

# Administration Plan for the Housing Authority of the City of Rolla

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## INTRODUCTION

1. Mission Statement: The goal of the Rolla Housing Authority is to provide decent, safe and sanitary rental housing for eligible families and to provide opportunities and promote self-sufficiency and economic independence for Section 8 participants. In order to achieve this mission, we will:

- Recognize residents as our ultimate customer;
- Improve Public Housing Authority (PHA) management, service delivery efforts through effective and efficient management of PHA staff;
- Seek problem-solving partnerships with residents, landlords, community and government leadership; and
- Apply limited PHA resources to the effective and efficient management and operation of Section 8 program.
- To provide effective outreach to owners, brokers, and managing agents to secure the highest quality housing possible under the applicable Payment Standards.
- To aid in efforts to upgrade and stabilize the housing stock in the community by encouraging property owners to reinvest Housing Assistance Payments into their properties.
- To encourage an exchange between Section 8 landlords and tenants which would normally be inhibited by non-affordability.
- To provide the opportunity for economically disadvantaged families and elderly individuals to gain entry into the private housing market by giving them parity with moderate income families competing within the same market by making them, for all intents and purposes, financially equal.
- To administer the program in a fair and impartial manner and on an equal opportunity basis for families and staff.

2. Purpose of Policy: The purpose of this plan is to establish guidelines for the PHA staff to follow in determining eligibility for the Section 8 Program. The basic guidelines for this plan are governed by requirements of The Department of Housing and Urban Development (HUD), with latitude for local policies and procedures. The Policies and Procedures governing admissions and continued occupancy are outlined in this plan and these requirements are binding upon applicants, residents, landlords, and this PHA alike. Notwithstanding the above, changes in applicable federal law or regulations shall supersede provisions in conflict with this policy. Federal Regulations shall mean those found in Section 24 CFR (Code of Federal Regulations).

3. Primary Responsibilities of the PHA:

- Informing eligible families of the availability of Section 8 assistance;
- Encouraging owners to make their units available for lease to Section 8 participants;
- Determining the maximum amount of Housing Assistance Payments that can be used for family-paid utilities, and posting the utility allowances annually;

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- Receiving applications from families and determining their eligibility for assistance;
- Inspecting Section 8 units to determine that they meet or exceed Section 8 Housing Quality Standards;
- Approving leases;
- Making Housing Assistance Payments to owners; and
- Performing annual and periodic re-examinations of income, family composition and re-determination of rent.

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## **FAIR HOUSING POLICY AND EQUAL OPPORTUNITY HOUSING PLAN**

1. Fair Housing Policy: The Fair Housing Policy of the PHA complies fully with all Federal, State, and local non-discrimination laws and in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment and with the Americans with Disabilities Act.

Specifically, the PHA shall not on the basis of race, color, religion, sex, handicap, familial status, and national origin, deny any family or individual the opportunity to apply for or receive assistance under HUD's Section 8 Program, within the requirements and regulations of HUD and other regulatory authorities. To further its commitment to full compliance with applicable Civil Rights laws, the PHA will also provide Section 8 participants access to information regarding "discrimination". Also, this subject will be discussed during the briefing session and any complaints will be documented and made part of the applicant's/participant's file.

For families and/or individuals who report apparent discrimination in obtaining assisted housing, the PHA shall assist them by providing the family/individual with a HUD Housing Discrimination Complaint Form, HUD 903. The individual can complete this form and report apparent discrimination to the local HUD Office of Fair Housing and Equal Opportunity. For example, a resident may be trying to obtain other rental housing and/or is attempting to purchase a home and experiences apparent discrimination.

2. Equal Opportunity Housing Plan: The Plan is a participant in the tenant-based program and is required to comply with equal opportunity requirements imposed by contract or federal law (Ref: 24 CFR 982.54). This includes applicable requirements under:

- The Fair Housing Act, 42 U.S.C. 3610-3619 (implementing regulations at 24 CFR parts 100, et seq.);
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (implementing regulations at 24 CFR part 1);
- The age discrimination act of 1975, 42 U.S.C. 6101-6107 (implementing regulations at 24 CFR, part 146);
- Executive Order 11063, Equal Opportunity in Housing 91962), as amended, Executive Order 12259, 46 FR1253 (1980), as amended, Executive Order 12892, 59FR 2939 (1994) (implementing regulations at 24 CFR, part 107);
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (implementing regulations at 24 CFR, part 8); and
- Title II of the Americans with Disabilities Act, 42 U.S.C. 12101, et seq.

3. Equal Opportunity Posting Requirements:

There shall be maintained in the PHA's office a bulletin board, which will accommodate the following posted materials:

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- Statement of Policies and Procedures Governing the Section 8 Administrative Plan
- Income Limits for Admission
- Utility Allowances
- Informal Review and Hearing Procedure
- Fair Housing Poster; and
- “Equal Opportunity in Employment” Poster

4. Privacy Rights: Applicants will be required to sign the Federal Privacy Act Statement which states under what conditions HUD will release information concerning Section 8 participants. Requests for information by other parties must be accompanied by a signed release request in order for the PHA to release any information involving an applicant or participant, unless disclosure is authorized under Federal or State law regulations (Reference HUD Form 9886).

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### OUTREACH TO FAMILIES AND CONTACT WITH LANDLORDS

This PHA has, in recognition of HUD's resolve to make regulations, income guidelines and each facet of Low Income Public Housing and the Section 8 Program identical, incorporated the same format for the acceptance and processing of all applicants.

The Authority's continuing efforts to advertise and perform other outreach activities to families and owners will be governed by the following:

1. Since the current waiting list appears to be representative of a cross section of low-income families, the PHA does not plan special outreach activities. Efforts will be implemented in accordance with the equal opportunity requirements imposed by contract or federal law including applicable requirements under:

- The Fair Housing Act, 42 U.S.C. 3610-3619;
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000D;
- The Age Discrimination Act of 1957, 42 U.S.C. 6161-6107;
- Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR 1253 (1980), as amended, Executive Order 12892, as amended, Executive Order 12892, 59 FR 2939 (1994);
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794; and
- Title II of the Americans with Disabilities Act, 42 U.S.C. 12101.

2. If the flow of applicants becomes too rapid in relation to the agency staff capacity to process the applications, measures will be taken to reduce applicant flow, such as reducing the number of days and hours in the week when applications will be accepted. The PHA, with approval of the Board of Commissioners, also reserves the right to periodically suspend taking of applications until the number of applicants is reduced to a point where a family can be properly placed within one year. Both suspensions and resumption of application taking will be announced publicly through news releases to the media and by other advertisement in accordance with the notice requirements to lower-income families contained in 24 CFR 982.206. If applicant flow is too slow in relation to the leasing schedule, special outreach efforts will be initiated in accordance with equal opportunity requirements identified above.

3. At this time, special outreach efforts to owners and property managers appear to be unnecessary. PHA's Section 8 Assisted Housing Programs are well known in the real estate community, and the PHA enjoys excellent lines of communication and cooperation with principal owners. Should the status of the various programs indicate that additional efforts are advisable; efforts will be made utilizing local newspapers, private owners, Board of Realtors, Public Service Announcements, church bulletins, etc.

4. Through PHA's well established contacts in the City of Rolla real estate community, the Section 8 staff continually performs outreach to those with units outside areas of low-income and minority concentration. These efforts will be documented by the Section 8 staff and records retained for monitoring.

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## **ADDITIONAL INFORMATION TO LANDLORDS AND TENANTS**

### Owner Screening Responsibilities

Owners are not only permitted, but encouraged to screen families on the basis of their tenancy histories. An owner may consider a family's background with respect to such factors as: payment of rent and utilities; caring for a unit and premises; respecting the rights of others to peacefully enjoy their housing; drug-related criminal activity or other criminal activity that is a threat to the lives, safety or property of others; and compliance with other essential conditions of tenancy.

### PHA's Screening Responsibilities

The PHA does a police check on all applicants for housing.

The PHA may provide the owner with the selected family's current address and the name and address (if known) of the landlords at the family's current and prior address. In addition, PHA may offer other information in its possession regarding the family, such as information about tenancy history of family members, or about drug trafficking by family members or information regarding an outstanding repayment agreement with the PHA or any other Housing Authority. The landlord must provide a written request for this information including a self-addressed, stamped envelope.

Leases and contracts under the Section 8 Program are effective the first day of each month. If the lease does not start on the first day of the month the Housing Assistance Payment (HAP) will be pro-rated according to the number of days remaining in the month when a family moves in. The pro-rated amounts will be based on a thirty (30) day period.

## **DEADLINE FOR CHANGES**

In order for changes to be made for either tenants or landlords, moves, changes in address, sales of property, portability, etc. Section 8 staff must have received the new information by the 3<sup>rd</sup> working day before the last day of the month. If information regarding changes are not received, the Housing Assistance Payment will go to the current owner of record. If changes occur on or after the 3<sup>rd</sup> working day before the last day, parties are to petition Section 8 staff to hold the payment. In order to do this, owners, etc. must bring in documentation such as deed, court order or legal notice of change, in order to justify holding current payment. In some cases, Section 8 staff will verify ownership with the City Tax Assessor's office, and payment will be made to party(ies) declared on the record.

## **30 DAY NOTICE TO LANDLORD**

As a matter of Section 8 Program policy, PHA staff requires its Section 8 Existing tenants to send a letter to their landlord with a copy to the Section 8 Program of their intention to

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move. This is to be a minimum of thirty (30) days advance notice (with an effective date on the 1<sup>st</sup> of each month). It is recommended that this notice be sent Certified Mail, Return Receipt Requested. In cases of disputes, the thirty (30) days will be measured from the date of Certified Mail documentation. A certified letter is preferred; however, Section 8 staff will accept normal service mail. In the case of surface mail, the postmark will be the date of notification.

### **CLAIM FOR DAMAGES & UNPAID TENANT RENT**

The owner has the opportunity to collect a security deposit from the tenant. The owner may use this security deposit, subject to State or local law, including any interest accrued on the deposit, for reimbursement of any unpaid rent payable by the tenant, damages to the unit or any other amounts owed by the tenant under the lease.

However, if the security deposit is not sufficient to cover these amounts owed by the tenant, the owner may seek collection of the unpaid balance from the tenant.

When a security deposit is applied against an unpaid balance owed by a tenant, the owner must provide written documentation of all items charged against the security deposit and a breakdown of those charges. Upon resolution of all outstanding charges, any unused balance must be promptly refunded to the tenant. This must be accomplished within 30 days after the tenant vacates the unit.

### **ABSENCE FROM DWELLING UNIT AND FAMILY BREAK UP**

If the family has to leave the household for more than three months, the unit will not be considered to be their principal place of residence, and they will be terminated from the program.

In the event a family breaks up, the head or spouse of family remaining in the unit under lease in the Section 8 Program will remain as the Voucher holder. The other member/members may apply for housing if they so desire. However, the allowance for children may only be given to the adult who has primary custody.

### **INFORMATION REGARDING LANDLORDS**

The PHA shall provide a list of landlords known to the PHA who are interested and willing to lease a unit to a family.

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## DEFINITION OF TERMS

The definition of terms as outlined in Title 24 CFR Parts 812, 813, 882, 887 and 982.4 are incorporated by reference as part of this Administrative Plan and shall apply to all Section 8 Assisted Housing as outlined in this Administrative Plan. The following definitions shall be applicable to all assisted housing under the Act.

### **Absorption:**

In portability, the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA's consolidated ACC.

### **ACC:**

Annual Contributions Contract.

### **ACC Reserve Account:**

Account established by HUD from amounts by which the maximum payment to the PHA under the consolidated ACC (during a PHA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

### **Adjusted Income:**

Adjusted Income means annual income less the following:

- A. \$400 to families whose head, spouse, or sole member is either 62 years of age or older or a person with a disability.
- B. Unreimbursed medical expenses for elderly or disabled families, unreimbursed medical expenses for other families to the extent approved in Appropriation Acts and unreimbursed reasonable attendant care and auxiliary apparatus expenses for each disabled family member to the extent necessary to enable said person to be employed; to the extent these sums exceed 3 per cent of annual family income.
- C. Reasonable child care expenses necessary for a member of the family to be employed or further their education.
- D. \$480 for each person who is under 18 years of age, is a person with a disability, or is a full time student.
- E. The earned income of a person under 18 years old who is not the head of household or the spouse of the head of household.



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## **Administrative Fee:**

Fee paid by HUD to the PHA for administration of the program.

## **Administrative Fee Reserve:**

(Formerly “operating reserve”.) Account established by the PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

## **Administrative Plan:**

The administrative plan describes PHA policies for administration of the tenant-based programs.

## **Admissions:**

The effective date of the first HAP Contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

## **Adult:**

An adult is:

- Eighteen (18) years of age or older; or
- A person that has been relieved of the disability of non-age by the juvenile court (emancipated minor).

NOTE: Only persons who are adults shall be eligible to enter into a lease agreement for occupancy.

## **Annual Contributions Contract (ACC):**

A written contract between HUD and a PHA. Under the contract HUD agrees to provide funding for operation of the program, and the PHA agrees to comply with HUD requirements for the program.

## **Annual Income:**

Annual income includes all amounts, monetary and nonmonetary, that go to, or on behalf of the family head or spouse (even if temporarily absent) or to any other family member or are anticipated to be received from a source outside the family in the 12 months following admission or the annual reexamination’s effective date, including amounts derived from assets to which any member of the family has access that are not specifically excluded by Federal regulations.

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Annual Income includes, but is not limited to:

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses and other compensation for personal services.
2. The 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. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only for straight-line depreciation. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. If the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
4. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment (except as provided under Excluded Income).
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided under Excluded Income).
6. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions of gifts received from organizations or from persons not residing in the dwelling.
7. All regular pay, special pay and allowances of a member of the Armed Forces (except for hostile fire pay, which is excluded).
8. Welfare assistance.

Annual income **does not include** such temporary, non-recurring or sporadic income as the following (excluded income):

1. Income from employment of children (including foster children) under the age of 18 years.

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2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in No. 5 above).
4. Amounts received by the family that is specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of a live-in aide (as defined in this Plan).
6. The full amount of student financial assistance paid directly to the student or to the educational institution.
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
8.
  - (i) Amounts received under training programs funded by HUD.
  - (ii) Amounts received by a person with a disability that are disregarded for a limited time for the purpose of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Achieve Self-Sufficiency (PASS).
  - (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program.
  - (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) 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. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing Board. No resident may receive more than one such stipend during the same period of time.
  - (v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program.
9. Temporary, nonrecurring, or sporadic income (including gifts).
10. 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.

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11. Earnings in excess of \$480 for each full-time student 18 years of age or older (excluding the head of household and spouse).
12. Adoption assistance payments in excess of \$480 per adopted child.
13. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts; a lump sum payment covering the period from application to determination of eligibility.
14. 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.
15. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance. The following list of benefits is excluded income:
  - The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 (7 USC 2017 (H));
  - Payments to volunteers under the Domestic Volunteer Service Act of 1973 (42 USC 5044(g), 5088); Examples of programs under this Act include but are not limited to: The Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program; National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
  - Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE);
  - Payments received under the Alaska Native Claims Settlement Act (43 USC.1626(a));
  - Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes (25 USC 459e);
  - Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 USC 8624 (f));
  - Payments received under programs funded in whole or in part under the Job Training partnership Act (29 USC 1552 (b));
  - Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat 2503-04);
  - The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC 1407-08),

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- or from funds held in trust for an Indian Tribe by the Secretary of Interior (25 USC 117b, 1407); and
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 USC 1087 uu); Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.
  - Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 USC 3056(f)). Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP); National Caucus Center on the Black Aged; National Urban League; Association National Pro Personas Mayors; National Council on Aging; American Association of Retired Persons; National Council on Senior Citizens, and Green Thumb.
  - Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation;
  - Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L 96-420, 94 Stat. 1785);
  - The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 USC 9858q);
  - Earned income tax credit refund payments received on or after 1/1/91 (26 USC 32 (j));
  - Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
  - Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990;
  - Any allowance paid under the provisions of 38 USC 1805 to a child suffering from Spina Bifida who is the child of a Vietnam veteran;
  - Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act;
  - Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998.

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### **Applicant:**

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

### **Budget Authority:**

An amount authorized and appropriated by the Congress for payment to PHAs under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

### **Child Care Expenses:**

Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which Annual Income is computed, but only where such care is necessary to enable a family member to be gainfully employed or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care, and, in the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment. The HACR will not normally determine child care expenses necessary when the household contains an additional unemployed adult who is physically capable of caring for children.

### **Contiguous MSA:**

In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

### **Continuously Assisted:**

An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

### **Contract Authority:**

The maximum annual payment by HUD to a PHA for a funding increment.

### **Contract Rent:**

The total amount of rent specified in the Housing Assistance Payments (HAP) Contract as payable to the owner by the family and by HUD or the PHA on the Family's behalf.

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### **Dependent:**

A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or is a Full-time Student. An unborn child shall not be considered a dependent.

### **Disabled Assistance Expense:**

Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family or reimbursed by an outside source.

### **Disabled Family or Person:**

See family.

### **Displaced Family or Person:**

See family.

### **Domicile:**

The legal residence of the household head or spouse as determined in accordance with State and local law.

### **Drug-Related Criminal Activity:**

This term means:

- Drug-trafficking or
- Illegal use, or possession for personal use, of a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

### **Drug-Trafficking:**

The illegal manufacture, sale or distribution, or the possession with intent to manufacture sell or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

### **Effective Date:**

The “effective date” of an examination or re-examination refers to (1) in the case of an examination for admission, the effective date of initial occupancy and (2) in the case of

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re-examination of an existing tenant, the effective date of the re-determined Total Tenant Payment.

### **Elderly Family or Person:**

See family.

### **Fair Market Rent (FMR):**

The rent, including the cost of utilities (except telephone, cable and satellite) that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the Federal Register in accordance with 24 CFR part 888.

### **Familial Status:**

One or more individuals (who have not attained the age of 18 years) being domiciled with (having a permanent residence);

A. A parent or another person having legal custody of such individual or individuals;

B. The designee of such parent or other person having custody, with the written permission of such parent or other person.

### **Family:**

A. Two or more persons related by blood, marriage, adoption or other operation of law, or two or more persons who are not so related but who will live together in a stable relationship and share resources.

B. An elderly family is a family whose head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together or one or more persons who are at least 62 years of age living with one or more live-in aides.

C. A near-elderly family is a family whose head, spouse or sole member is at least 50 years of age but below the age of 62; or two or more persons who are at least 50 years of age but below the age of 62 living together, or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

D. A disabled family is a family whose head, spouse or sole member is a person with disabilities. It may include two or more persons who are persons with disabilities living together or one or more persons with disabilities living with one or more live-in aides.



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A person with disabilities is a person who:

- has a disability as defined in 42 USC 423 (the social security definition); or
- is determined to have a physical, mental or emotional impairment that is expected to be of long-continued and indefinite duration;
- substantially impedes his or her ability to live independently; and is of such nature that the ability to live independently could be improved by more suitable housing conditions; or
- has a developmental disability as defined in 42 USC 6001;
- does not exclude persons who have the disease of acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome;
- For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

E. A displaced family is a family in which each member or whose sole member is a person displaced by governmental action or a declared natural disaster.

F. The remaining member of a tenant family is an adult who was listed on the lease of a public housing unit and is the only family member still remaining in the unit.

G. A single person is a person who is not elderly, near elderly, disabled, displaced or the remaining member of a tenant family.

H. A homeless family is any individual or family who: lacks a fixed, regular, and adequate nighttime residence; and has primary nighttime residence that is: a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

### **Family Unit Size:**

The appropriate number of bedrooms for a family. Family unit size is determined by the PHA under the PHA subsidy standards.

### **FMR:**

Fair Market Rent.

### **FMR/Exception Rent Limit:**

The Section 8 Existing Housing Fair market rent published by HUD Headquarters, or any exception rent. For a tenancy in the voucher program, the PHA may adopt a payment standard up to the FMR/Exception Rent Limit.

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## **Foster Children:**

With the prior written consent of the PHA, a foster child may be added as a Section 8 participant. The factors considered by the PHA in determining whether or not consent is granted may include:

- Whether the addition of a new occupant may require the issuance of a new voucher and whether such documents are available.
- The Section 8 landlord's obligation to allow reasonable accommodation for handicapped persons.

## **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 offering a college degree, vocational education degree or certificate program.

## **Funding Increment:**

Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

## **Head of Household:**

Head of household means the adult member of the family who is held primarily responsible and accountable for the family, particularly in regard to lease obligations.

## **Housing Agency:**

Hereinafter referred to as a Public Housing Authority (PHA). A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing, including an Indian Housing Authority (IHA).

## **Housing Assistance Payments Contract: (HAP Contract)**

A written contract between a PHA and an owner, in the form prescribed by HUD headquarters, in which the PHA agrees to make Housing Assistance Payments to the owner on behalf of an eligible family.

## **Housing Quality Standard: (HQS)**

The HUD minimum quality standards for housing assisted under the tenant-based programs.

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### **HUD:**

The U.S. Department of Housing and Urban Development.

### **HUD Requirements:**

HUD requirements for the Section 8 Program. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.

### **INS:**

The U.S. Immigration and Naturalization Service.

### **Initial PHA:**

In portability, the term refers to both:

- 1) A PHA that originally selected a family that subsequently decides to move out of the jurisdiction of the selection PHA.
- 2) A PHA that absorbed a family that subsequently decides to move out of the jurisdiction of the absorbing PHA.

### **Initial Lease Term:**

The initial term of the assisted lease. The initial lease term must be for at least one year.

### **Initial Rent to Owner:**

The rent to owner at the beginning of the initial lease term.

### **Jurisdiction:**

The area in which the PHA has authority under State and local law to administer the program.

### **Lease:**

A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with Housing Assistance Payments under an HAP Contract between the owner and the PHA.

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### **Live-In Aide:**

A person who resides with one or more elderly persons or near-elderly persons, or persons with disabilities who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

### **Lower Income Family:**

A family whose Annual Income does not exceed 80 per cent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 per cent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs of unusually high or low family incomes.

### **MSA:**

Metropolitan statistical area.

### **Manufactured Homes:**

A manufactured structure that is built on a permanent chassis, designed for use as a principle place of residence and meets HQS.

### **Medical Expenses:**

Medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. Medical expenses, in excess of 3 per cent of Annual Income, are deductible from annual income for elderly families and disability assistance expense as outlined.

### **Military Service:**

Military service means the active military service of the United States, which includes the Army, Navy, Air Force, Marine Corps, Coast Guard and since July 29, 1945, the commissioned corps of the United States Public Health Service.

### **Minimum Rent:**

Families assisted under the Public Housing and Section 8 programs pay a monthly “minimum rent” of not more than \$50.00 per month. The PHA has the discretion to establish the “minimum rent” from \$0.00 up to \$50.00. The minimum rent established by this PHA is \$50.

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### **Minimum Rent Hardship Exemptions:**

The PHA shall immediately grant an exemption from application of the minimum monthly rent to any family making a proper request in writing who is unable to pay because of financial hardship.

### **Minor:**

A minor is a person less than eighteen years of age. (An unborn child may not be counted as a minor but is counted for eligibility of a single, pregnant female.)

### **Monthly Adjusted Income:**

One-twelfth of Adjusted Income

### **Monthly Income:**

One-twelfth of Annual Income. For purposes of determining priorities based on an applicant's rent as a percentage of monthly income.

### **Near Elderly Family or Person:**

See Family.

### **Net Family Assets:**

Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investments, excluding, interests in Indian trust land and excluding equity accounts in HUD ownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered as an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income). In determining Net Family Assets, the HACR shall include the value of any assets disposed of by an applicant or resident for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or resident received important consideration not measurable in dollar terms.

### **Non-Citizen:**

Any person who is neither a citizen nor national of the United States.

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### **Participant: (Participant Family):**

A family that has been admitted to the PHA program, and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP Contract executed by the PHA for the family (first day of initial lease term).

### **Payment Standard:**

An amount used by the PHA to calculate the Housing Assistance Payment for a family. Each payment standard amount is based on the fair market rent. The PHA adopts a payment standard for each bedroom size and for each fair market rent area in the PHA jurisdiction. The payment standard for a family is the maximum monthly subsidy payment.

### **Portability:**

Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial PHA.

### **Premises:**

The building or complex in which the dwelling unit is located, including common areas and grounds.

### **Public Housing Agency (PHA):**

Any State, County, municipality or other government entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for lower income families.

### **Reasonable Rent:**

A rent to owner that is not more than either: 1) Rent charged for comparable units in the private unassisted market; or 2) Rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

### **Receiving PHA:**

In portability, a PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

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### **Re-Certification:**

Re-certification is sometimes called re-examination. The process of securing documentation that indicates that tenants meet the eligibility requirements for continued occupancy.

### **Re-certification (re-examination) Date:**

The date on which any rent change is effective or would be effective if required as a result of the annual re-examination of eligibility and rent.

### **Remaining Member(s) of Tenant Family:**

The person(s) of legal age remaining in the subsidized unit after the person(s) who signed the voucher has (have) left the premises, other than by eviction, which may or may not normally qualify for assistance on their own circumstances. This person must complete forms necessary for Section 8 assistance within ten (10) calendar days from the departure of the leaseholder and may remain in the unit for a reasonable time (not more than sixty (60) calendar days from the date the individual requests head of household status) pending the verification and hearing process. This person must, upon satisfactory completion of the verification process, then execute all required Section 8 subsidy documents and cure any monetary obligations in order to maintain assistance. Any person who claims himself/herself as a remaining member shall, in the event that the PHA declares him or her ineligible for remaining member status, be entitled to an informal hearing.

### **Rent to Owner:**

The monthly rent payable to the owner under the lease. Rent to owner includes payment for any services, maintenance and utilities to be provided by the owner in accordance with the lease.

### **Single Person:**

A person who lives alone or intends to live alone, and who does not qualify as an elderly family or displaced person or as the remaining member of a resident family.

### **Spouse:**

Spouse means the husband or wife of the head of household.

### **Subsidy Standards:**

Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

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### **Suspension:**

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 to lease a unit, until the time when the PHA approves or denies the request.

### **Tenancy Addendum:**

In the lease between the tenant and the owner, the lease language required by HUD.

### **Tenant:**

The person or persons (other than a Live-In Aide) who executes the lease as lessee of the dwelling unit.

### **Tenant-Based:**

Rental assistance that is not attached to the structure.

### **Tenant Rent:**

The amount payable monthly by the family as rent to the owner, including a PHA. Where all utilities (except telephone) and other essential housing services are supplied by the owner, the Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the owner and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance.

### **Total Tenant Payment (TTP):**

The Total Tenant Payment is the greater of:

- Thirty per cent (30%) of family monthly adjusted income;
- Ten per cent (10%) of family monthly income;
- Welfare rent (if applicable) in as-paid states.

The utility allowance is applicable for the Voucher Program. Voucher families will pay the cost of tenant-furnished utilities under the lease.

### **Utility:**

The provision of general electricity, gas, heating fuel, cooking fuel, hot water, sewer, trash, range and refrigerator.



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### **Utility Allowance:**

The cost of utilities (except telephone, cable and satellite) for an assisted unit which are not provided by the landlord but are the responsibility of the family occupying the unit is called a utility allowance. This utility allowance is based upon building type and is determined by number of bedrooms and is equal to the estimate made by the PHA or HUD, of the monthly cost of a reasonable consumption of such utilities for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

### **Utility Reimbursement:**

The amount by which any utility allowance for family-paid utilities or other housing services exceeds the total tenant payment.

### **Very Low-Income Family:**

A family whose annual income does not exceed fifty (50%) of the median income for the area, as determined by HUD, with adjustments for small and larger families. HUD may establish income limits higher or lower than fifty per cent (50%) of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family income.

### **Veteran:**

The term “veteran” means any person honorably discharged from the Armed Forces of the United States.

### **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:**

A document issued by a PHA to a family selected for admission to the voucher program. The voucher describes the program, and the procedures for PHA approval of a unit selected by the obligations of the family under the program.

### **Voucher Holder:**

A family holding a voucher with unexpired search time.

### **Waiting List Admission:**

An admission from the PHA waiting list.

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### **Welfare Assistance:**

Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.

**APPLICATIONS FOR ADMISSION TO THE SECTION 8 PROGRAM**

All applications for the Section 8 Program shall consist of a pre-application as is consistent with the PHA's occupancy policies.

The following conditions shall govern the taking and processing of applications:

1. The PHA will not, on account of race, age, color, creed, sex, religion, handicap, familial status, or national origin, deny or hinder any applicant family the opportunity to make application or lease a dwelling unit suitable to its needs.

The PHA does not discriminate in admission or access to its federally assisted housing programs. Any individual eligible to be served who has a visual, hearing impairment or limited English proficiency, will be provided with the information necessary to understand and participate in PHA's programs. The Executive Director has been designated as the responsible employee to coordinate the Authority's efforts to comply with the non-discrimination based on handicap regulations.

2. The PHA, with the Board of Commissioners' approval, reserves the right to suspend taking applications for placement on the waiting list when the current supply of waiting list applications exceeds the number of families which could be reasonably expected to be housed within twelve (12) months.

3. All applications must be made by a responsible adult member of the tenant family, who will reside in the household, or a minor person who, by virtue of court order, has been determined to be an adult. All adult family members shall sign the application and certify, subject to civil and criminal penalties, to the accuracy of all statements made therein.

4. The PHA will take applications at its office at 1440 Forum Drive, Rolla, MO.

5. The PHA reserves the right to establish times for taking applications including by appointment.

6. Application interviews shall be conducted in private.

7. Family income and family composition must be included in the application. The application shall indicate the date and time of application and the Authority's determination of eligibility or ineligibility.

8. Applications shall be updated as applicants report changes in income and family circumstances. All modifications to applications shall be properly documented.

9. From time to time, the PHA shall purge the waiting list application pool of applicants no longer actively seeking housing on an annual basis. Normally, this shall be performed by removing applicants who fail to respond to a "still interested" notice mailed to the last

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known address on the waiting list application. It shall be the sole responsibility of the applicant to inform the PHA of changes in address and other family circumstances in writing which might affect the status of the application.

10. The PHA shall maintain such records as are necessary to document the disposition of all applications and to meet U.S. Department of Housing and Urban Development audit requirements, which currently is for a period of three (3) years.

11. All applicants for Section 8 assistance are placed on a waiting list according to the date and time of application.

12. The PHA shall offer to cross list any applicant on its public housing waiting list who has an interest and is eligible for that program.

### **MISREPRESENTATION OF INFORMATION**

The PHA takes the position that:

“Any person who obtains or attempts to obtain, or who establishes or attempts to establish eligibility for, and any person who knowingly or intentionally aids or abets such person in obtaining or attempting to obtain or in establishing or attempting to establish eligibility for any assisted housing program or a reduction in tenant rent or any rent subsidy payment from a tenant in conjunction with assisted housing to which such person would not otherwise be entitled, by means of a false statement, failure to disclose information, impersonation, or other fraudulent scheme or device shall be guilty of a fraud.”

The PHA considers the misrepresentation of income and family circumstances to be a serious lease and policy violation, as well as a crime and will take appropriate action if apparent fraud is discovered. Specifically:

1. An applicant family who has misrepresented income or family circumstances may be declared ineligible for housing assistance.
2. If any examination of the tenant’s file discloses that the tenant made any misrepresentation (at the time of admission or any previous recertification date) which resulted in his/her being classified as eligible when in fact he/she was ineligible, the tenant may have their assistance terminated, even though he/she may be currently eligible.
3. A tenant family who has made misrepresentation of income or family circumstances is subject to both eviction and being declared ineligible for future housing assistance.
4. If it is found that the tenant’s misrepresentations resulting in his/her paying a lower tenant rent than he/she should have paid, he/she will be required to pay the difference between rent owed and the amount that should have been paid. This amount shall be paid

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whether or not the tenant remains on the Section 8 Program, but failure to pay under terms established by the PHA shall always result in immediate termination of assistance. The PHA reserves the right to demand full payment within seven (7) days.

5. The PHA shall report apparent cases of tenant or applicant fraud to the HUD Inspector General's Office. It shall be the policy of the PHA to press State and Federal authorities for prosecution of cases which, in the PHA's judgment, appear to constitute willful and deliberate misrepresentation.

6. The PHA will review all complaints of fraud to determine if a violation does exist. When necessary, the PHA may utilize the services of a private investigator to collect evidence.

### **MISSED APPOINTMENTS FOR APPLICANT OR PARTICIPANT**

A. Missed Appointment Without Notification: An applicant or person receiving assistance who fails to keep an appointment without notifying the PHA and without re-scheduling the appointment, shall be sent a notice of termination of the process or assistance for failure to supply such certification, release of information or documentation as the PHA or HUD determines to be necessary (or failure to allow the PHA to inspect the dwelling unit at reasonable times and after reasonable notice, if applicable, in the following situations:

- Complete application
- Bringing in verification information
- Program briefing
- Leasing signature briefing
- HQS inspections
- Recertification
- Interim adjustment
- Other appointments or requirements to bring in documentation as listed in this plan.

B. Process When Appointments are Missed: For most of the functions above, the family may be given two appointments. If the family does not appear or call to reschedule the appointment(s) required, the PHA may begin the termination process or remove name from waiting lists. The applicant or participant will be given an opportunity for an informal review or hearing.

If the representative of the PHA makes a determination in favor of the applicant or participant, the PHA will comply with such decision unless the PHA is not bound by a hearing decision concerning a matter for which the PHA is not required to provide an opportunity for a hearing pursuant to 24 CFR 982.554(c) and 982.555(b).

### **ADMISSION TO SECTION 8 PROGRAM HOUSING**

All families who are admitted to Section 8 Housing Programs administered by a PHA must be individually determined eligible under the terms of this Administrative Plan. In order to be determined eligible, an applicant family must meet all of the following requirements:

1. The applicant family must qualify as a very low income family in accordance with the income limits established by the U.S. Department of Housing and Urban Development for Phelps County, Missouri.
2. If a prior tenant of public housing or Section 8 housing programs and the family owes money to a PHA, the family will not be considered for readmission until the account is paid in full.
3. The applicant family must have properly completed all application requirements, including verifications. Misrepresentation of income, family composition or any other information affecting eligibility, rent, unit size, etc., will result in the family being declared ineligible. In the event the misrepresentation is discovered after admission, the family may be subsequently terminated from the program, even if the family meets current eligibility criteria at that time.
4. The family must not engage in drug-related criminal activity or violent criminal activity, including criminal activity by a family member, or family member's guests.

Applicants are not automatically determined eligible to receive federal assistance. An applicant will not be placed on the waiting list or issued a voucher under the following circumstances:

1. If the applicant's gross income exceeds the limits established by the U.S. Department of Housing and Urban Development, or if the Total Tenant Payment equals or exceeds the Payment Standard applicable for the correct size unit, the applicant may be declared ineligible at receipt of the voucher.
2. If the applicant does not meet the definition of a family, to include an elderly family.
3. If the applicant owes a prior debt to the PHA for any program operated by this PHA or another PHA or any other subsidy program administered by the State or HUD, the applicant will be declared ineligible. At PHA's discretion, the applicant may be declared eligible upon payment of the debt, with the date and time of application being the time of payment.
4. If the applicant is a former Section 8 program participant who vacated a unit in violation of their lease, the applicant will be declared ineligible.

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5. If the applicant as a former Section 8 Program participant violated any family obligation under 24 CFR 982.552, the applicant will be declared to be ineligible.
6. If the applicant or any member of the applicant's family was evicted from public housing, had their public housing lease terminated, been terminated from the Section 8 Program, or have threatened or actually demonstrated abusive or violent behavior toward PHA or other PHA personnel.
7. If the applicant or any member of the applicant's family committed "illegal" drug-related or violent criminal activity without regard to whether the crime is technically classified as a felony.
8. The PHA cannot deny assistance to an applicant because of past drug-related criminal activities if the applicant or family member can demonstrate that he or she is recovering or has recovered from such addiction and does not currently use or possess controlled substances.
9. If the applicant has committed fraud in connection with any Federal housing program, the applicant will be declared ineligible.
10. The Authority may elect to extend the period of ineligibility for violations involving criminal or drug related actions.

If the applicant is determined to be ineligible, he/she will be so informed and the reason stated in writing.

No applicant shall be admitted to the Section 8 Program without a thorough investigation of income (income verification must be current within sixty (60) days before the issuance of the voucher), family composition and all other factors pertaining to the applicant's eligibility, rent, unit size and type, etc. The same type of verifications are required to process any interim or regular re-examinations for the Section 8 Program. Complete and accurate verification documentation will be maintained for each applicant and resident. Such documentation may include, but is not limited to the following:

1. Letters or other statements from employers and other pertinent sources giving authoritative information concerning all items and amounts of income and deductions, together with other eligibility and priority determinations;
2. Verification forms supplied by PHA and properly completed by employers, public welfare agencies, etc.;
3. Originals, photocopies, or carbon copies of documents in the applicant's possession which substantiate his statements, or a brief summary of the pertinent contents of such documents signed and dated by the staff member who views them;

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4. Statements from self-employed persons, and from persons whose earnings are irregular, such as a salesman, etc., sworn before a Notary, setting forth gross receipts, itemized expenses and net income;
5. Memoranda of verification data obtained by personal interviews, home visits, telephone or other means, with source, date received, name and title of person receiving the information clearly indicated, and a summary of the information received;
6. Copies of income tax returns filed with Federal and State governments;
7. Certified birth certificates, or other substantial proof of age, to support claims to the various entitlements in the Administrative Plan for each member of the household;
8. Verification of evidence of citizenship and/or eligible immigration status;
9. Proof of disability, or of physical impairment, if necessary to determine the applicant's eligibility as a family or entitlement for consideration under the criteria established in this Administrative Plan, provided in writing from a qualified person or agency;
10. Receipts for utility services; and/or
11. Social Security card and picture identification from a legal entity for the applicant.

The jurisdiction of the Authority is confined to the City of Rolla.

Because eligibility for housing assistance is not based on a "declaration system" but upon verification of actual income and family circumstances, the PHA is not limited to verification of data supplied by applicants or participants. Failure of an applicant to cooperate with the Housing Authority in obtaining verifications will result in the application being declared incomplete. A participant who fails to cooperate or to release information will have their participation terminated. In addition, interim rent reduction will not be made for participants until all required verifications are received. In consideration of the privacy rights of participants and applicants, the PHA will restrict its requests to those matters of income, family composition, and other family circumstances which it deems are related to eligibility, rent, unit size and type, or other lawful determinations made by the Housing Authority.

If the verified data as listed in this Administrative Plan is less than sixty (60) days old at the time an applicant is selected for participation the data will be considered as reflecting the applicant family's status at the time of being selected as a participant. If the data (other than income verifications) is more than sixty (60) days old, all factors are to be re-verified and findings recorded.



**DENIAL OR TERMINATION OF ASSISTANCE**

**GENERAL POLICY**

The PHA may, will deny or terminate housing assistance for the following reasons:

1. Applicants who owe rent or other amounts to this or another PHA in connection with Section 8 or Public Housing assistance under the United States Housing Act of 1937.
2. Applicants (as a previous tenant in a Section 8 Program) or tenants that have not reimbursed this or another PHA for any amounts paid to a landlord under a Contract for rent or other amounts owed by the family under the lease or for a vacated unit.
3. Tenants who are guilty of program abuse or fraud in any Federal housing assistance program.
4. Tenants who owe PHA money or breached a Repayment Agreement will not be issued another Housing Voucher to move to another unit.
5. Tenants who are in default of an executed Repayment Agreement must pay their remaining outstanding balance prior to issuance of a Housing Voucher to move. Tenants will be able to remain in their current unit.
6. Tenants who's Total Tenant Payment is sufficient to pay the full gross rent and six months has elapsed since the PHA's last Housing Assistance Payment was made.
7. Tenants whose appropriate members do not provide their Social Security numbers and documentation within the time required and specified by PHA.
8. Tenants who have violated one of their family obligations as listed in 24 CFR 982.551 through 982.553.
9. If a present participant, under lease in the Section 8 Program, owes the PHA any outstanding debt, a payment agreement may be executed. Time frame on the debt is determined by the amount owed the PHA; however, the debt should be paid in full within twelve (12) months or before the issuance of a new voucher.
10. If the family has signed an agreement to pay money owed the PHA and they breach the agreement, the PHA may terminate assistance for the breach of agreement.
11. Any member of a tenant family that commits a criminal activity that threatens health, safety, or right to peaceful enjoyment of premises by other tenants or persons residing in the immediate vicinity of premises.
12. Housing assistance may also be terminated or denied for any drug crime on or near premises by a family member.

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13. Housing assistance may be terminated for failure to pay rent, maintain utilities and/or because of damage to the premises.

14. If any member of the family has ever been evicted from public housing.

15. If a PHA has ever terminated assistance under the voucher program for any member of the family.

16. If the family has engaged in or threatened abusive violent behavior toward PHA personnel.

17. If funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

### **POLICY FOR TERMINATION OF ASSISTANCE DUE TO INSUFFICIENT RESOURCES**

Insufficient resources may be due to a general reduction in the annual budget authority or due to a temporary suspension of funding availability.

1. Prior to terminating any HAP contracts, the PHA will inform the local HUD field office.
2. The PHA will terminate the minimum number needed in order to reduce HAP costs to a level within the PHA's annual budget authority or to reduce HAP costs to 20% of available reserves during a temporary suspension of funding availability.
3. The HAP contract requiring the least amount of funding will be terminated first, with additional contracts being terminated as necessary in ascending order.
4. In the case of temporary suspension of funding, and in the case where HAP has been discontinued for less than six months, contracts will be restored in reverse order once funding is restored.
5. In the case of a temporary suspension of funding, where the landlord has not required the tenant to pay the lost HAP, and where funding is later provided to cover the period of suspension, HAP contracts to be restored will be restored to the date of termination and HAP for the missed periods will be paid. If HAP funding for the period of suspension is not received, then HAP contract will be restored as of that time and HAP for the missed periods will not be paid.

### **TIME FRAMES FOR DENIAL**

As a general rule, applicants may be denied admission to the Section 8 Program for the following time frames, which shall begin on the date of application, unless otherwise provided herein below:

A. Denied admission for one (1) year for violation of voucher provisions (family obligations) or the termination of a public housing lease. If the violation occurred during the first year of the contract period or initial public housing lease, the one year denial will begin on the contract ending date.

B. Denied admission for two (2) years for illegal use or possession of a controlled substance, or for alcohol abuse that disturbed neighbors' right to peaceful enjoyment of their property.

C. Denied admission for three (3) years for the following:

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

D. Denied admission for five (5) years for the following:

- Fraud (giving false information on the application is considered fraud). Fraud also includes having unauthorized persons living in the assisted unit, as well as underreporting of income.
- An arrest or conviction record that indicates that the applicant may be a threat and/or negative influence on other residents. The five (5) years shall begin on the date of the last reported act, completion of sentence and/or probation period.

E. Denied admission for ten (10) years for a conviction of drug trafficking.

F. Denied admission for life to any household that includes any individual who is subject to a lifetime registration requirement under a state sex offender registration program.

G. Denied admission for life to any applicant who has been convicted of manufacturing or producing methamphetamine on any premises of the assisted housing. Premises is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

**GENERAL POLICY FOR TERMINATION OR DENIAL OF  
LANDLORDS/OWNERS**

1. The landlord/owner has violated obligations of a Housing Assistance Payments contract under Section 8 of the 1937 act.
2. The landlord/owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
3. The landlord/owner has engaged in drug trafficking/manufacturing.
4. The landlord/owner has a history of practice of non-compliance with the HQS for units leased under any Section 8 program or leased under any other federal housing program.
5. The landlord/owner has a history of practice or renting units that fail to meet State or local housing codes.
6. The landlord/owner has not paid State or local real estate taxes, fines or assessments.

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## DETERMINING PROPER SIZE UNITS

The following general principles will be used to determine the proper bedroom size for each applicant and participant:

1. The head of household and spouse/partner are usually assigned one bedroom.
2. Family members are generally assigned to bedrooms on the basis of two of the same sex per bedroom. In some instances (i.e. large age differences) separate bedrooms may be assigned.
3. The PHA may assign a separate bedroom to any family member with a documented medical need.
4. The PHA will allow a child under two (2) years of age to share a bedroom with a parent(s).
5. The PHA shall not require children of opposite sex, over the age of three (3) to share a bedroom.
6. The PHA will treat a single pregnant woman as a two-person family.
7. Families may select a larger or smaller unit than listed on the Voucher, but the Payment Standard for the size voucher to which they are entitled shall be used in rent compilation.
8. The PHA shall use the following Occupancy Standards in determining the bedroom size Voucher the family shall be issued:

<b>Voucher Size</b>	<b>Minimum # of persons In household</b>	<b>Maximum # of persons in household</b>
0	1	1
1	1	2
2	2	4
3	4	6
4	6	8
5	8	10

**SECTION 8 APPLICANT SELECTION PROCESS**

1. Housing Voucher Selection and Participation Process:

A. Equal Opportunity: The Fair Housing Act makes it illegal to discriminate on the basis of race, color, religion, sex, handicap, familial status and national origin. This PHA shall not deny any family the opportunity to apply for a Housing Voucher.

B. The PHA will select an applicant from the waiting list based on the time and date application is made.

2. Organization of the Waiting List: The PHA waiting list must contain the following information for each applicant listed:

A. Applicant name;

B. Family unit size (number of bedrooms for which family qualifies under PHA occupancy guidelines);

C. Date and time of application.

3. Order of Selection from the Waiting List:

A. When a Housing Voucher is available, the PHA will select the family at the top of the waiting list according to the date and time of application. The order of admission from the waiting list may not be based on family size, or on the family unit size for which the family qualifies for under the PHA occupancy guidelines. If the PHA does not have sufficient funds to subsidize the family unit size of the family at the top of the waiting list, the PHA may not skip the top family to admit an applicant with a smaller family unit size. Instead, the family at the top of the waiting list will be admitted when sufficient funds are available.

B. Provided, however, the provisions of the Deconcentration Rule, contained within this policy, shall supercede the selection of applicants based on date and time and allow the PHA to skip families on the waiting list to accomplish this goal.

C. Current PHA residents being transferred under the provision of the Transfer Policy of the ACOP shall supersede the selection based upon date and time, and these residents will be issued the next available voucher.<sup>1</sup>

4. Maintaining the Waiting List: The PHA will remove an applicant's name from the waiting list for the following:

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<sup>1</sup> Revised Resolution # 645 - June 18, 2014

## Administration Plan for the Housing Authority of the City of Rolla

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A. The PHA will remove names of applicants who do not respond to the PHA's request for information or updates; and/or

B. The PHA will remove the names of applicants who refuse the PHA's offer of tenant-based assistance.

5. Procedure for Removing an Applicant's Name from the Waiting List: The applicant will be notified by the PHA in writing that they have ten (10) calendar days from the date of the written correspondence to respond to the PHA's request. The correspondence will also indicate that their name will be removed from the waiting list if they fail to respond within the specified time frame. The PHA's system of removing applicant's names from the waiting list will not violate the rights of a disabled person(s). If an applicant's failure to respond to a request from a PHA for information or updates was caused by the applicant's disability, the PHA will provide reasonable accommodations and give the applicant an opportunity to respond. An example of a reasonable accommodation would be to allow an applicant to be reinstated on the waiting list based on the original date and time of their application, provided the applicant indicates that they did not respond due to a disability. If the disability is not apparent, the PHA may request that the applicant submit a written physician's statement indicating that the applicant's response was affected by their disability.

6. Purging the Waiting List: To ensure that the PHA's waiting list reflects the most current applicant information, the waiting list will be updated and purged every twelve (12) months.

### HOUSING QUALITY STANDARDS

The PHA will use the Housing Quality Standards (HQS) as set forth in 24 CFR 982.401 and Board-approved local standards in the operation of its Section 8 Existing Programs. The acceptability criteria as listed in the above-referenced regulations and the HUD Inspection Booklet will be used in the inspection for HQS.

HQS inspections will be performed by Section 8 staff. Inspection expertise will be maintained through periodic training and workshops.

In addition to using the HUD Housing Quality Standards in inspecting and approving units, the Authority requires the installation of smoke detectors on every floor (including basements) except crawl spaces and unfinished attics, per dwelling unit. Failure to comply with this section will result in a failure of the unit for occupancy by a person/family receiving Section 8 assistance. Below are the current performance requirements:

- Sanitary facilities
- Food preparation and refuse disposal
- Space and security
- Thermal environment
- Illumination and electricity
- Structure and materials
- Interior air quality
- Water supply
- Lead-based paint
- Access
- Site and neighborhood
- Sanitary conditions
- Smoke detectors
- Carbon Monoxide Detector (a working CO detector is required in all units that use natural or propane gas, per Resolution 418, dated December 17, 1997)

All program housing must meet the HQS performance requirements, both at commencement of assisted occupancy and throughout the assisted tenancy.

HQS Quality Control: For the Section Eight Management Assessment Program, a RHA supervisor or other quality person performed quality control HQS inspections during the RHA fiscal year for a sample of units under contract. The RHA supervisor's re-inspection sample was drawn from recently completed HQS inspections (those done within 3 months preceding the quality control inspection) and drawn to represent a cross section of neighborhoods and the work of a cross section of inspectors (if more than one inspector).



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### Types of HQS Inspections:

- A. Initial Inspections: Performed by the PHA staff after receiving the Request for Tenancy Approval from the applicant.
- B. Yearly Inspections: As required by HUD for tenants continuing to receive assistance and remaining in the same unit.
- C. Re-inspections: Inspections that are performed by PHA staff for the purpose of verifying that deficiencies noted in the previous inspection have been corrected and meet HQS.
- D. Quality Control Inspections: The Executive Director will re-inspect five per cent (5%) based on a random sample, of the total number of Section 8 units under HAP Contract to insure that inspections are being performed in compliance with HQS standards. The Program Specialist will maintain a file that documents the quality control inspections.
- E. Special Inspections: These types of inspections may be necessary when:
- a tenant reports uncorrected deficiencies, even after the landlord has been notified;
  - a federal official visits the PHA to perform a compliance review of the PHA.
- F. Biannual Inspections: If the inspections of all properties owned by an owner have resulted in no failures due to life threatening deficiencies for a period of at least two years, the annual inspections may be replaced with biannual inspections. A later HQS failure due to life threatening deficiencies would cause the owner to revert to annual inspections until another two-year period of no failures.

HQS Enforcement: For the Section Eight Management Assessment Program, certification states that the RHA's quality control sample of case files with failed HQS inspections show that, for all cases sampled, any cited life threatening HQS deficiencies were corrected within 24 hours from the inspection and, for at least 98 percent of cases sampled, all other cited HQS deficiencies were corrected within no more than 30 calendar days from the inspection or HA approved extension, or if any life threatening HQS deficiencies were not corrected within 24 hours and all other HQS deficiencies were not corrected within 30 calendar days or any HA approved extension, the HA stopped (abated) housing assistance payments (HAP) beginning no later than the first of the month following the correction period, or took prompt and vigorous action to enforce family obligations.

### **SECURITY DEPOSITS**

The owner establishes the amount of the security deposit to be charged. The security deposit must be consistent with private market practice or security deposits for the owner's unassisted units. When the tenant moves out of the dwelling unit, the owner, subject to state and local law, may use the security deposit as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease. The owner must give the tenant a written list of all charges against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must promptly refund the full amount of the unused balance to the tenant. This must be accomplished within 30 days of move out.

NOTE: If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant. The PHA is not responsible for any damages to the unit and will not process any damage claims for HAP Contracts signed after October 2, 1995.

### **ISSUING, EXTENDING AND DENYING HOUSING VOUCHERS**

The PHA will select families for participation in the Section 8 Program in accordance with the procedures outlined in this Administrative Plan and HUD regulations. Housing Vouchers will be issued to families in accordance with the Occupancy Standards as outlined herein and consistently applied for all families of like composition.

Section 24 CFR 982.551 and 982.553 outline the grounds for denial or termination of assistance. In cases where assistance is either denied or terminated the informal review or hearing requirements as outlined in Section 24 CFR 982.554 and 982.555 shall apply.

The following shall be taken into consideration when requests for an Extension of the Housing Voucher is made; however, the initial term plus any extensions may not exceed a total period of one hundred and twenty (120) days from the beginning of the initial term:

1. The degree to which the family has made an effort to locate an acceptable unit by contacting landlords, real estate companies, etc.
2. The support services requested and provided.
3. Extenuating circumstances, such as hospitalization, family emergencies, etc., which affected the family's ability to locate an acceptable unit during the first sixty (60) day period but are not expected to affect their search during the additional period, if granted.
4. Whether the family's size or need for barrier-free housing has affected their success in finding an acceptable house within the initial sixty (60) day period but that a reasonable chance for success would exist if the family was awarded additional time; and
5. Whether the family has submitted any previous Request for Tenancy Approval which, although not approvable, has demonstrated their efforts to locate a unit.

If the Housing Voucher expires at the end of the initial sixty (60) day period without an extension or if it expires after any additional term requested and approved by PHA, the participant will be removed from the Section 8 Program waiting list. The family may reapply for the program if they so desire and be placed back on the waiting list according to the date and time of their re-application and any other relevant factors.

The PHA may not determine the family to be ineligible for the programs based on the grounds that it was not able to utilize a previously issued Housing Voucher. Any expired Housing Voucher will be reissued to the next eligible applicant on the waiting list.

Section 24 CFR 982.306 outlines the grounds for denial of participation of an owner in the Section 8 Program. The PHA may deny participation by an owner if the owner has:

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- Violated obligations under any Section 8 HAP Contract.
- Committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing programs.
- Manufactured, sold or distributed illegal drugs.
- Has a history of non-compliance of HQS or similar standard in any federal housing program.
- Has a history of leasing units that fail State or local housing codes.
- Has not paid State or local real estate taxes, fines or assessments.

### **RE-EXAMINATIONS FOR CONTINUED OCCUPANCY**

Re-examinations of income and family circumstances are required at least annually and at certain other times in order to establish continued program eligibility and the correct total tenant payment.

1. Collection and verification of data will be performed as follows:

A. After proper notice, each tenant will be sent a letter requesting required information on income and family composition. The family will be required to sign the necessary forms and to provide information which the PHA deems necessary to determine eligibility. Failure to cooperate in supplying required information will lead to termination of assistance. Failure to complete re-examination includes:

- Failure to supply or cooperate in the verification process pertaining to income, family composition and eligibility, or unit inspection;
- Refusal to properly execute required documents; and/or
- Failure to have an HQS inspection.

B. To assure that the data upon which determinations of eligibility for continued occupancy, rents to be paid, and size of dwelling required are to be based are true and complete, the information submitted by each tenant will be verified. Acceptable methods of verifications are the same as for admission, including, but not limited to, employers' reports, award letters, reliable oral third party verification where proper documentation is recorded by a staff person, and dated, Internal Revenue data, notarized statements, Enterprise Income Verification (EIV), or signed affidavits. Notarized statements will not be heavily relied on since they are self-serving documents and therefore are not acceptable in lieu of other verification methods.

C. All documentation must reflect the gross amount of income, i.e., wages plus tips, commissions or gratuities. If current checks or copies of recent checks with information such as date, amount and check number are obtained, the gross amount must also be reflected.

D. Verification data will be reviewed and evaluated as received for completeness, accuracy, and conclusiveness. Where information is not conclusive, follow-up to obtain such information is to be made and carried through to conclusion. As all necessary items are verified, verification is to be recorded in the tenant's file. As part of the record, the responsible family member(s) shall sign and date the re-examination application. Where required, a duly authorized representative of the PHA shall also sign the required forms.

2. Based on verified data on income and family composition, each family will have eligibility re-determined in accordance with applicable HUD regulations with respect to:

A. Eligibility as a family or residual of a family;

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- B. Eligibility with respect to income, Total Tenant Payment and Net Assets;
- C. Eligibility for the size of dwelling unit required;
- D. Eligibility with respect to compliance with program requirements; and
- E. Eligibility as a citizen and/or eligible immigrant.

Each tenant family will be advised in writing of the results of any re-examinations, including their right to a grievance hearing, if required, if they disagree with the actions of the PHA.

### 3. Follow-up actions after re-examinations will be taken as follows:

A. If the re-examination discloses that the tenant, at time of re-examination, made a misrepresentation that resulted in the tenant's classification as eligible, when in fact the tenant was ineligible, the Housing Assistance Payments will be discontinued immediately. If it is determined that at any time the tenant made a misrepresentation which resulted in a lower rent than should have been paid, the difference will be paid by the tenant to the PHA in full and assistance may also be terminated if fraud was involved. In the event that the falsification of income or family composition is discovered by the PHA, at any time of the year, a re-examination will be immediately scheduled, and the tenant will be required to pay the full amount of back rent owed, and may be terminated from the Section 8 Program if fraud was involved.

B. If at the time of re-examination a tenant is determined ineligible for the size of the current unit occupied, a Housing Voucher of appropriate size will be offered to the tenant. When and if an acceptable available unit is located, the lease along with the HAP Contract with the current owner will be terminated in accordance with their terms. The new unit must meet all criteria of the Housing Quality Standards. If the tenant chooses to remain in the existing unit, the payment standard for which the tenant is now eligible will be issued.

C. If a tenant is required to move due to the condition of the unit because the landlord refuses to correct the deficiencies, the PHA will terminate the HAP Contract with the owner. Affected tenants will be issued a Housing Voucher in advance of the termination date, if at all possible.

D. If the owner does not wish to renew the lease, and there are such provisions for the termination in the lease, tenant eligibility is re-determined as discussed above and a new Housing Voucher is issued. If the tenant is evicted by the owner, the tenant will be determined ineligible for continued assistance.

### 4. Interim re-examinations may be initiated by either the PHA or the tenant under the following circumstances:

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A. The PHA reserves the right, at any time, to require that a tenant be re-examined every thirty (30) days.

B. When a tenant reports no income, they will receive a special re-examination every thirty (30) days.

C. When it is impossible to project a tenant's income with any accuracy, special re-examinations may be conducted at intervals to be decided by the PHA until a reasonable projection can be made.

D. When a tenant reports loss of income, a re-examination will be held to recalculate the Total Tenant Payment.

E. When the household's income increases.

F. When the source of income has changed.

All reductions in Total Tenant Payment shall be effective on the first day of the month following the date in which all required documents are received.

Increases in Total Tenant Payment will be effective on the first day of the second month in which the change occurred. The Housing Voucher holder is required to retroactively repay in full any difference between the original Total Tenant Payment.

Determination of Adjusted Income: The Section Eight Management Assessment Program certification states that based on RHA's quality control sample of tenant files, for least 90 percent of the families; The PHA obtains 3<sup>rd</sup> party verification of reported annual income, the value of assets, expenses related to deductions from annual income and other factors that affect the determination of adjusted income, and/or documents to tenant files. The number of files to be sampled in the QC sample will be the same as the number determined for SEMP indicator 2, (RR).

### **ADJUSTMENT TO UTILITY ALLOWANCES AND CONTRACT RENTS, PLUS MONTHLY HOUSING ASSISTANCE PAYMENTS**

1. Utility Allowances: Annually the PHA shall determine whether there has been a substantial change in utility rates or other change of general applicability, and whether an adjustment is required in the Allowance of Utilities and Other Services by reason of such changes or because of errors in the original determination. If the PHA determines that an adjustment should be made, the PHA shall establish a schedule of adjustments taking into account size and type of dwelling units and other pertinent factors and shall furnish HUD with a copy of the adjusted schedule.

2. Contract Rents: Contract Rents may be adjusted by the PHA on an annual basis and for special adjustments as provided below:

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A. Annual Adjustment: Upon request from the owner to the PHA, an annual adjustment may be made if the Contract unit is in decent, safe and sanitary condition and the Owner is otherwise compliant with the terms of the Lease and the HAP Contract. Annual adjustments, as of any anniversary date, shall be determined by using the Section 8 Fair Market Rent most recently published by HUD in the Federal Register. The Contract rent may be adjusted upward or downward; however, in no case shall the adjusted rent be less than the Contract rent on the effective date of this Contract.

B. Special Adjustment: Subject to HUD approval, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increase in real property taxes, utility rates or similar costs (i.e. assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for as in Section A above in this section. The Owner shall submit financial statements to the PHA which clearly support the increase.

Overall Limitation of Adjustments: Notwithstanding any other provisions of this part, adjustment as provided for in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units.

3. Monthly Public Housing Assistance Payments (HAP): Monthly payments will be made to an owner on behalf of a family participating in the Section 8 program. Payments will be issued in accordance with the Housing Assistance Payment Contract. The checks will be issued on the first day working day of each month and mailed directly to the participating owner. A copy of the check will be kept and serves as a record of payment.

### **EXAMINATION OF INCOME AND FAMILY CIRCUMSTANCES**

Rent, as initially determined or at annual re-examination, will remain in effect for the period between regular re-examination of family income and composition unless the following changes in family circumstances occur. Also, Section 8 participants agree to report, in writing, and provide certification following any change in annual income within fifteen (15) calendar days of the occurrence.

Loss or addition to family composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstances, and the amount, if any, of such family member's income, any such additions, other than birth, must be approved by the PHA in advance, and must qualify under the same guidelines as an applicant or any prospective participant.

Employment, unemployment, or changes in employment of a permanent nature of the family head, spouse, or other wage earner that is eighteen (18) years of age.

The final estimate of Family Income will be made by the PHA on the basis of verified information regarding income.



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There is no minimum income requirement, but the staff should use good interviewing skills to determine whether there is income.

Families cannot be required to apply for public assistance, but it may be suggested to them.

Families will be required to report any changes in their income status within fifteen (15) calendar days of the occurrence of employment and/or any other type of income received. Families with zero income will be requested to recertify more frequently.

### 1. Annual Re-Examination:

A. Once each year, the Housing Authority must re-examine the income and family composition of all families participating in the Section 8 Program in accordance with 24 CFR 5.617. Verifications acceptable to the PHA shall be obtained and determinations made. In the event of failure or refusal of the family to report the necessary information, the PHA will terminate the assistance.

B. Records shall be maintained by the PHA to insure that every participant's income and family composition has been re-examined within a twelve (12) month period.

C. Upon completion of re-examination and verification, the participant shall be notified, in writing, no later than thirty (30) days prior to the effective date of the following:

- Any change in rent and the date on which it becomes effective; and/or
- Any change required because of a change in the composition of the family.  
(A copy of such notification will be retained in the participant's file).

2. Interim Re-determination of Rent: Rent, as set at admission or annual re-examination, will remain in effect for the period between regular rent determinations unless changes in family circumstances occur. The participant is required and agrees to report, in writing, the following specified changes in family income and composition within fifteen (15) calendar days of occurrence.

A. Loss or addition to family composition of any kind through birth, death, marriage, divorce, removal or other continuing circumstance and the amount, if any, of such family member's income. Any such additions, other than birth, must be approved by the PHA in advance, and must qualify under the same guidelines as an applicant or any prospective participant.

B. Employment, unemployment or changes in income for employment of a permanent nature of the family head, spouse, or other wage earner eighteen (18) years of age or older.

C. The starting or stopping of, or an increase or decrease in, in any benefits or payments received by any member of the family or household from Old Age Pension, Temporary

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Assistance for Needy Families, Black Lung, Railroad Retirement, Private Pension Fund, Disability Compensations, Veterans Administration, Child Support, Alimony, Regular Contributions or Gifts. Lump sum payments or retroactive payments of benefits from any of the above sources which constitute the sum of monthly payments for a preceding period paid in a lump sum must be reported and rent adjusted retroactively on such income to date of eligibility for any family member residing in the household for that period of time.

D. Cost of living increases in Social Security need not be reported until next re-examination and re-determination of rent.

E. Errors of omission made at admission or re-examination shall be corrected by the PHA. Retroactive payments will be made to the participant if the error is in his/her favor.

3. Notice of Temporary Rent: On occasions, the PHA is required to compute rent based on information that is supplied by the participant and third party information that has not or will not be provided by the employer. When this situation occurs, the PHA will compute a temporary rent based on the information available. Once the information is verified, the participant will be notified in writing. If an underpayment was made based on the information provided, the participant will have fourteen (14) days from the date of the PHA notification to pay the amount specified. If the participant has made an overpayment, that amount will be credited to his/her account with the landlord. The head of household and spouse (if applicable) and a PHA representative are required to sign this Notice of Temporary Rent that is then appropriately filed with a copy provided to the participant.

### 4. The Effective Dates of Interim Re-Determination of Rent:

A. Any decrease in rent resulting from any decreases in family income will be made effective the first of the month following the date the decrease in family income was reported and verified in writing.

B. The participant agrees to pay any increase in rent resulting from an increase in family income the first of the second month following the date in which such increase in family income occurred, and also to pay any back rent due because of failure to report such increase in family income.

- 1) Any interim change in rent will require re-verification of all family income that has not been verified within ninety (90) calendar days of the previous rent determination.
- 2) Participant agrees to pay any increase in rent resulting from the implementation of changes in rent computation or increases due to changes in regulations, policies or procedures requiring implementation by the United States Department of Housing and Urban Development.
- 3) If it is found that a participant has misrepresented or failed to report facts upon which rent is based so that the participant is paying less than they should be,

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the increase in rent shall be made retroactive to the date the increase would have taken effect. The participant will be required to pay the difference between the rent paid and the amount that should have been paid. In addition, the participant may be subject to civil and criminal penalties. Misrepresentation is a serious program violation, which may result in termination.

C. Income changes for a period less than forty-five (45) days will not constitute the necessity for a rent adjustment.

5. Special Re-Examinations: Special re-examinations are pre-scheduled extensions of admission or continued occupancy determinations, and will be considered for the following reasons:

A. If it is impossible to determine annual family income accurately due to instability of family income and/or family composition, a temporary determination of income and rent is to be made, and a special re-examination shall be scheduled for thirty (30), sixty (60), or ninety (90) days, depending on circumstances. The participant shall be notified, in writing, of the date of the special re-examination.

B. If the family income can be anticipated at the scheduled time, the re-examination shall be completed and appropriate actions taken. If a reasonable anticipation of income cannot be made, another special re-examination shall be prescribed and the same procedure followed as stipulated in the preceding paragraph until a reasonable estimate can be made.

C. Rents determined at special re-examinations shall be made effective as noted in 4 A and B above.

6. Reduction of Welfare Benefits: If the Section 8 participant requests an income re-examination and the rent reduction is predicated on a reduction in tenant income from welfare, the request will be denied, but only after obtaining written verification from the welfare agency that the families' benefits have been reduced because of the following:

- Non-compliance with Economic Self-Sufficiency Program;
- Work activities requirements; or
- Because of fraud.

7. Exception to Rent Reductions: Family whose welfare benefits are reduced specifically because of fraud, family's failure to participate in an economic self-sufficiency program, or because of failure to comply with work activities requirements will not have their Section 8 tenant-based assistance affected by such a reduction.

### **BRIEFING OF FAMILIES**

When the PHA selects a family to participate in a tenant-based program, it must provide an oral briefing of the following subjects:

- A description of how the program works;
- Family and owner responsibility;
- Where the family may lease a unit, including renting a dwelling unit inside or outside the PHA's jurisdiction;
- When a family qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the briefing will include an explanation of how portability works. In addition, the PHA may not discourage the family from choosing to live anywhere in the PHA jurisdiction or outside the PHA jurisdiction under portability procedures;
- If a family is currently living in a high poverty census tract in PHA jurisdiction, the briefing will also explain the advantages of moving to an area that does not have a high concentration of poor families; and
- In the briefing process if a family includes a disabled person, the PHA will take appropriate steps to include Limited English Proficiency, (LEP) to ensure effective communication through reasonable accommodations.

A briefing packet containing all items as required and related to information about the Section 8 Existing Housing Program will be given to eligible families at the time of issuing the Housing Voucher. Individual or group briefing sessions will be conducted to relay pertinent information to the eligible family, including information about fair housing rights. A listing of owners and rental agents that are actively participating in the program will be given to each Housing Voucher holder. Families with special problems will be given individual counseling if requested.

A standard Section 8 lease is available for use by the landlord but not required. The landlord may use his lease. However, the lease must not contain any clause adversely affecting the family's rights under the lease. The Executive Director will review and approve the lease. The landlord and tenant must sign a HUD Tenancy Addendum in addition to the Lease. The Tenancy Addendum will describe the types of lease provisions that are prohibited.

Information on Housing Quality Standards, inspection process, fair market rents, payment standards and availability of units will be discussed.

#### **The family must:**

Supply such certification, release, information or documentation as the PHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible alien status, and submissions required for an annual or interim re-examination of family income and composition.

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Allow the PHA to inspect the dwelling unit at reasonable times and after reasonable notice.

Notify the PHA before vacating the dwelling unit.

Use the dwelling unit solely for residence by the family, and as the family's principal place of residence.

Report any changes in income and/or family composition within fifteen (15) days of the change.

### **The family must not:**

Own or have any interest in the dwelling unit.

Commit any fraud in connection with the Section 8 Existing Housing Program.

Receive housing assistance under the Section 8 Existing Housing Program while occupying, or receiving housing assistance for occupancy of, any other unit assisted under any Federal housing assistance program (including the Section 8 Program).

Sublease or assign the lease or transfer the unit.

Engage in drug-related criminal activity or violent criminal activity, including criminal activity by any family member, guests or visitors.

The Section 8 Existing information packet will contain a combination of information for the following items:

1. The term of the voucher, and PHA policy on any extensions or suspensions of the term.
2. How the PHA determines the Housing Assistance Payment for a family; and information on the payment standard and the PHA utility allowance schedule.
3. How the PHA determines the maximum rent for an assisted unit.
4. What the family should consider in deciding whether to lease a unit, including:
  - The condition of a unit;
  - Whether the rent is reasonable;
  - The cost of any tenant-paid utilities and whether the unit is energy-efficient;
  - The location of the unit, including proximity to employment, schools and shopping.
5. Where the family may lease a unit.

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6. The HUD-required Tenancy Addendum.
7. The form of request for tenancy approval, and an explanation of how to request PHA approval to lease a unit.
8. A statement of the PHA's policy on providing information about a family to prospective owners.
9. PHA subsidy standards, including when the PHA will consider granting exceptions to the standards.
10. The HUD brochure on how to select a unit.
11. The HUD lead-based paint brochure.
12. Information on Federal, State and local equal opportunity laws, and a copy of the housing discrimination complaint form.
13. A list of landlords or other parties known to the PHA who may be willing to lease a unit to the family, or help the family find a unit.
14. Notice that if the family includes a disabled person, the family may request a current listing of accessible units known to the PHA that may be available.
15. Family obligations under the program.
16. The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act.
17. PHA informal hearing procedures.

### PORTABILITY

The following portability procedures shall be administered by either the initial PHA or the receiving PHA as indicated:

1. It is the responsibility of the initial PHA to determine if a family is income eligible in the area where the family wants to lease.
2. It is the initial PHA's responsibility to advise the family on how to contact and request assistance from the receiving Housing Authority. In addition, at the same time the initial PHA must notify the receiving PHA of the family's expected arrival.
3. It is the family's responsibility to promptly contact the receiving PHA and comply with all of that PHA's procedures for incoming portable families.
4. It is the initial PHA's responsibility to provide the receiving PHA with the family's most recent Family Report (HUD Form 50058) and the Family Portability Information Report (HUD Form 52665), as well as all related verification information. The PHA has the option to conduct a new re-examination. The family must pass the receiving PHA's screening process.
5. It is the receiving PHA's responsibility to promptly inform the initial PHA whether PHA will bill the initial PHA for assistance or will absorb the family into its own program.
6. The receiving PHA must issue a voucher to the family and the term of the PHA voucher cannot expire before the expiration date of the initial PHA voucher.
7. It is the responsibility of the receiving PHA to determine the family unit size for the portable family, and the family unit size will be determined by the PHA's existing subsidy standard.
8. It is the responsibility of the receiving PHA to notify the initial PHA if the family has either leased an eligible unit or that the family failed to submit a request for tenancy approval within the term of the voucher.
9. It is the responsibility of the PHA to provide all PHA program functions. However, either the initial PHA or receiving PHA may, at any time, make a determination to deny or terminate assistance to the family.
10. Portability billing: The receiving PHA may bill the initial PHA for housing assistance payments and administrative fees. The initial PHA must promptly reimburse the receiving PHA for the full amount of the Housing Assistance Payments made by the receiving PHA for the portable family. The amount of the Housing Assistance Payment for a portable family in the receiving PHA's program is determined in the same manner as for other families in the receiving PHA's program. The initial PHA must promptly

## Administration Plan for the Housing Authority of the City of Rolla

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reimburse the receiving PHA for eighty per cent (80%) of the initial PHA's on-going administrative fee for each unit month that the family receives assistance under the tenant-based programs from the receiving PHA. HUD may reduce the administrative fee to an initial PHA if the PHA does not promptly reimburse the receiving PHA for Housing Assistance Payments or fees on behalf of portable families.



**PAYMENT STANDARDS AND RENT REASONABLENESS**

1. Negotiating Rent to Owner: The owner and the family are to negotiate the rent to owner. At the family's request, the PHA must help the family negotiate the rent to owner.

2. Rent to Owner-Reasonable Rent:

The PHA must determine and document whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider:

- The location, quality, size, unit type, and age of the contract unit; and
- Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

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

3. Establishing Payment Standard Amounts:

The PHA may establish the payment standard amount for a unit size at any level between 90 per cent and 110 per cent of the published FMR for that unit size. HUD approval is not required to establish a payment standard amount in that range (the basic range).

4. How to Calculate Housing Assistance Payment:

A payment standard is used to calculate the monthly housing assistance payment for a family. The payment standard is the maximum monthly subsidy payment.

The PHA shall pay a monthly housing assistance payment on behalf of the family that is equal to the lower of:

- The payment standard for the family minus the total tenant payment, or
- The gross rent minus the total tenant payment.

The payment standard amount for the family is the lower of:

- The payment standard amount for the family unit size; or
- The payment standard amount for the size of the dwelling unit rented by the family.

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### 5. PHA Approval of Higher Payment Standard for the Family as a Reasonable Accommodation:

If the family includes a person with disabilities and requires a higher payment standard for the family, as a reasonable accommodation for such a person, the PHA may establish a higher payment standard for the family within the basic range.

### 6. Regular tenancy: Annual adjustment of rent to owner:

At each annual anniversary date of the HAP contract, the PHA must adjust the rent to owner at the request of the owner in accordance with CFR 24 982.519.

The adjusted rent to owner equals the lesser of:

- The reasonable rent; or
- The amount requested by the owner.

### 7. Other Fees and Charges:

A. The cost of meals or supportive services may not be included in the rent to owner, and the value of meals or supportive services may not be included in the calculation of reasonable rent.

B. The lease may not require the tenant or family members to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

C. The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

### 8. Distribution of Housing Assistance Payment:

The monthly Housing Assistance Payment is distributed as follows:

A. The PHA pays the owner the lesser of the Housing Assistance Payment or the rent to owner.

B. If the Housing Assistance Payment exceeds the rent to owner, the PHA may pay the balance of the Housing Assistance Payment either to the family or directly to the utility supplier to pay the utility bill on behalf of the family.

### 9. Family Share-Family Responsibility:

A. The family share is calculated by subtracting the amount of the Housing Assistance Payment from the gross rent.

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B. The PHA may not use Housing Assistance Payments or other program funds to pay any part of the family security deposits. Payment of the family security deposits is the responsibility of the family.

### 10. Family Income and Composition – Regular and Interim Examinations:

#### A. PHA responsibility for re-examination and verification:

- The PHA's responsibilities for reexamining family income and composition are specified in 24 CFR part 5, subpart F.
- The PHA must obtain and document in the tenant file third party verification of the following factors, or must document in the tenant file why third party verification was not available:
  - o Reported family annual income;
  - o The value of assets;
  - o Expenses related to deductions from annual income; and
  - o Other factors that affect the determination of adjusted income.

#### B. When PHA conducts the interim re-examination:

- At any time, the PHA may conduct an interim re-examination of family income and composition.
- At any time, the family may request an interim determination of family income or composition because of any changes since the last determination. The PHA must make the interim determination within a reasonable time after the family request.
- Interim examinations must be conducted in accordance with policies in the PHA administrative plan.

C. Family reporting of change: The PHA must adopt policies prescribing when and under what conditions the family must report a change in family income or composition.

#### D. Effective date of re-examination:

- The PHA must adopt policies prescribing how to determine the effective date of a change in the Housing Assistance Payment resulting from an interim re-determination.
- At the effective date of a regular or interim re-examination, the PHA must make appropriate adjustments in the Housing Assistance Payment and family unit size.

E. Family member income: Family income must include income of all family members, including family members not related by blood or marriage. If any new family member is added, family income must include any income of the additional family member. The PHA must conduct a re-examination to determine such additional income, and must make appropriate adjustments in the Housing Assistance Payment and family unit size.

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### 11. Utility Allowance Schedule:

#### A. Maintaining schedule:

- 1) The PHA must maintain a utility allowance schedule for all tenant-paid utilities (except telephone, cable and satellite), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection).
- 2) At HUD's request, the PHA also must provide any information or procedures used in preparation of the schedule.

#### B. How allowances are determined:

- 1) The utility allowance schedule must be determined 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 locality. In developing the schedule, the PHA must use normal patterns of consumption for the community as a whole and current utility rates.
  - A PHA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing services that are necessary in the locality to provide housing that complies with the housing quality standards. However, the PHA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.
  - In the utility allowance schedule, the PHA must classify utilities and other housing services according to the following general categories: space heating, air conditioning, cooking, water heating, water, sewer, trash collection, other electric, refrigerator (cost of tenant supplied refrigerator), range (cost of tenant-supplied range), and other specified housing services. The PHA must provide a utility allowance for tenant-paid air conditioning costs of the majority of housing units in the market provide centrally air-conditioned units or there is appropriate wiring for tenant-installed air conditioners.
- 2) The cost of each utility and housing service category must be stated separately. For each of these categories, the utility allowance schedule must take into consideration unit size (by number of bedrooms), and unit types (e.g., apartment, row house, town house, single family detached, and manufactured housing) that are typical in the community.
- 3) The utility allowance schedule must be prepared and submitted in accordance with HUD requirements on the form prescribed by HUD.

#### C. Revisions of utility allowance schedule:

- 1) A PHA must review its schedule of utility allowances each year, and must revise its allowance for a utility category if there has been a change of 10 per cent (10%)

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or more in the utility rate since the last time the utility allowance schedule was revised. The PHA must maintain information supporting its annual review of utility allowances and any revisions made in its utility allowance schedule.

- 2) At HUD's direction, the PHA must revise the utility allowance schedule to correct any errors, or as necessary, to update the schedule.

### D. Use of utility allowance schedule:

- 1) The utility allowance for a family shall be the lower of: (a) the utility allowance for the family unit size; or (b) the utility allowance for the unit size rented by the family<sup>2</sup>.
- 2) At re-examination, the PHA must use the Housing Authority's current utility allowance schedule.

E. Higher utility allowance as reasonable accommodation for a person with disabilities: On request from a family that includes a person with disabilities, the PHA must approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation in accordance with 24 CFR part 8 to make the program accessible to and usable by the family member with a disability.

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<sup>2</sup> Revised Resolution # 658 - February 18, 2015

**SECTION 8 VOUCHER PROGRAM  
PAYMENT STANDARDS**

The Payment Standard will be posted for viewing in the Housing Authority office and supplied upon request.

**SUBSIDY STANDARDS**

The following subsidy standards shall determine the number of bedrooms required to accommodate each family without overcrowding or over-housing:

<b>Number of Bedrooms</b>	<b>Number of Persons</b>	
	<b>Minimum</b>	<b>Maximum</b>
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

Section 8 participants shall be issued a Voucher based on the subsidy standard listed above. In determining family unit size for a particular family, the PHA may grant an exception to the above subsidy standard if the PHA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances.

The family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, unless a live-in aide resides with the family. Any live-in aide must be approved by the PHA, in advance, and reside in the unit to care for a family member who is disabled or is at least 50 years of age. A live-in aide must be counted in determining the family unit size.

A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

**SECTION 8 OPERATING RESERVES**

The PHA will expend its Section 8 Operating Reserve funds for other housing purposes consistent with authority under State and local law, provided that the amounts used for other housing purposes are not required for projected Section 8 administrative expenses through remaining Annual Contributions Contract (ACC) terms. If the PHA anticipates that ongoing fees will not be sufficient for ongoing administrative costs through its ACC terms, an appropriate amount will be retained in the Operating Reserve for project administrative costs.

The expenditures for housing purposes must be approved by the PHA's Board of Commissioners. The Board of Commissioners, as part of the approval of expenditures, will make a determination that the expenditures are necessary and reasonable for other housing purposes consistent with authority under State and local law.

Only special funds will be treated in accordance with their special purpose.



### **ORGANIZATIONAL STRUCTURE AND PROGRAM OPERATIONS**

The Section 8 Program as administered by the PHA has two full time employees; one Section 8 Program Specialist, and a Maintenance/Inspector. The person assigned to oversee all contracts and operations will be the Executive Director and his/hers is the final signature required on all contracts.

The existing Section 8 staff will be utilized for the Section 8 program. The following is a summary of the staff responsibilities. All positions are currently filled:

- A. Section 8 Program Specialist – This individual is generally responsible for the total day-to-day administration of the Section 8 Housing Assistance Program. This individual reports to the Executive Director.
  
- B. Maintenance/Inspector – The individual performs all HQS inspections

The above positions are direct Section 8 staff. Additional staffing support is provided by the administrative staff of the Housing Authority of the City of Rolla. Allocations of administrative staff time by positions are listed in the Operating Budget. Actual proration's may vary from year to year as submitted in the Housing Authority of the City of Rolla's Section 8 Operating Budget.

The PHA has a total Annual Contributions Contract (ACC) of one hundred sixty (160) vouchers. This is overseen by the Department of Housing and Urban Development's local area office which holds scheduled audits on fiscal matters, program performance and compliance.

## Administration Plan for the Housing Authority of the City of Rolla

### **DECONCENTRATION RULE**

The objective of the deconcentration rule for Section 8 tenant-based assistance is to admit no less than 75 per cent (75%) of its new admissions to the program to families that have income at or below thirty per cent (30%) of the area median income. The PHA will track the status of all new admissions monthly by utilizing income reports generated by the PHA's computer system. The goal will be tracked semi-annually. The practice will continue until the PHA achieves its goal. The PHA's Section 8 applicant selection process, which is contained in the Section 8 Administrative Plan, provides for the utilization of local preference to accomplish this goal.

### **ADMINISTRATIVE FEE RESERVE EXPENDITURES**

All expenditures from the administrative fee reserve of the Section 8 Program will be approved by the Board of Commissioners of the PHA.

### **SPECIAL HOUSING TYPES**

This Housing Authority has elected not to permit use of an SRO, congregate housing, group homes, shared housing and cooperative housing types in its program unless a special housing type is needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8.

**INFORMAL REVIEW FOR APPLICANTS**

1. Notice to Applicant: The PHA will give an applicant for participation prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the PHA's decision. The notice will also state that the applicant may request an informal review of the decision and the notice will describe how to obtain the informal review.

2. Informal Review Process: The PHA will give an applicant an opportunity for an informal review of the PHA's decision denying assistance to the applicant. The PHA review procedures will be as follows:

A. The review will be conducted by a person designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.

B. The applicant will be given an opportunity to present written or oral objections to the PHA's decision.

C. Applicant will be given opportunity to view documents.

D. The PHA will notify the applicant of the final decision after the informal review, including a brief statement of the reasons for the final decision.

3. When Informal Review is not Required: The PHA is not required to provide an applicant an opportunity for an informal review for any of the following:

A. Discretionary administrative determinations by the PHA.

B. General policy issues or class grievances.

C. A determination of the family unit size under the PHA subsidy standards.

D. A PHA determination not to approve an extension or suspension of a voucher term.

E. A PHA determination not to grant approval to lease a unit under the program or to approve a proposed lease.

F. A PHA determination that a unit selected by the applicant is not in compliance with HQS.

G. A PHA determination that the unit is not in accordance with HQS because of the family size or composition.

**ELIGIBILITY OF SECTION 8 EXISTING PARTICIPANT FOR REQUESTING AN INFORMAL HEARING**

The Housing Assistance Payments Program of the Housing Authority of the City of Rolla must provide an opportunity for an informal hearing if requested by the family, to consider whether the following decisions or determinations relating to the individual circumstances of the family are in accordance with the law, the U.S. Department of Housing and Urban Development's regulation and the rules and regulations of the PHA.

1. When a Hearing is Required:

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

- 1) PHA's determination of the family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment.
- 2) PHA's determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule.
- 3) PHA's determination of the family unit size under the PHA subsidy standards.
- 4) PHA's determination to terminate assistance for a participant family because of the family's action or failure to act.
- 5) PHA's determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.

B. In the cases described in 4 and 5 above, the PHA must give the opportunity for an informal hearing before the PHA terminates Housing Assistance Payments for the family under an outstanding HAP contract.

2. When Hearing is Not Required: The PHA is not required to provide a participant family an opportunity for an informal hearing for any of the following:

- A. Discretionary administrative determinations by the PHA.
- B. General policy issues or class grievance.
- C. Establishment of the PHA schedule of utility allowances for families in the program.
- D. A PHA determination not to approve an extension or suspension of a voucher term.
- E. A PHA determination not to approve a unit or lease.
- F. A PHA determination that an assisted unit is not in compliance with HQS. (However, the PHA must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.

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G. A PHA determination that the unit is not in accordance with HQS because of the family size.

H. A determination to exercise or not to exercise any right or remedy against the owner under an HAP Contract.

### 3. Notice to Family:

A. In cases described in 1.1, 2, and 3, the PHA shall notify the family that they family may ask for an explanation of the basis of the PHA's determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.

B. In cases described in paragraphs 1A, 4) and 5) of this section, the PHA must give the family prompt written notice that the family may request a hearing. The notice must:

- Contain a brief statement of reasons for the decision;
- State that if the family does not agree with the decision, the family may request an informal hearing on the decision; and
- State the deadline for the family to request an informal hearing.
- Procedure to request informal hearing must be in writing and be submitted to the office within ten (10) days of letter.

### 4. Hearing Procedures

A. Administrative Plan – The administrative plan must state the PHA's procedures for conducting informal hearings for participants.

B. Discover:

- 1) By family – The family must be given the opportunity to examine before the PHA hearing any documents that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If the PHA does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.
- 2) The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at PHA offices before the PHA hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.
- 3) Documents – The term "documents" includes records and regulations.

C. Representation of family – At its own expense, the family may be represented by a lawyer or other representative.

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### D. Hearing Officer. Appointment and authority.

- 1) The hearing may be conducted by any person or persons designated by the PHA, other than a person who made or approved the decision under review or a subordinate of this person.
- 2) The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA's hearing procedures.

E. Evidence – The PHA and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

F. Issuance of decision – The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

5. Effect of decision – The PHA is not bound by a hearing decision.

A. Concerning a matter for which the PHA is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under the PHA's hearing procedures.

B. Contrary to HUD regulations or requirements, or otherwise contrary to federal, State or local law.

C. If the PHA determines that it is not bound by a hearing decision, the PHA must promptly notify the family of the determination, and of the reasons for the determination.

6. Restrictions on assistance for non-citizens – The informal hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR 812.9.

## GRIEVANCE PROCEDURES

### A. Applicability

The Housing Authority of Rolla, hereinafter referred to as the PHA, grievance procedure shall be applicable to all individual grievances as defined below, between the resident and the PHA. The PHA will exclude from the PHA's grievance procedure, any grievance concerning a termination of tenancy or eviction that involves:

- Any criminal activity that threatens the health, safety, or right of peaceful enjoyment of the other residents or employees of the PHA, or
- Any drug-related criminal activity on or near the PHA premises.

This exclusion is only allowed if the PHA uses the local Superior Court, State Court, or other court, as determined by HUD, that meets the due process determination. Magistrate Courts have not been determined to meet the due process determination.

### B. Definitions

1. "Grievance" shall mean any dispute which a resident may have with respect to PHA action or failure to act in accordance with the individual resident's lease or PHA regulations which adversely affect the individual resident's rights, duties, welfare or status.
2. "Complaint" shall mean any resident whose grievance is presented to the PHA in accordance with this procedure.
3. "Elements of Due Process" shall mean an eviction action or a termination tenancy in a State or local court in which the following safeguards are required:
  - (a) Adequate notice to the resident of the grounds for terminating the tenancy and for eviction;
  - (b) Right of the resident to be represented by counsel;
  - (c) Opportunity for the resident to examine all relevant documents, records, and regulations of the PHA prior to the trial for the purpose of preparing a defense;
  - (d) Opportunity for the resident to refute the evidence presented by the PHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the resident may have;
  - (e) A decision on the merits.
4. "Hearing Officer" shall mean a person selected in accordance with this policy to hear grievances and render a decision with respect thereto.

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5. "Hearing Panel" shall mean a panel selected in accordance with this policy to hear grievances and render a decision with respect thereto.

6. "Resident" shall mean the adult person (or persons) other than a live-in aide, who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit, who resides in the unit, and who is the remaining head of household who also signed (executed) the lease, of the resident family residing in the dwelling unit.

7. "Resident Organization" means an organized body of residents with an adopted set of by-laws, a democratic body, and elected officers. It shall include a resident management corporation.

### **C. Procedure prior to a hearing**

Any grievance shall be personally presented, either orally or in writing to the PHA office so that the grievance may be discussed informally and settled without a hearing. In cases of the PHA's failure to act, the grievance or complaint must be submitted within a reasonable time, not in excess of five (5) working days of the PHA action, or not in excess of the number of days stated in a letter of adverse action which is the basis of the grievance. A summary of such discussion shall be prepared within a reasonable time, not in excess of five (5) working days. One copy shall be given to the complainant and one copy retained in the PHA resident file. The summary shall specify the names of the participants, dates of meetings, the nature of the proposed disposition of the complaint and the specific reasons therefore, and shall specify the procedures by which a hearing under this policy may be obtained if the complainant is not satisfied.

### **D. Procedure to obtain a hearing**

1. The complainant shall submit a written request for a hearing to the PHA within a reasonable time after receipt of the summary, not in excess of five (5) calendar days. The written request shall specify:

- The reasons for the grievance, and;
- The action or relief sought

2. A grievance hearing shall be conducted by an impartial person or persons appointed in accordance with this policy. The Hearing Officer or Hearing Panel shall consist of a person or persons other than a person who made or approved the PHA action under review or a subordinate of such person. The Hearing Officer or Hearing Panel may consist of a person or persons who may be an officer or employee of the PHA.

The Executive Director of the PHA shall select a Hearing Officer or Hearing Panel. It shall be the Executive Director's decision, based on facts and circumstances of the grievance, whether to select a single Hearing Officer or a Hearing Panel consisting of



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three or more persons. Careful consideration should be given in the selection of the Hearing Officer or Hearing Panel. The Executive Director is not prohibited from selecting himself/herself provided that he/she is impartial and was not the person who made or approved the PHA's action.

Prior to final selection of the Hearing Officer or Hearing Panel, the Executive Director shall notify the resident organization, when and if one exists, of his/her decision and allow for comment. Resident organizations shall have seven (7) calendar days from the date of the notice to submit comments. Any recommendations or comments received shall be considered by the Executive Director in making the final selection.

The Executive Director shall have fifteen (15) calendar days after receipt of a request for a hearing in which to make a final selection of a Hearing Officer or Hearing Panel.

3. If the complainant does not request a hearing, then the PHA's disposition of the grievance under this policy shall become final.
4. All grievances shall be personally presented orally or in writing pursuant to the informal procedure prescribed in Section C above as a condition precedent to a hearing under this section. However, if the complainant shall show good cause why he failed to proceed in accordance with Section C to the Hearing Officer or Hearing Panel, the provisions of this subsection may be waived by the Hearing Officer or Hearing Panel.
5. Before a hearing is scheduled in any grievance involving the amount of rent which the PHA claims is due, the complainant shall pay to the PHA, to be held in escrow, an amount equal to the amount of the rent due and payable as on the first of the month preceding the month in which the act or failure to act took place. The complainant shall thereafter deposit the same amount of the monthly rent in an escrow account, held by the PHA, monthly until the complaint is resolved by decision of the Hearing Officer or Hearing Panel. The PHA shall hold in escrow all deposits, on behalf of the resident, pending resolution of the complaint. These requirements may be waived by the PHA in extenuating circumstances. Unless so waived, the failure to make such payment shall result in a termination of the grievance procedure.
6. Upon complainant's compliance with subsections 1, 3, 4, and 5 of this section, a hearing shall be scheduled by the Hearing Officer or Hearing Panel promptly for a time and place reasonably convenient to both the complainant and the PHA. A written notification specifying the time, place and procedures governing the hearing shall be delivered to the complainant and the appropriate PHA official.

### **E. Procedure Governing the Hearing**

1. The hearing shall be held before a Hearing Officer or Hearing Panel, as determined by the Executive Director.
2. The complainant shall be afforded a fair hearing, which shall include:

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- (a) The opportunity to examine before the grievance hearing any PHA documents, including records and regulations that are directly relevant to the hearing. The complainant shall be allowed to copy any such document at the complainant's expense. If the PHA does not make the document available for examination upon such request by the complainant, the PHA may not rely on such document at the grievance hearing;
  - (b) The right to be represented by counsel or other person chosen as the complainant's representative and to have such person make statements on the complainant's behalf;
  - (c) The right to a private hearing unless the complainant requests a public hearing;
  - (d) The right to present evidence and arguments in support of the complainant's complaint, to controvert evidence relied on by the PHA, and to confront and cross-examine all witnesses upon whose testimony or information the PHA relies; and
  - (e) A decision based solely and exclusively upon the facts presented at the hearing.
3. The Hearing Officer or Hearing Panel may render a decision without proceeding with the hearing if the Hearing Officer or Hearing Panel determines that the issue has been previously decided in another proceeding.
4. If the complainant or the PHA fails to appear at a scheduled hearing, the Hearing Officer or Hearing Panel may make a determination to postpone the hearing for not more than five (5) business days or make a determination that the party has waived his right to a hearing. Both the complainant and the PHA shall be notified of the determination by the Hearing Officer or Hearing Panel.
5. At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the PHA must sustain the burden of justifying the PHA's action or failure to act against which the complaint is directed.
6. The hearing shall be conducted informally by the Hearing Officer or Hearing Panel and oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The Hearing Officer or Hearing Panel shall require the PHA, the complainant, counsel or other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer or Hearing Panel to obtain an order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly part and granting or denial of the relief sought, as appropriate.

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7. The complainant or the PHA may arrange, in advance and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of the transcript.

8. The PHA must provide reasonable accommodation for persons with disabilities to participate in the hearing. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants. If the complainant is visually impaired, any notice to the complainant which is required under this section must be in an accessible format.

### **F. Decision of the Hearing Officer or Hearing Panel**

1. The Hearing Officer or Hearing Panel shall prepare a written decision, together with the reasons therefore, within a reasonable time after the hearing, but not in excess of seven (7) business days. A copy of the decision shall be sent to the complainant and the PHA. The PHA shall retain a copy of the decision in the complainant's folder. A copy of such decision with all names and identifying references deleted, shall also be maintained on file by the PHA and made available for inspection by a prospective complainant, his representative, or the Hearing Officer or Hearing Panel.

2. The decision of the Hearing Officer or Hearing Panel shall be binding on the PHA which shall take all actions, or refrain from any actions, necessary to carry out the decision unless the PHA's Board of Commissioners determines within a reasonable time, not to exceed thirty (30) days, and promptly notifies the complainant of its determination, that:

(a) The grievance does not concern PHA action or failure to act in accordance with or involving the complainant's lease or PHA regulations, which adversely affect the complainant's rights, duties, welfare or status:

(b) The decision of the Hearing Officer or Hearing Panel is contrary to applicable Federal, State or local law, HUD regulations or requirements of the annual contributions contract between HUD and the PHA.

3. A decision by the Hearing Officer or Hearing Panel, or Board of Commissioners in favor of the PHA or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, any rights the complainant may have to a trial de novo or judicial review in any judicial proceedings, which may thereafter be brought in the matter.

### **G. Actions not a waiver of right to appropriate judicial proceedings**

Any action or failure to act by the complainant in any part of this policy shall not constitute a waiver by the complainant of his right thereafter to contest the PHA's actions in disposing of the complaint in an appropriate judicial proceeding.

## **H. Amendments**

Any amendments that need to be made to these procedures shall only be made after a thirty (30) day comment period is allowed for residents and then only after the PHA has considered the comments received.