (FMR) or any HUD-approved "exception payment standard" for the City of Burbank. The HAP Contract will also allow for an annual rent adjustment. The initial and adjusted rents to the owner must also be reasonable in relation to rents charged in the private market for comparable unassisted units.

**R. ANNUAL ADJUSTMENT OF RENT TO OWNER [24 CFR 983.302]**

At each annual anniversary date of the HAP Contract, the Burbank Housing Authority may re-determine the rent to owner in accordance with the following requirements:

1. The owner must request a rent increase (including a comparability study to determine the amount of such increase) by written notice to the Burbank Housing Authority, at least 60 days before the HAP Contract anniversary. The request must be submitted in the form and manner required by the Burbank Housing Authority.
2. The Burbank Housing Authority may not increase the rent at the annual anniversary unless:
  - a. The owner requested the increase by the 60-day deadline; and
  - b. During the year before the HAP Contract anniversary, the owner complied with all requirements of the HAP Contract, including compliance with HQS for all contract units.
3. Rent increases will be implemented at the time of HAP Contract Anniversary.

The adjusted rent to owner equals the lesser of:

1. The re-adjustment rent to owner multiplied by the applicable Section 8 Annual Adjustment Factor published by HUD.
2. The reasonable rent as determined by the Burbank Housing Authority, in accordance with 24 CFR 983.303; or
3. The rent requested by owner.

The applicable factor is the published annual adjustment factor in effect 60 days before the HAP Contract anniversary. In making the annual adjustment, the pre-adjustment rent to owner does not include any previously approved special adjustments. The rent to owner may be adjusted up or down, in accordance with 24 CFR 983.301.

#### **S. SPECIAL ADJUSTMENT OF THE RENT TO OWNER [24 CFR 983.301]**

At HUD's sole discretion, HUD may approve a special adjustment of the rent to owner. The Burbank Housing Authority may only make a special adjustment of the rent to owner if the adjustment has been approved by HUD.

A special adjustment may only be approved to reflect increases in the actual and necessary costs of owning and maintaining the contracted units because of substantial and general increases in:

1. Property taxes.
2. Special governmental assessments.
3. Utility rates; or
4. Cost of utilities not covered by the regulated rates.

A special adjustment may only be approved if and to the extent that the owner demonstrates that cost increases are not adequately compensated by application of the published annual adjustment factor at the HAP Contract anniversary. The owner must demonstrate that the rent to owner is not sufficient for proper operation of the housing.

The adjusted rent may not exceed the reasonable rent as determined by a comparability study, in accordance with 24 CFR 983.301. The owner must submit financial information,

as requested by the BHA, that supports the grant or continuance of a special adjustment. For HAP Contracts of more than 20 units, such financial information must be audited. The Burbank Housing Authority may withdraw or limit the term of any special adjustment. If a special adjustment is approved to cover temporary or one-time costs, the special adjustment is only a temporary or one-time increase of the rent to owner.

**T. REASONABLE RENT [24 CFR 983.303]**

The Burbank Housing Authority may not enter an agreement to enter into a HAP Contract until the Burbank Housing Authority determines that the initial rent to owner under the HAP Contract is reasonable. During the term of a HAP Contract, the rent to owner may not exceed the reasonable rent as determined by the Burbank Housing Authority. At least annually during the HAP Contract term, the BHA must re-determine that the current rent to owner does not exceed a reasonable rent. The BHA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the BHA must consider:

1. The location, quality, size, unit type, and age of the contract unit; and
2. Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

**U. VACANT UNITS [24 CFR 983.352]**

Vacancy payments will not be paid for vacant units

**V. CONVERSION OF SECTION 8 PROJECT-BASED ASSISTANCE TO TENANT-BASED ASSISTANCE [PIH NOTICE 99-40, SEPTEMBER 1, 1999]**

HUD currently provides additional funding to public housing agencies to assist eligible residents who are affected by “housing conversions.” Housing conversions occur when a Section 8 Project-Based Contract is near expiration, has expired, or the owner chooses to “opt-out” of the Contract (“Contract termination”). In those instances where expiring Project-Based Rental Assistance is being replaced by Tenant-Based Rental Assistance (TBRA) Vouchers, HUD shall determine the appropriate actions and provide guidance and instruction to the Burbank Housing Authority.

The conversion process typically begins with HUD’s receipt of the notice from the owner stating the intent to terminate the existing Contract. This notice must be in writing and provided to both the tenants and HUD, not less than one year from the Contract termination date. It is the responsibility of HUD to enforce the notification requirements of the owner. Based on the appropriate notification and at least 120 days prior to the termination date of the Contract, HUD shall determine the number of occupants in place, the composition of each family, and extend an invitation to the Burbank Housing Authority offering the Burbank Housing Authority the opportunity to administer TBRA to the eligible families. Once the Burbank Housing Authority has agreed to administer TBRA and issue

HCVs, the existing ACC between the Burbank Housing Authority and HUD will require modification.

HUD shall transmit all pertinent family composition data to the Burbank Housing Authority. The Burbank Housing Authority shall utilize this information to begin the review of each family's eligibility for admission to the TBRA Program. As part of the determination of eligibility, the Burbank Housing Authority may require families to complete the following:

1. Submit a completed program application and any other required program form(s).
2. Submit any records pertinent to the determination of eligibility, i.e., identification cards, Birth Certificates, Social Security cards, proof of citizenship, proof of income, proof of assets, certification forms, affidavits, etc.
3. Attend an interview with Burbank Housing Authority staff; and
4. Attend mandatory briefing session conducted by Burbank Housing Authority staff (rental vouchers issued to eligible families).

Due to the severe time constraints often associated with these conversion actions, the Burbank Housing Authority may use the owner's most recent family income re-examinations, if:

1. The owner's certification for the family is no more than six months old; and
2. The Burbank Housing Authority determines that the owner's certifications are acceptable after reviewing a small sample for accuracy.

The Burbank Housing Authority is not required to use the owner's certifications and may opt to conduct its own income determination and verification.

The Burbank Housing Authority will make every effort to have the determination of eligibility completed and the rental vouchers issued to eligible families no later than 60 days before the termination date of the contract. Once these requirements are completed, the Burbank Housing Authority must:

1. Ensure the units selected by the families are eligible (see Chapter 2 of this Plan), "Eligibility for Admission"
2. Conduct HQS inspections for units selected by families, (see Chapter 10 of this Plan), "Housing Quality Standards and Inspections".
3. Ensure the rent is reasonable, see Chapter 9 of this Plan, "Request for lease approval and contract execution"; and
4. Execute a HAP Contract with the owner.

HUD encourages housing agencies to begin tasks such as certifying families and approving units before receiving the ACC funding exhibit to avoid the potential adverse

impact on the families. However, the Burbank Housing Authority may not under any circumstances execute a HAP Contract prior to receiving the notification letter and the effective date of the funding contained on the ACC funding exhibit.

Housing conversions represent a very unique opportunity for the Burbank Housing Authority to be pro-active in safeguarding the welfare of families residing in affordable housing developments that are faced with rental increases or possible displacement. Although some actions may not be taken by the Burbank Housing Authority without seeking prior approval from HUD, the Burbank Housing Authority shall continue to be committed to providing supportive services and guidance to families that are affected by these circumstances.

#### **W. MOVES WITH CONTINUED RENTAL ASSISTANCE**

If the family decides to relocate after 3 years, the family may be eligible for other forms of rental assistance, if funding is available. Family may only move in accordance with Chapter 9 of this Plan, "Request for lease approval and contract execution".

Rental assistance under the PBVP will terminate for families that vacate the assisted unit during the initial term of the lease in accordance with Chapter 11 of this Plan, "Denial or Termination of Assistance".

#### **X. FAMILY RIGHT TO MOVE [24 CFR 983.261]**

The family may terminate the assisted lease at any time after the third year of occupancy in accordance with Chapter 9 of this Plan, "Request for Lease Approval and Contract Execution". The family must give the owner advance written notice of intent to vacate (with a copy to the Burbank Housing Authority) in accordance with the lease.

If the family has elected to terminate the lease in this manner, the Burbank Housing Authority must offer the family the opportunity for continued TBRA, in the form of either assistance under the HCVP or other comparable TBRA.

Before providing notice to terminate, the family must contact the Burbank Housing Authority, in writing, to request comparable TBRA if the family wishes to move with continued assistance. If a HCV or other comparable TBRA is not immediately available upon termination of the family's lease of a PBVP unit, the Burbank Housing Authority must give the family priority to receive the next available opportunity for continued TBRA. The family will receive the next available opportunity based on the date and time when their written request was received.

The family will not be able to use a HCV in a project based unit. If a HCV has been issued and the family decides to remain in a project based unit, the owner must agree to continue the family's tenancy. At which time, the HCV will be cancelled. The family will be required to continue their search for a unit if the owner does not agree to continue the family's tenancy. Therefore, the HCV will expire if the family does not locate a suitable unit by the expiration date and the family's participation in the PBVP will end.

The family will not be eligible for a HCV or other comparable TBRA if the family fails to submit written request to the Burbank Housing Authority prior to serving a 60 Day Notice to terminate to the owner and/or the family is not in good standing with the terms of the

lease and Family Obligations. Families may not be eligible for any other form of rental assistance if the property owner has served notice to vacate. Moves with continued assistance are allowed in accordance with Chapter 9 of this Plan, "Request for Lease Approval and Contract Execution".

If the family terminates the assisted lease before the end of one year, or if the family has violated program rules and regulations, the family relinquishes the opportunity for continued TBRA.

The Burbank Housing Authority will ensure the family is in compliance with the rules and regulations. The Burbank Housing Authority will follow the policies and procedures outlined in Chapter 9 of this Plan, "Request for Lease Approval and Contract Execution" for the HCVP.

If the family is in compliance with the program rules and regulations, the family may move utilizing portability. The Burbank Housing Authority will follow the policies and procedures outlined in Chapter 9 of this Plan, "Request for Lease Approval and Contract Execution" for the HCVP.

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## CHAPTER 19

### SPECIAL PURPOSE VOUCHERS

#### **INTRODUCTION**

Special Purpose Vouchers (SPVs) are a specific type of HCV program administered by the BHA. By collaborating with other partners, SPVs provide rental assistance resources to specific populations to support the community's plan to end homelessness.

The BHA administers the following types of special purpose vouchers:

- Veterans Affairs Supportive Housing (VASH)
- Foster Youth to Independence (FYI) program

This chapter describes HUD regulations and BHA policies for administering SPVs.

#### **PART 1**

#### **VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM**

The HUD-Veterans Affairs Supportive Housing (HUD-VASH) program combines Housing Choice Voucher (HCV) rental assistance for homeless Veterans with case management and clinical services provided by the Department of Veterans Affairs (VA). VA provides these services for participating Veterans at VA medical centers (VAMCs) and community-based outreach clinics (CBOCs).

#### **A. SPECIAL RULES FOR THE HUD-VASH VOUCHER PROGRAM**

This section outlines the waivers or alternative requirements for the administration of the HUD-VASH program. Unless expressly stated below, all HUD regulations regarding the HCV and PBV programs are applicable to HUD-VASH vouchers. The BHA's local discretionary policies adopted in this administrative plan apply to HUD-VASH vouchers unless the BHA policy conflicts with the requirements of the HUD-VASH vouchers outlined below. In such cases the requirements in this chapter supersede the local discretionary policy.

#### **B. THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (VA)**

The VA determines the eligibility of veterans based on the following criteria:

1. Veterans must meet the definition of homelessness defined in the McKinney-

Vento Homeless Assistance Act as amended by S. 896 The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2012.

2. Veterans must need case management services, as determined by VA case workers, to obtain and sustain independent community housing.
3. Eligible candidates for the program must participate in case management. The VA is responsible for providing appropriate treatment and supportive services to potential HUD- VASH program participants.

### **C. REFERRALS**

VA HUD–VASH case managers will refer HUD–VASH-eligible families to the BHA for the issuance of vouchers. The BHA must accept referrals from the VA partner. Therefore, the BHA does not have the authority to maintain a waiting list or apply local preferences for HUD–VASH vouchers.

### **D. PARTICIPANT ELIGIBILITY**

Eligible families are homeless veterans and their families that are referred to the BHA by the VA. Before making referrals to the BHA, VA staff screen families according to the VA's screening.

When the BHA receives a referral from the VA, the BHA may only screen the family for the criteria below:

1. Income eligibility
2. Citizenship; and
3. Subjectivity to a lifetime registration requirement under a state sex offender registration program.

### **E. BACKGROUND CHECK**

The BHA may not screen for criminal background other than to determine if a household member is subject to a lifetime registration requirement under a state sex offender registration program.

If a family member is subject to lifetime registration under a state sex offender registration program, the remaining family members may be served if the family agrees to remove the sex offender from its family composition. If the family member subject to lifetime registration under a state sex offender registration program is the homeless veteran, the family will be denied admission to the program.

## **F. SOCIAL SECURITY AND DATE OF BIRTH VERIFICATION**

The BHA must accept DD-214 certificates and VA-verified Applications for Health Benefits as verification of social security numbers and birthdates. VA identification cards must be accepted as government-issued photo identification, and they can also be used to verify social security numbers and birthdates.

## **G. INCOME AND ELIGIBILITY**

Under HUD VASH operating requirements, the Burbank Housing Authority must use up to 80% of the area median income for homeless veterans.

When determining the applicant's annual income for purposes of income eligibility, the BHA must exclude all VA service-connected benefits received by the HUD-VASH applicant in addition to the income exclusions listed under in Chapter 5 of this administrative plan. This special income exclusion only applies to the definition of annual income for purposes of determining income eligibility. VA service-connected benefits (with the exception of the normally excluded deferred VA disability payments) must still be included as annual income when calculating the family's adjusted income. In other words, the VA service-connected disability benefits are excluded for purposes of determining income eligibility but included for purposes of calculating the housing assistance payment of the participant.

BHA may not deny admission to a family with zero income. When the veteran family reports that they have zero income, the BHA must accept a self-certification of zero income from the family at admission and at reexamination without taking any additional steps to require that the family verify zero reported income. The self-certification does not need to be notarized. The BHA must verify families' income in the EIV System within 120 days after admission.

## **H. EXCEPTION PAYMENT STANDARD**

To assist VASH participants in finding affordable housing, the BHA may establish a HUD-VASH exception payment standard. The BHA may go up to but no higher than 120 percent of the published area-wide fair market rent (FMR) or small area fair market rent (SAFMR) specifically for VASH families. Should the BHA establish a VASH exception payment standard over 120 percent, the BHA must request a waiver from HUD.

VASH participants not residing in a subsidized unit will receive the HUD approved Exception Payment Standard for a Zero, One, Two- and Three-Bedroom Voucher. This Exception Payment Standard may be applied at interim reexaminations.

## **I. VOUCHER SEARCH TERM AND LEASING**

Families issued a HUD-VASH voucher:

1. must be given a minimum of 120 days to search for a unit.
2. may enter into an initial lease with an owner for less than 12 months.
3. may live on the grounds of a VAMC in units owned by the VA.

BHA may pre-inspect units that veterans may be interested in leasing. If a family selects a unit that passed an HQS inspection (without intervening occupancy) within 90 days of the date of the Request for Tenancy Approval, the unit may be approved.

## **J. CASE MANAGEMENT**

Veterans must agree to participate in case management in order to receive a HUD-VASH voucher. HUD-VASH voucher assistance must be terminated if the family refuses, without good cause, to participate in required case management as verified by the VA.

However, the VA determination that case management is no longer needed is not grounds for termination of assistance. In such cases, a family may be offered a regular voucher to free up the HUD-VASH voucher, or they may keep their HUD-VASH voucher.

## **K. CHANGE IN FAMILY COMPOSITION**

When new family members are added after the veteran is a participant, regular BHA eligibility criteria apply. Other than the birth, adoption or court-awarded custody of a child, the addition of any other family member must be approved by the BHA in accordance with the BHA's administrative plan.

## **L. VOUCHER REASSIGNMENT UPON FAMILY BREAK-UP**

Because the HUD-VASH program is targeted to provide housing to homeless veterans, in most cases of family break-up, the voucher must remain with the veteran.

The major exception to this rule is if a veteran's family member is receiving protection as a victim of domestic violence, dating violence, stalking or sexual assault and the veteran is the perpetrator of such violence, the victim must continue to be assisted. Upon termination of a veteran-perpetrator's HUD-VASH voucher due to the veteran-perpetrator's acts of domestic violence, dating violence, stalking, or sexual assault, the victim receiving VAWA protections may be given a regular HCV if one is available, and the perpetrator's HUD-VASH voucher can be used to serve another eligible veteran family. If a regular HCV is not available for the victim, the victim will continue to utilize the HUD-VASH voucher and the perpetrator must be removed from the household. In the case of the victim utilizing the HUD-VASH voucher upon termination of the perpetrator, the HUD-VASH voucher must be issued to another eligible veteran family upon the voucher's turnover.

If the veteran dies or is incarcerated, the voucher remains with the remaining members of the tenant family. The BHA may use one of its own HCVs to continue assisting this

family and free up a voucher for another HUD-VASH eligible family. If an HCV is not available, the family will continue utilizing the HUD-VASH voucher. Once the HUD-VASH voucher turns over, however, it must go to a homeless veteran family.

#### **M. PORTABILITY**

In order to ensure that participants can continue to receive case management, there are additional guidelines related to portability for HUD-VASH. Families will be limited to moving to jurisdictions where VAMC or CBOC case management services are available if case management is still required. The BHA will consult with the initial VA facility prior to approving any move.

The additional guidelines for portability associated with the HUD-VASH program are described below:

1. *With Case Management and Within Initial VAMC's Catchment Area:* A HUD-VASH family can move within the VAMC's catchment area as long as case management can still be provided, as determined by the VA. If the receiving PHA does not have a HUD-VASH program, the receiving PHA must bill the BHA. If the receiving PHA does have a HUD-VASH program, they may absorb the family if they choose.
2. *With Case Management and Outside Initial VAMC's Catchment Area:* A HUD-VASH family can move if the referring VAMC confirms that the new VAMC has an available case management slot. The receiving PHA must have a HUD-VASH program and the HUD-VASH family must be absorbed.
3. *Case Management is No Longer Required:* If a HUD-VASH family wishes to move under portability and the veteran no longer requires case management, the family can move to a community where case management is not provided. The receiving PHA does not need to be a HUD-VASH PHA, and the receiving PHA may choose to bill the BHA or absorb the veteran with a regular voucher.

#### **N. VOUCHER TURNOVER**

HUD-VASH vouchers must be issued to eligible veteran families as identified by the VA upon turnover.

#### **O. PROJECT BASING HUD-VASH VOUCHER**

BHA must operate HUD-VASH PBVs under the regulations for the PBV except in cases where the VASH operating requirements supersede these regulations, such as regulations referring to admissions and waiting lists.

## **General Requirements**

The BHA may project-base HUD-VASH vouchers in projects alongside other PBV units and may execute a single HAP contract covering both the HUD-VASH PBVs and the other PBVs. However, the contract rents may not be different based on whether the unit is a HUD-VASH PBV unit or a non-HUD-VASH PBV unit.

## **Project Cap**

All units exclusively made available to HUD-VASH families in a PBV project are exempted from the PBV income-mixing requirements (project cap).

## **Program Cap**

HUD-VASH units made available under a competitive PIH notice for HUD-VASH PBV units are excluded from the PBV percentage limitation (program cap). All other HUD-VASH vouchers that the PHA opts to project-base, are still subject to the PBV program cap.

## **Termination from PBV due to failure to participate in case management:**

Upon notification by the VA of the family's failure to participate in VA-required case management, the BHA must provide the family a 30/60/90 days to vacate the unit. The PHA must terminate assistance to the family at the earlier of:

- (1) the time the family vacates or
- (2) the expiration of the reasonable period given to vacate.

If the family fails to vacate the unit within the established time, the owner may evict the family. If the owner does not evict the family, the BHA must remove the unit from the HAP contract or amend the HAP contract to substitute a different unit in the project if the project is partially assisted.

## **Voluntary Moves from PBV:**

If a HUD-VASH family is eligible to move from its PBV unit and there is no HUD-VASH tenant-based voucher available at the time the family requests to move, a family that still requires case management must wait for a HUD-VASH tenant-based voucher for a period not to exceed 180 days.

If a HUD-VASH tenant-based voucher is still not available after that period, the family must be allowed to move using its HUD-VASH voucher as tenant-based assistance. The BHA may allow the family to move using its HUD-VASH voucher as tenant-based assistance without having to meet this 180-day waiting period. The BHA may either amend the PBV HAP contract to replace the assistance in the PBV unit with one of its regular vouchers if the unit is eligible for a regular PBV or the BHA and owner may agree to temporarily remove the unit from the HAP contract. If a HUD-VASH veteran has been

determined to no longer require case management, the BHA must allow the family to move with the first available tenant-based voucher if no HUD-VASH voucher is immediately available and cannot require the family to wait for a HUD-VASH voucher to become available.

**Cases of a wrong-size PBV unit or a PBV unit with accessibility features that the family no longer requires.**

If the BHA determines that a HUD-VASH family is occupying a wrong-size PBV unit or a PBV unit with accessibility features that the family does not require and the PBV unit is needed by a family that requires the accessibility features, the PHA must notify the family and the owner within 30 days of the BHA's determination. HUD applies an alternative requirement for HUD-VASH PBV units. Specifically, the BHA's offer of continued housing assistance (that must be made within 60 days of the BHA's determination) must be in the form of either a HUD-VASH tenant-based voucher or another HUD-VASH PBV unit. If no HUD-VASH assistance is available for the BHA to offer within 60 days of the BHA's determination, the BHA must remove the wrong-sized or accessible unit from the HAP contract to make HUD-VASH voucher assistance available to issue the family a tenant-based HUD-VASH voucher. The required provision of tenant-based assistance requires that the family may elect to use its tenant-based assistance to remain in the same project when a PBV HAP contract terminates or expires, does not apply to families issued a HUD-VASH tenant-based voucher under this circumstance. The BHA may use another voucher to add the unit removed under this alternative requirement to the HAP contract after the family vacates the property.

**Redesignation of unit**

With VAMC approval, the BHA and owner may agree to amend a PBV HAP contract to re-designate a regular PBV unit as a unit specifically designated for HUD-VASH families. The BHA and owner may also agree to amend a PBV HAP contract to re-designate a unit designated for HUD-VASH families as a regular PBV unit, only if the unit is not funded through a HUD-VASH PBV set-aside award.

**Zero- HAP admission**

The BHA may select a unit occupied by a “zero-HAP” VASH eligible family or admit a “zero-HAP” VASH family to a unit if the PBV project is either on the grounds of a VA facility or there are VASH supportive services provided on-site at the project. During any period that the family's TTP falls below the gross rent, normal PBV requirements apply.

**PART 2**  
**FOSTER YOUTH TO INDEPENDENCE INITIATIVE**

The Foster Youth to Independence (FYI) initiative makes HCV assistance available to

PHAs in partnership with Public Child Welfare Agencies (PCWAs). Under FYI, PHAs provide housing assistance on behalf of eligible youth with a history of child welfare involvement that are homeless or at risk of being homeless. Eligible households receive rental assistance and supportive services for a period of 36 months. Youth may receive up to an additional 24 months of rental assistance if they meet certain requirements.

#### **A. PUBLIC CHILD WELFARE AGENCY (PCWA) [Notice PIH 2023-04]**

The BHA must enter into a partnership agreement with a PCWA in the BHA's jurisdiction in the form of a Memorandum of Understanding (MOU).

The partnering PCWA must meet the following requirements:

1. Identify FYI-eligible youth: The PCWA must have a system for identifying eligible youth within the agency's caseload and for reviewing third party referrals.
2. System of Prioritization: the PCWA must have a system of prioritization based on the level of need of the youth and the appropriateness of intervention.
3. Written Certification: The PCWA must provide written certification to the BHA that a youth is eligible.
4. Supportive Services: The PCWA must provide or secure supportive services that are required to be offered.

The BHA has partnered with the Los Angeles County Department of Child and Family Services (DCFS) to implement the Foster Youth to Independence (FYI) program.

#### **B. SUPPORTIVE SERVICES [Notice PIH 2023-04]**

The PCWA must provide or secure a commitment to provide supportive services for participating youth for a minimum of 36 months. At a minimum, the following supportive services must be offered:

1. Basic life skills information/counseling on money management, use of credit, housekeeping, proper nutrition/meal preparation, and access to health care (e.g., doctors, medication, and mental and behavioral health services).
2. Counseling on compliance with rental lease requirements and with HCV program participant requirements, including assistance/referrals for assistance on security deposits, utility hook-up fees, and utility deposits.
3. Providing such assurances to owners of rental property as are reasonable and necessary to assist eligible youth to rent a unit with a voucher.
4. Job preparation and attainment counseling (where to look/how to apply, dress, grooming, relationships with supervisory personnel, etc.)
5. Educational and career advancement counseling regarding attainment of general equivalency diploma (GED) or attendance/financing of education at a technical school, trade school, or college, including successful work ethic and attitude models.

### **C. FYI ELIGIBILITY [Notice PIH 2023-04]**

The PCWA is responsible for certifying that the youth has prior qualifying foster care involvement. As determined by the PCWA, eligible youth:

1. Are at least 18 years of age and not more than 24 years of age (have not yet reached their 25<sup>th</sup> birthday).
2. Have left foster care or will leave foster care within 90-180 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act.
3. Are homeless or at risk of becoming homeless at age 16 and older.

Eligibility is not limited to single persons. For example, pregnant and/or parenting youth are eligible to receive assistance assuming they otherwise meet eligibility requirements.

### **D. WAITING LIST ADMINISTRATION**

Once the BHA receives the referral from the PCWA certifying the youth is eligible for the FYI program, the BHA must compare the list of referrals to its HCV waiting list to determine if any of the referrals are already on the BHA's HCV waiting list. PCWA referrals on the BHA's HCV waiting must be assisted in order of their position on the HCV waiting. Any referrals not on the HCV waiting list must be placed on the BHA's HCV waiting list. If the BHA has a closed HCV waiting list, it must reopen the waiting list and place the FYI eligible applicants on the waiting list. The BHA may reopen the waiting list to accept an FYI eligible youth without opening the waiting list for other applicants; however, the requirements at 24 CFR 982.206 for giving public notice when opening and closing the waiting list apply.

The BHA selects eligible youths based on the BHA's regular HCV waiting list selection policies. However, per federal regulation, the BHA may not apply any residence preference to FYI voucher applicants. -See chapters 3 and 4 for HCV waiting list policies.

### **E. HCV ELIGIBILITY DETERMINATION**

Once the BHA selects an eligible youth from the HCV waiting list, the BHA must determine that the referral meets HCV program eligibility requirements. Applicants must be eligible under both FYI and HCV eligibility requirements. See chapter 2 for HCV eligibility requirements.

### **F. LEASE UP**

The youth will be issued an FYI voucher once HCV eligibility has been determined.

The following must be discussed during the FYI voucher briefing:

1. The extension of assistance provisions and requirements.
2. The availability of the FSS program and offer them an FSS slot, if available, or offer to place them on the FSS waiting list.

3. The supportive services available to them, the existence of any other programs or services, and their eligibility for such programs and services. However, participation in supportive services cannot be required as a condition of receiving FYI assistance.
4. All other required briefing session information described in Chapter 8 Section B.

During the briefing session, the applicant will be issued a Voucher with a term of 120 calendar days. A youth may request an extension of the Voucher for an additional 90 calendar days. The BHA must approve the extension request, whether written or oral, if it the request is made on or prior to the expiration date of the Voucher. For households with a person with a disability, an extension of 60 calendar days, in addition to the 90 calendar days, will be granted upon request as a reasonable accommodation.

The BHA will issue the applicant a notice, a minimum of 30 calendar days prior to the initial term expiration, to remind them of about the term expiration date and the process for requesting an extension of the initial term, and to inquire if the applicant is in need of assistance with their housing search.

All other processes related to voucher issuance and administration follow HCV program regulations. See chapter 8 for Voucher Issuance information.

The youth may not be 25 before the HAP contract has been executed. Should a youth fail to use the voucher, the BHA may issue the voucher to another eligible youth if one has been identified.

### **Turnover Vouchers**

When the recipient of the FYI voucher leaves the program, the BHA must continue to use the FYI voucher for eligible youth upon turnover. If another eligible youth is not available, the BHA must notify HUD, and HUD will reduce the BHA's HCV assistance to account for the removal of the FYI assistance from the BHA's HCV baseline.

### **G. LENGTH OF ASSISTANCE [FR Notice 1/24/22]**

As required by statute, an FYI voucher may only be used to provide housing assistance for youth for a maximum of 36 months. However, youth may receive an extension of the 36-month time limit of assistance for up to an additional 24 months if the youth is:

1. Participating in a Family Self-Sufficiency (FSS) program
2. Engaged in education, workforce development, or employment activities for at least 9 months of the 12-month period preceding the extension, if the youth was unable to enroll in an FSS program.
3. Eligible for one of three statutory exceptions

### **Extension of Assistance for FSS Enrollment prior to 36 Months**

To receive the 24-month extension of voucher assistance, a FYI youth must enroll in the FSS program during their first 36 months of assistance (unless the youth meets one of the statutory exceptions described later in this section). If the BHA is unable to offer a FYI youth an FSS slot during their first 36 months of rental assistance, the youth is considered to have been “unable to enroll” in the program and may have their voucher extended by meeting the education, workforce development, or employment requirements, described later in this section.

The BHA must inform the FYI youth of the availability of the FSS program at the time the voucher is issued and offer them an FSS slot, if available, or offer to place them on the FSS waiting list.

### **Extension of Assistance for FSS Enrollment Between 36 and 48 Months**

If an FSS slot becomes available between the 36-month and 48-month mark the BHA must offer the slot to a FYI voucher participant who had their voucher extended based on other eligible criteria. The BHA must work with the FYI voucher holder to determine whether enrollment in FSS is feasible and in their best interest given any education, workforce development, or employment activities that the FYI voucher holder is engaged in and any statutory exceptions that apply to the FYI voucher holder, as well as the remaining time on their FYI voucher.

If the FYI voucher holder accepts the FSS slot, the BHA must work with them to establish Contract of Participation goals and an Individual Training and Services Plan (ITSP) that can be accomplished within the period left on their FYI voucher. If the youth does not accept the FSS slot, the youth must meet one of the statutory exceptions or the education, workforce development, or employment requirement to receive an extension of rental assistance at the end of the 48 months.

### **Extension of Assistance for Youth Engaging in Education, Workforce Development, or Employment Activities**

If the FYI youth has been unable to enroll in the FSS program during the first 36 months of receiving FYI assistance, the FYI voucher holder is entitled to receive an extension of assistance for up to two successive 12-month periods beyond the 36-month time limit. Extensions will be granted provided that the FYI voucher holder engaged in at least one of the education, workforce development, or employment activities described below for a minimum of nine months of the 12-month period preceding each extension.

To meet the nine months out of the preceding 12 months requirement, the FYI voucher holder may have engaged in one of the education, workforce development, or employment activities described below or a combination of these activities.

The education, workforce development, or employment criteria are as follows:

1. The FYI voucher holder was engaged in obtaining a recognized postsecondary credential or a secondary school diploma or its recognized

equivalent, as defined by the U.S. Department of Labor

2. The FYI voucher holder was enrolled in an *institution of higher education*, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or an institution that meets the definition of a *proprietary institution of higher education* or a *postsecondary vocational institution* under sections 102(b)(1) and (c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)(1) and (c)(1)), respectively.
  - The BHA requires that the FYI voucher holder must be enrolled on at least a half-time basis, as defined by the institution which they attend.
3. The FYI voucher holder was participating in a career pathway, as such term is defined in Section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).
4. The FYI voucher holder was employed.
  - The BHA requires that the FYI voucher holder must be working at least 20 hours a week.

The BHA will remind the FYI voucher holder at their second regular reexam of the education, workforce development, and employment requirements described above if the youth was not provided with the opportunity to enroll in the FSS program during the first 24 months of FYI assistance.

The BHA will send FYI participants a notice on how to demonstrate that they meet one of the conditions described above prior to the 36-month or 48-month recertification period.

Due to the timing of when the BHA verifies compliance and conducts the annual reexamination, the FYI youth may have not yet met the 9-month requirement but may be able to demonstrate that they will meet the 9-month requirement as of the end of the 36-month or 48-month period. In such cases, the FYI youth will still be considered to have met the requirements. The BHA will then conduct an annual reexamination. If the annual reexamination determines that the youth is still eligible for the HCV program, the BHA must provide the FYI youth the extension of voucher assistance.

### **Statutory Exceptions**

FYI voucher holders will be entitled to receive an extension of assistance for up to 24 months beyond the 36-month time limit without participating in the BHA's FSS program or engaging in one of the education, workforce development, or employment activities if they certify that they meet one of the exceptions below:

1. The FYI voucher holder is a parent or other household member responsible for the care of a dependent child under the age of six or for the care of an incapacitated person.
  - The BHA defines an incapacitated person as a person under the age of eighteen years, or an adult individual who is unable to provide food, clothing, or shelter.

2. The FYI voucher holder is a person who is regularly and actively participating in a drug addiction or alcohol treatment and rehabilitation program.
3. The FYI voucher holder is a person who is incapable of complying with the requirement to participate in a FSS program as described above or engage in education, workforce development, or employment activities as described below, as applicable, due to a documented medical condition.
  - The BHA defines a medical condition as a specific health issue or illness that can be diagnosed by healthcare providers based on symptoms, medication use, or diagnostic testing.

The BHA will require a self-certification from the youth prior to the 36 month and 48 month annual reexamination to verify that the youth meet one of the exceptions.

If the BHA determines that the youth meets one of the statutory conditions described above, the BHA will then conduct an annual reexamination. If the annual reexamination determines that the youth is still eligible for the HCV program, the BHA must provide the FYI youth the extension of voucher assistance.

## **H. TERMINATION OF ASSISTANCE**

Failure of the FYI voucher holder to meet one of the above conditions will only impact their ability to receive subsequent extensions of assistance. It will not serve as a basis for terminating the FYI assistance prior to the annual reexam.

Termination of a FYI voucher is handled in the same way as with any HCV; therefore, termination of a FYI voucher must be consistent with HCV regulations at 24 CFR Part 982, Subpart L and BHA policies in Chapter 11.

Prior to termination, the BHA must offer the FYI voucher holder the opportunity to request an informal hearing, in accordance with Chapter 11.

Vouchers are limited by statute to a total of between 36 months and 60 months of housing assistance. At the end of the statutory period, assistance must be terminated. However, any period for which no subsidy (HAP) is being paid on behalf of the youth does not count toward the limitation.

The FYI participant's rental assistance may not be terminated if they decline supportive services.

The BHA may not transfer the assistance of FYI voucher holders to regular HCV assistance upon the expiration of the limit on assistance. It is also not permissible to reissue another FYI to the same youth upon expiration of their FYI assistance.

## **I. PORTABILITY**

Portability for an FYI youth is handled in the same way as for a regular HCV family. The BHA may not restrict or deny portability for an FYI youth for reasons other than those specified in the HCV program regulations.

An FYI youth does not have to port to a jurisdiction that administers FYI vouchers.

If the receiving PHA absorbs the voucher, the receiving PHA may absorb the youth into its regular HCV program if it has vouchers available to do so. If the receiving PHA absorbs the youth into its regular HCV program, that youth becomes a regular HCV participant with none of the limitations of an FYI voucher.

The BHA and receiving PHA must work together to initiate termination of assistance upon expiration of the time limit on assistance if the receiving PHA does not absorb the youth into its regular HCV program.

#### **J. PROJECT-BASING FYI VOUCHERS**

The BHA may project-base certain FYI vouchers without HUD approval in accordance with all applicable PBV regulations and BHA policies in Chapter 18.

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## GLOSSARY

**ABATEMENT.** The suspension of Housing Assistance Payments to the owner due to HQS noncompliance, until deficiencies are corrected and the unit passes inspection.

**ADMINISTRATIVE PLAN.** The HUD required written policy of the Housing Authority governing its administration of the Section 8 Program.

**ABSORPTION.** In portability, the point at which a receiving Housing Authority stops billing the initial Housing Authority for assistance on behalf of a household that is exercising portability.

**ANNUAL CONTRIBUTIONS CONTRACT (ACC).** A grant agreement between HUD and the Housing Authority which establishes the basic terms and conditions for the Housing Authority's public housing program.

**ADJUSTED INCOME.** Annual income minus allowable deductions.

**ADMINISTRATIVE FEE.** Fee paid by HUD to the Housing Authority for administration of the Section 8 Program.

**ADMINISTRATIVE FEE RESERVE.** Account established by the Housing Authority from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

**ADMISSION.** The effective date of the first Housing Assistance Payments contract on behalf of the very low-income household. This is the point when the applicant becomes a participant in the Program.

**ANNUAL BUDGET AUTHORITY.** The maximum annual amount of funds that HUD has allocated for each funding increment allocated to an individual Housing Authority.

**ANNUAL INCOME AFTER ALLOWANCES.** The Annual Income (described above) minus the allowances.

**APPLICANT.** A person or family that has applied for admission to the Section 8 Program but is not yet a participant in the program.

**APPLICANT WAITING LIST.** A list of Section 8 Program applicants that is organized by preference categories.

**ASSETS.** Value of equity in savings accounts, checking accounts, retirement accounts, real property, stocks, bonds, and other forms of capital investment.

**CHILD CARE EXPENSES.** Amounts paid by the household for the care of minors under 13 years of age where such care is necessary to enable a household member to be employed or to attend school.

**CITIZEN.** A citizen or national of the United States.

**CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT.** A written contract between HUD and the Housing Authority where HUD agrees to provide funding for operation of the Section 8 Program and the Housing Authority agrees to comply with all Program requirements.

**CONTINUOUSLY ASSISTED.** An applicant is continuously assisted under the 1937 Housing Act if the household is already receiving assistance under any 1937 Housing Act program when the household is admitted to the Section 8 Program.

**DAY LABORER.** An individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.

**DEPENDENT.** A member of the family (which excludes foster children and foster adults) other than the family head or spouse who is under 18 years of age, or is a person with a disability, or is a full-time student.

**DISABILITY ASSISTANCE EXPENSE.** Anticipated costs for care attendants and auxiliary apparatus for disabled household members which enable a household member, including the disabled member, to work.

**DISABLED PERSON.** A person who is any of the following:

A person who has a disability as defined in section 223 of the Social Security Act.

A person who has 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. Requires more suitable housing for independent living.

A person who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

**DISABLED FAMILY.** A family or household where the head or spouse meet any of the above criteria for disabled person.

**DISPLACED PERSON.** A person or household displaced by governmental action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

**DOMESTIC VIOLENCE.** Encompasses felony or misdemeanor crimes committed by a current or former spouse or intimate partner. It includes physical abuse, sexual abuse, or

any pattern of coercive behaviors such as verbal, psychological, economic, or technological abuse, even if these behaviors are not criminal.

**DRUG-RELATED CRIMINAL ACTIVITY.** The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

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

**ECONOMIC ABUSE.** In the context of domestic violence, dating violence, and abuse in later life, refers to controlling or manipulative behaviors that limit a person's access to or control over their economic resources. This includes actions such as:

1. Restricting access to money, assets, credit, or financial information.
2. Unfairly using someone else's financial resources for personal gain.
3. Exerting undue influence over financial decisions, such as forcing defaults on financial obligations or exploiting legal powers like powers of attorney, guardianship, or conservatorship.

**ELDERLY FAMILY.** A family or household whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well-being.

**EVIDENCE.** Evidence of citizenship or eligible immigration status means the documents which must be submitted to evidence citizenship or eligible immigration status.

**EXCEPTED UNITS OR HOUSING EXEMPTION.** Units in a multifamily building that are specifically made available for qualifying families who are elderly, disabled, or a family receiving supportive services.

**EXCEPTION PAYMENT STANDARD.** As a reasonable accommodation, a PHA may approve a payment standard amount up to 120 percent of the published fair market rent (FMR) if its payment standards are set below 110 percent of the FMR. Such higher payment standards must be requested by the family and subsequently approved, as necessary, by the PHA after a family with a disabled person or an individual person with disabilities locates a unit. An exception payment standard exceeding 120 percent of the FMR will require HUD approval.

**EXCESS MEDICAL EXPENSES.** Any medical expenses incurred by elderly or disabled households in excess of 3% of Annual Income which are not reimbursable from any other source.

**FAIR MARKET RENT.** The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of a modest, non-luxury nature with suitable amenities. Fair market rents for existing housing are established by HUD according to bedroom size.

**FAMILY.** A person or group of persons, regardless of actual or perceived sexual orientation, gender identity or marital status, as defined in 24 CFR 5.403. Family does not include live-in aides or foster children/adults. Family size is used to calculate subsidies and payments.

**FAMILY COMPOSITION.** A family may be as single person, or a group of persons as defined in 24 CFR 982.201(c).

**FAMILY OBLIGATIONS.** Specific requirements that the participant must meet in order to remain eligible for the Section 8 Program as described in 24 CFR 982.551. These obligations include providing complete and truthful information and abiding by the lease and the lease addendum. The Family Obligations are clearly stated on the Voucher.

**FAMILY SELF-SUFFICIENCY PROGRAM (FSS).** The component of the Section 8 Program where the participants enter into a Contract of Participation whereby, they agree to meet certain goals to become financially self-sufficient.

**FEDERAL PREFERENCE.** A preference under federal law for admission of applicant families that are any of the following:

- a. Involuntarily displaced; or
- b. Living in substandard housing (including the homeless); or
- c. Paying more than 50 percent of household income for rent.

**FOSTER ADULT.** A member of the household who is 18 years of age or older and meets the definition of a foster adult under State law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

**FOSTER CHILD.** A member of the household who meets the definition of a foster child under State law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction

**FOSTER CHILD CARE PAYMENT.** Payment to eligible households by State, local, or private agencies appointed by the State, to administer payments for the care of foster children.

**FULL-TIME STUDENT.** A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school as well as an institution offering a college degree. A person pursuing full-time vocational training is considered a full-time student.

**GROSS ANNUAL INCOME.** The anticipated total Annual Income of an eligible applicant family and participant household from all sources for the 12-month period following the date of determination of income.

**GROSS RENT.** The sum of the rent charged and the utility allowance.

**HEAD OF HOUSEHOLD.** The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

**HEALTH AND MEDICAL CARE EXPENSES.** Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

**HOMELESS.** As defined under SEC. 103. [42 USC 11302], the term “homeless”, means— (1) an individual or family who lacks a fixed, regular, and adequate nighttime residence; (2) an individual or family 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. These households must be determined and referred to the Section 8 Program by qualified service providers.

**HOUSEHOLD.** The assisted family and the PHA-approved members who live in the unit including foster children/adults and live-in aides. Household members are used to determine unit size.

**HOUSING ASSISTANCE PAYMENT.** The monthly Section 8 payment paid directly to the landlord from the Housing Authority.

**HOUSING ASSISTANCE PAYMENTS CONTRACT.** A written contract between the Housing Authority and an owner in the form prescribed by HUD headquarters, in which the Housing Authority agrees to make monthly housing assistance payments to the owner on behalf of a Program participant.

**HOUSING QUALITY STANDARDS (HQS).** The HUD minimum quality standards for housing assisted under the section 8 Program.

**HUD.** The United States Department of Housing and Urban Development.

**HUD REQUIREMENTS.** The federal requirements for the Section 8 Program which are issued by HUD headquarters in Washington D.C. and are published in the Code of Federal Regulations, the Federal Register, HUD notices or other binding program directives.

**IMPUTED INTEREST INCOME.** When an asset does not have an established interest rate, the savings account passbook interest is applied to impute the annual earnings of the asset. This calculation is used when assets exceed \$5,000.

**INCOME.** The amount of money coming into the applicant family or participant household from all sources for each member.

**INDEPENDENT CONTRACTOR.** An individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.

**INFORMAL HEARING.** The appeal procedure for Section 8 participants who have their assistance terminated. The Informal Hearing is conducted by an outside hearing officer from the Los Angeles County Bar Dispute Resolution Board.

**INFORMAL REVIEW.** The appeal procedure for applicants who are denied participation in the Section 8 Program due to ineligibility or failure to cooperate. The Informal Review is conducted by the Housing Authority Manager or his/her designee.

**INITIAL HOUSING AUTHORITY.** In portability, the term refers to the Housing Authority that issues the Voucher that is used by the participant exercising portability.

**INS.** The United States Immigration and Naturalization Service.

**INVOLUNTARILY DISPLACED PERSON.** Households are considered involuntarily displaced when they must move out of their units due to circumstances beyond their control.

The specific causes are listed in 24 CFR 5.420 and include:

- a. A disaster (fire, flood, earthquake, etc.) has caused the unit to be uninhabitable;

- b. Federal, State or local government action related to code enforcement, public improvement or development;
- c. Actions by the landlord, except rent increases, which are beyond the applicant's control;
- d. Actual or threatened physical violence;
- e. Participation in the Witness Protection Program;
- f. Hate crimes;
- g. Non-suitability of unit due to disability;
- h. HUD disposition of a multi-family project under Section 203 of the Housing and Community Development Amendments of 1978.

**JURISDICTION.** The area in which the Housing Authority has authority under State and local law to administer the program.

**LANDLORD.** This term refers to either the owner of the property or his/her representative or the managing agent or his/her representative, as designated by the owner.

**LEASE.** A written agreement between an owner and a tenant for the rental of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by the tenant.

**LEASE ADDENDUM.** This is a document written by HUD which specifies certain Section 8 Program requirements.

**LIVE-IN AIDE.** A person who resides with an elderly or disabled person and who:

- a. Is determined to be essential to the care and well-being of the person.
- b. Is not obligated for the support of the person.
- c. Would not be living in the unit except to provide necessary supportive services.

**LOCAL PREFERENCE.** A preference used by the Housing Authority to select among applicant families without regard to their federal preference status.

**LOW-INCOME FAMILY.** A family or household whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for household size.

**MEDICAL EXPENSES.** Those total medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance. A deduction for elderly households only. These allowances are given when calculating adjusted income for medical expenses in excess of 3% of annual income.

**MINOR.** A member of the household (excluding foster children) other than the head of household or spouse who is under 18 years of age.

**MIXED FAMILY.** A family or household with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504(b)(3).

**MONTHLY ADJUSTED INCOME.** One-twelfth of annual income minus allowances.

**MONTHLY GROSS INCOME.** One-twelfth of the gross annual income.

**NATIONAL.** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**NET FAMILY ASSETS.** The net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment.

**NON-CITIZEN.** A person who is neither a citizen nor a national of the United States.

**OCCUPANCY STANDARDS.** Standards established by the Housing Authority to determine the appropriate number of bedrooms for households of different sizes and compositions.

**OWNER.** Any persons or entity having the legal right to lease or sublease a unit to a participant.

**PARTICIPANT.** A household that has been admitted to the Section 8 Program. The applicant becomes a participant on the effective date of the Housing Assistance Payments contract.

**PASSBOOK RATE.** A HUD established minimum interest rate used to calculate income from a household's savings or assets.

**PAYMENT STANDARD.** The maximum subsidy payment according to bedroom size shown on the Voucher.

**PEER-TO-PEER.** A payment application (e.g., *Apple Pay*, *Venmo*, *Cash App*, *Pay Pal*, *Zelle*, etc.) can receive funds from anyone, including employers and buyers of goods. The Peer-to-Peer payment app can be used to receive income or hold assets (*money*).

**PERMANENT SUPPORTIVE HOUSING (FORMERLY SHELTER PLUS CARE).** Is designed to provide housing and supportive services on a long-term basis for persons who meet the definition of homelessness as defined under 24 CFR 91.5, and are provided access to support services needed in order to remain housed.

**PERSONS WITH DISABILITIES.** Individuals with any condition or characteristic that renders a person an individual with a disability as defined in 24 CFR 8.2.

**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.

**PORTABILITY.** Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the Housing Authority that issued the Voucher.

**PROJECT BASED VOUCHERS (PBV).** A component of a public housing agency's Housing Choice Voucher program. The PHA uses its tenant-based voucher funding to allocate project-based units to a project.

**REASONABLE RENT.** A rent to owner that is not more than rent charged for comparable units in the private unassisted market and for comparable unassisted units in the same building.

**RECEIVING HOUSING AUTHORITY.** In portability, the Housing Authority that accepts a Voucher that was issued by another Housing Authority.

**RECERTIFICATION.** The annual process of securing documentation of total household income used to determine the tenant portion of the rent for the next 12 months.

**REMAINING MEMBER OF TENANT HOUSEHOLD.** Person left in assisted housing after all of the other household members have vacated the unit.

**SEASONAL WORKER.** An individual who is hired into a short-term position and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.

**SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION (SPII).** 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 number such as credit or debit card numbers.

**SERVICE PERSON.** A person in the active military or naval service (including the active reserve) of the United States.

**SINGLE PERSON.** A person living alone or intending to live alone.

**SPECIAL ADMISSION.** Admission of an applicant that is not on the Section 8 waiting list or without considering the applicant's waiting list position.

**SPECIAL HOUSING TYPES.** See Subpart M of 24 CFR 982, which states the special regulatory requirements for Single Room Occupancy housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

**SPECIAL PURPOSE VOUCHER.** A specific type of HCV program administered by the BHA that provides rental assistance resources to specific populations to support the community's plan to end homelessness.

**SPOUSE.** The husband or wife of the head of the household.

**SUBSIDY STANDARDS.** Standards established by the Housing Authority to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

**SUBSTANDARD HOUSING.** Unpermitted structures as designated by a government official in the course and scope of their official duties such as a code enforcement officer or building inspector.

**SUSPENSIONS.** Stopping the clock on the term of a family's voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval (RTA) to lease a unit, until the time when the PHA approves or denies the request. This practice is also called "tolling".

**TECHNOLOGICAL ABUSE.** Refers to harmful behaviors within domestic violence, sexual assault, dating violence, or stalking that involve the use of technology. This includes actions like threatening, controlling, harassing, exploiting, or monitoring someone through devices like computers, mobile phones, cameras, apps, or location tracking tools, with the intent to cause harm or exert power over the victim.

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

**TOTAL TENANT PAYMENT (TTP).** The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

**UNEARNED INCOME.** Any annual income, as calculated under Chapter 5, that is not earned income.

**UNIT.** Residential space for the private use of a household.

**UTILITIES.** Utilities include water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

**VERY LOW-INCOME FAMILY.** A family or household with an annual income below 50% of the median income for the area, as determined by HUD, with adjustments for household size.

**VETERAN.** A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released there from under conditions other than dishonorable.

**VETERAN FAMILY.** A family or household of a veteran or service person occurs in situations where:

- a. The veteran or service person (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a household member at the time of death.
- b. The veteran or service person, unless deceased, is living in the household or is only temporarily absent unless s/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the household contains one or more persons for whose support s/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized; provided, that s/he was a household member at the time of hospitalization.

**VIOLENT CRIMINAL ACTIVITY.** Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

**VOUCHER.** The document issued to an eligible applicant/participant by the Housing Authority to show that the person is eligible for the Section 8 Program.