Lakewood Township Residential Assistance Program - LTRAP

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

Administrative Plan

Amended August 1, 2026

2026 SECTION 8 HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN
TABLE OF CONTENTS

INTRODUCTION.....1ntro
.

Section 1.0 SELECTION AND ADMISSION POLICIES

1.01 Hiring a Housing Choice Voucher Participant as an Employee of the Local Organization .....

1.02 Preferences .....
1.03 Opening the Waiting List.....
1.04 Closing the Waiting List
1.05 Purging the Waiting List.....
1.06 Removal of Applicants from the Waiting List
1.07 Screening of Applicants.....
1.08 Grounds for Denial of Assistance.....
1.09 Confidentiality of Criminal Records.....
1.10 Notification of Negative Actions.....
1.11 Application Procedures.....
1.12 Applicant Status While on Waiting List.....
1.13 Time of Selection.....
1.14 Income Targeting Requirement.....
1.15 Selection of Families from the Waiting List.....
1.16 First-Year Limitation on Where Family Can Lease a Unit at Initial Participation In the Program.....
1.17 Eligibility of Students for Assisted Housing under Section 8 .....
1.18 Initial Eligibility Certification.....
1.19 Requirement to Attend Interview.....
1.20 Portability Moves from Other PHAs .....
1.21 Income Verification .....
1.21.01 Child Support .....
1.21.02 Pay Stubs as Verification of Income .....
1.21.03 Asset Verification.....
1.22 Final Determination and Notification of Eligibility.....

1.23 Document Retention for Applicants and Participants.....
1.23.01 Applicants .....
1.23.02 Participants .....
1.23.03 Criminal Records.....

Section 2.0 ISSUING VOUCHERS

2.01 Voucher Term .....
2.02 Voucher Expirations .....
2.03 Suspensions.....
2.04 Extensions.....
2.04.01 Reasonable Accommodation Extensions.....
2.04.02 Extensions Due to Extenuating Circumstances .....
2.05 LTRAP Assistance to Voucher Holders.....

Section 3.0 OCCUPANCY POLICIES

3.01 Definition of Groups of Persons That May Qualify as a Family .....
3.02 Family Guests .....
3.03 "Room-mates".....
3.04 Definition of When an Applicant Is Considered to Be Continuously Assisted ....

Section 4.0 ENCOURAGING PARTICIPATION IN AREAS OF NON-CONCENTRATION .....

Section 5.0 AFFIRMATIVELY FURTHERING FAIR HOUSING

5.01 Assistance to Families Claiming Discrimination.....
5.02 Section 8 Housing Choice Voucher Programs.....
5.03 Violence Against Women Act (VAWA) .....

Section 6.0 PROVIDING PARTICIPANT INFORMATION TO PROSPECTIVE OWNERS.....

Section 7.0 DISAPPROVAL OF OWNER .....

Section 8.0 GROUNDS FOR TERMINATING ASSISTANCE

8.01 Terminating for Alcohol Abuse or Criminal Drug Activity .....
8.02 Termination of Assistance to Sex Offenders .....
8.03 Other Reasons for Terminating Assistance.....

Section 9.0 SUBSIDY STANDARDS

9.01 Determination of Family Unit (Voucher) Size.....

9.02 Exceptions to Subsidy Standards .....
9.03 Request for Exceptions to Subsidy Standards.....
9.04 Errors in Subsidy Standards .....
9.05 Changes for Applicants.....
9.06 Changes for Participants .....
9.07 Under-Housed and Over-Housed Families .....
9.08 Ineligible Housing.....

Section 10.0 FAMILY ABSENCE FROM THE DWELLING UNIT .....

10.01 Confinement to Nursing Home or Hospital .....

Section 11.0 DETERMINING ASSISTANCE IF A FAMILY BREAKS UP

11.01 Remaining Member of Tenant Family.....

Section 12.0 INFORMAL REVIEW PROCEDURES FOR APPLICANTS

12.01 Preference Denials .....
12.02 Informal Review Procedures for Applicants.....
12.03 When an Informal Review is Not Required.....
12.04 Informal Review Process .....
12.05 Procedure for Review.....
12.06 Mitigating Circumstances for Applicants with Disabilities.....
12.07 USCIS Determination of Ineligibility .....
12.08 Restrictions on Assistance to Non-Citizens.....
12.09 Informal Review Regarding Citizenship Status .....

Section 13.0 INFORMAL HEARING PROCEDURES FOR PARTICIPANTS

13.01 Consideration of Circumstances .....
13.02 When a Hearing is Required .....
13.03 When a Hearing is Not Required .....
13.04 Notice to the Family.....
13.05 Hearing Procedures.....
13.06 Effect of the Decision .....
13.07 Mitigating Circumstances for Participants with Disabilities .....
13.08 Hearing Provisions for Restrictions on Assistance to Non-Citizens .....
13.09 USCIS Determination of Ineligibility .....
13.10 Informal Hearing.....

Section 14.0 COMPLAINTS .....

Section 15.0 PAYMENT STANDARDS

15.01 Setting the Payment Standard .....
15.02 Revising the Payment Standard .....
15.03 Reasonable Accommodation .....

Section 16.0 OWNER RENTS AND RENT REASONABLENESS

16.01 Rent to Owner in the Housing Choice Voucher Program.....
16.02 Rent Proration .....
16.03 Rent Reasonableness Determinations .....
16.04 Rent Reasonableness Methodology .....

Section 17.0 SPECIAL HOUSING TYPES .....

Section 18.0 PARTICIPANT PAYMENTS FOR AMOUNTS OWED THE PHA

18.01 Repayment Agreements - General .....
18.02 Repayment Agreements - Fraud Recovery .....
18.03 Late Payments .....
18.04 Minimum Rents .....

Section 19.0 UTILIZING THE ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM

19.01 Demonstrating Compliance with Mandatory Use of EIV .....
19.01.01 Debts Owed to PHAs & Termination Module .....
19.01.02 Policy Governing DTDB Entries .....
19.01.03 Screening Families Through EIV Former Tenant Search Module ...
19.01.04 Mandatory Monitoring of EIV Reports .....
19.02 Income Discrepancy Resolutions .....
19.03 EIV Security Measures .....
19.03.01 Handling of Discrepancy Reports .....
19.03.02 Records Retention
19.03.03 Disposal of Applicant and Participant Records .....
19.03.04 EIV Security Monitor .....
19.03.05 EIV Security Awareness Training .....

Section 20.0 RECERTIFICATIONS

20.01 Interim Recertifications .....
20.02 Effective Date of Changes for Interim Recertifications.....
20.03 Annual Recertifications .....
20.04 Verification Guidance and Public Assistance Income Calculations.....
20.05 Zero Income Families .....
20.06 Minimum Rent Hardship Exemption .....

Section 21.0 RESTRICTIONS ON MOVES BY A PARTICIPANT FAMILY.....
Section 22.0 HOUSING QUALITY STANDARDS (HQS) INSPECTION POLICIES

22.01 Requirements and Guidelines for Inspections .....
22.02 Initial HQS Inspections.....
22.03 Annual HQS Inspections.....
22.04 Verification of HQS Deficiencies.....
22.05 Reinspections.....
22.06 Notification of HQS Failures.....
22.07 Time Standards for Repairs .....
22.08 Rent Increases .....
22.09 Quality Control Inspections .....
22.10 Accessibility Modifications to HQS .....
22.11 Emergency Repair Items .....
22.12 Lead Based Paint.....
23.14.01 Initial Inspection .....
23.14.02 Annual/Periodic Inspection .....
22.13 Determination of Responsibility.....
22.14 Consequences When Owner is Responsible (Non-Emergency Items) .....
22.15 Termination of Contract.....
22.16 Consequences When Family Is Responsible.....

Section 23.0 SECTION 8 HOME OWNERSHIP

23.01 Introduction.....
23.02 Permitted Ownership Arrangements.....
23.03 Determination of Family Eligibility.....
23.04 Home Ownership Counseling.....
23.05 Home Inspections.....
23.06 Determination of Home Ownership Assistance Levels .....
23.07 Mortgage Financing and Down Payments .....
23.08 Home Search.....
23.09 Portability.....
23.10 Length and Continuation of Assistance .....
23.11 Home Ownership Option 10 Year Asset Exclusion .....

23.12 Recapture Provisions and Re-Sales .....
23.13 Defaults .....
23.14 Family Obligations .....
23.15 Termination .....
23.16 Family Self-Sufficiency (FSS) and Home Ownership .....
23.17 File Documents for Audit Trail .....
23.17.01 Annual Recertification Documents Required in HO Files .....
23.18 Re-enrollment in the Home Ownership Program .....

Section 24.0 PROJECT-BASED VOUCHER PROGRAM

24.01 PBV Contract Selection .....
24.02 HAP Term .....
24.03 HAP Contract Amendments (Unit Substitution/Addition) .....
24.04.01 Unit Substitution .....
24.04.02 Unit Addition .....
24.04 Selection of Families from the Waiting List for Project-Based Units .....
24.05.01 Preferences .....
24.05 Tenant Screening .....
24.06 HQS/Inspections .....
24.07.01 New/Turnover, Annual and Special Inspections .....
24.07 Over-Housed, Under-Housed and Accessible Units .....
24.08 Vacancy Payments .....
24.09 25% Project Cap .....
24.10 Supportive Service Requirements .....
24.10.01 Requirements .....
24.10.02 Compliance Monitoring .....
24.11 Determination and Redetermination of Rent .....
24.11.01 Rent Increase Request Process .....

Section 25.0 ENHANCED VOUCHER ASSISTANCE .....

25.01 Zero Housing Assistance Payments at Initial Conversion .....

Section 26.0 SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP) ...
Section 27.0 EMERGENCY HOUSING VOUCHERS
Section 28.0 Covid Waivers

GLOSSARY GL-1

PART I : INTRODUCTION

The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by the Lakewood Tenants Organization, Inc. for the Township of Lakewood. The program is known as the Lakewood Township Residential Assistance Program, (LTRAP).

MISSION

LTRAP's mission is to provide safe, decent and sanitary housing conditions for very low-income families and to manage resources efficiently, and to promote personal, economic and social upward mobility to provide families the opportunity to make the transition from subsidized to non-subsidized housing.

LTRAP'S PROGRAMS:

The following programs are included under this administrative plan:

LTRAP's administrative plan is applicable to the operation of the Housing Choice Voucher Rental and Homeownership Programs. All policies apply to all participants in the HCV Program as well as those participating in the Family Self-Sufficiency Program.

LTRAP also administers an Emergency Housing Voucher (EHV) Program and Moderate Rehabilitation Program. (MR). All policies in this Administrative Plan apply to these Programs as well, unless otherwise specified in the EHV Section of this plan.

LTRAP'S COMMITMENT TO ETHICS AND SERVICE:

As a public service agency, LTRAP is committed to providing excellent service to program participants, owners, and to the community. LTRAP's standards include:

Administer applicable federal and state laws and regulations to achieve high ratings in performance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.

Provide decent, safe, and sanitary housing – in compliance with program housing quality standards – for very low income families while ensuring that family rents are fair, reasonable, and affordable.

Encourage self sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human service needs.

Promote fair housing and the equal opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.

Promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.

Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.

Create positive public awareness and expand the level of family, owner, and community support in accomplishing LTRAP's mission.

Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.

Administer an efficient, high-performing agency through continuous improvement of LTRAP's support systems and a high level of commitment to our employees and their development.

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

PART II: THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

There have been many changes to the program since its inception in 1974 and a brief history of the program will assist the reader to better understand the program.

The United States Housing Act of 1937 (the "Act") is responsible for the birth of federal housing program initiatives. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing developments for low-income residents.

The Housing and Community Development (HCD) Act of 1974 created a new federally assisted housing program – the Section 8 Existing program (also known as the Section 8 Certificate program). The HCD Act represented a significant shift in federal housing strategy from locally owned public housing to privately owned rental housing.

Under the Certificate program, federal housing assistance payments were made directly to private owners of rental housing, where this housing was made available to lower-income families. Eligible families were able to select housing in the private rental market. Assuming that the housing met certain basic physical standards of quality ("housing quality standards") and was within certain HUD-established rent limitations ("fair market rents"), the family would be able to receive rental assistance in the housing unit. Family contribution to rent was generally set at 30 percent of the family's adjusted income, with the remainder of the rent paid by the program.

Another unique feature of the Certificate program was that the rental assistance remained with the eligible family, if the family chose to move to another privately-owned rental unit that met program requirements (in contrast to the public housing program where the rental assistance remains with the unit, should the family decide to move). Consequently, the Certificate program was characterized as tenant-based assistance, rather than unit-based assistance.

The Housing and Community Development (HCD) Act of 1987 authorized a new version of tenant-based assistance – the Section 8 Voucher program. The Voucher program was very similar to the Certificate program in that eligible families were able to select housing in the private rental market and receive assistance in that housing unit. However, the Voucher program permitted families more options in housing selection. Rental housing still had to meet the basic housing quality standards, but there was no fair market rent limitation on rent. In addition, family contribution to rent was not set at a limit of 30 percent of adjusted income. Consequently, depending on the actual rental cost of the unit selected, a family might pay more or less than 30 percent of their adjusted income for rent.

From 1987 through 1999, public housing agencies managed both the Certificate and Voucher tenant-based assistance programs, with separate rules and requirements for each. From 1994 through 1998, HUD published a series of new rules, known as "conforming" rules, to more closely combine and align the two similar housing programs, to the extent permitted by the law.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act – was signed into law. QHWRA eliminated all statutory differences between the Certificate and Voucher tenant-based programs and required that the two programs be merged into a single tenant-based assistance program, now known as the Housing Choice Voucher (HCV) program. The HCV program was modeled closely on the pre-merger Voucher program. However, unlike the pre-merger Voucher program, the HCV program requires an assisted family to pay at least 30 percent of adjusted income for rent.

The transition of assistance from the Certificate and Voucher programs to the new HCV program began in October 1999. By October 2001, all families receiving tenant-based assistance were converted to the HCV program.

Finally, the Housing Opportunity Through Modernization Act of 2016 (HOTMA) was enacted on July 29, 2016, although the Final Rule dealing with income and assets was not published until February 14, 2023. Major changes to calculation of income and assets in the HCV Program were included in the Final Rule, but Sections 102 and 104 are still not effective due to complications in the necessary software needed to implement these changes. Currently, HUD has announced a final effective date of January 1, 2027 for implementation of these sections.. These changes are highlighted in this Administrative Plan. Throughout this Plan, both the current policies which are effective through December 31, 2026 as well as the 2027 changes will be highlighted. Caseworkers will fully explain to each household, all regulatory changes to assets and income as well income exclusions and mandatory reporting changes. As of July 1, 2025 changes to income exclusions have already been adopted.

1-II.B. HCV PROGRAM BASICS

The purpose of the HCV program is to provide rental assistance to eligible families. The rules and regulations of the HCV program are determined by the U.S. Department of Housing and Urban Development. Each agency is afforded choices in the operation of the program which are included in the administrative plan, a document approved by the board of commissioners.

The HCV program offers mobility to eligible families because they may search for suitable housing anywhere in LTRAP's jurisdiction and may also move under portability to any other jurisdiction in the US.

When a family is determined to be eligible for the program and funding is available, LTRAP issues the family a housing voucher. When the family finds a suitable housing unit and funding is available, LTRAP will enter into a contract with the owner and the family will enter into a lease with the owner. Each party makes their respective payment to the owner so that the owner receives full rent.

Even though the family is determined to be eligible for the program, the owner has the responsibility of approving the family as a suitable renter. LTRAP continues to make payments to the owner as long as the family is eligible and the housing unit continues to qualify under the program.

Section 1.0 SELECTION AND ADMISSION POLICIES

It is the policy of LTRAP to ensure that all families who express an interest in housing assistance are given equal opportunity to apply and are treated in a fair and consistent manner. This section describes the policies and procedures for selecting and admitting families to the Section 8 Housing Choice Voucher (HCV) Program including completion of an application for assistance, placement and/or denial of placement on the waiting list and limitations on who may apply.

1.01 Hiring a Housing Choice Voucher Participant as an Employee of the Organization

HUD rules and regulations do not prohibit hiring as an employee a person who is also a participant in the HCV program. However, when hiring such person, the agency should apply the same Section 8 standards and policies set forth in HUD rules and regulations and LTRAP's Administrative Plan. The standards and policies currently used to safeguard the privacy and confidentiality of tenant information and tenant files should apply equally to the employee. Special efforts should be taken to assure that the employee/recipient is not receiving preferential treatment. This policy also applies to program participants who are relatives of employees.

1.02 Preferences

All federal preferences have been eliminated.

LTRAP maintains local preferences as described in Section 1.15

1.03 Opening the Waiting List

LTRAP will utilize the following procedures for opening the waiting list:

When LTRAP determines that there are an insufficient number of applicants on its waiting list, LTRAP will advertise through public notice in local media of general circulation and any available minority media in LTRAP jurisdiction. The public notice should provide information on income and other general eligibility requirements; and should also contain the following:

- The dates, time, location, and other relevant contact information regarding where, or how, families may apply;
- The programs for which applications will be taken;
- The specified period (if any) for which applications will be received by LTRAP; and
- A brief description of the program;
- A statement that individuals with disabilities are eligible for the program and that reasonable accommodations will be made where necessary to ensure equal participation in housing assistance;
- A statement affirming compliance with equal housing opportunity requirements; and affirming compliance with equal housing opportunity requirements; and
- The federal Equal Housing Opportunity Logo.

In conjunction with opening the waiting list, LTRAP is required to prepare an Affirmative Fair Housing Marketing Plan which addresses:

- Conducting outreach to advocacy groups (i.e., disability rights groups) on the availability of housing assistance;
- Identifying and outreaching to the population that is least likely to apply, both minority and non-minority groups, through various forms of media (i.e., radio stations, posters, newspapers) within the marketing area and through various community groups.

1.04 Closing the Waiting List

LTRAP may discontinue receiving applications if there are enough applicants to fill anticipated openings for the next **24** months.

LTRAP will announce the closing of the waiting list by public notice.

Beginning in 2015, LTRAP began taking applications online for a specified period of time. In that case this "Section 1.04 Closing the Waiting List" is not applicable, as applications intake will only be open for the period of time advertised, and then intake will close. Only the number of applications advertised in the outreach will be accepted. As described below, a lottery will be performed to select applicants from the total applications received. All other applications will be discarded.

1.05 Purging the Waiting List

LTRAP will update and purge its waiting list as needed to ensure that the pool of applicants reasonably represents families still actively interested in Section 8 HCV assistance. Purging should also enable LTRAP to update information regarding address, family composition, income category and preferences.

Prior to purging the waiting list:

- LTRAP must save an electronic and hard copy of the pre-purged waiting list.

- All applicants who are affected by the purge must be notified by mail.

Before removing an applicant from the waiting list due to the applicant's failure to respond to the initial contact letter, a final letter must be mailed to the applicant. If the applicant does not respond to the final notice within ten (10) business days, the name of the applicant will be removed from the waiting list.

Purging is only required for applicants that have been on the waiting list for 12 months or more. The name and address of each applicant must be typed or written on the original contact letter. Letters must include the name and address of the applicant notified.

LTRAP should advise applicants to provide updated contact information in writing. Applicants will be advised that they will be removed from the waiting list if they cannot be reached at the address provided on the initial application.

The letter will indicate that the purpose of the contact is:

- to determine applicant interest in remaining on the waiting list; and
- to offer the family an opportunity to update any information previously provided to LTRAP

The contact letter will require the applicant to provide return correspondence in the following circumstances:

1. The applicant wishes to remain on the waiting list, or
2. The applicant wishes to update information currently on file provided by LTRAP to expedite return of requested information.

Contact letters returned by the Post Office as undeliverable will be grounds for removing an applicant from the waiting list. However, if a letter is returned by the Post Office with a forwarding address, LTRAP should update the information on the computer and re-mail the letter to the new address. In such cases, an applicant's name should not be removed from the active waiting list and determined ineligible unless the applicant fails to respond to this notice.

In addition, and if applicable, LTRAP should also notify the contact person or organization provided by the applicant on the application before removing the applicant's name from the active waiting list.

LTRAP will compare results of the purge to regular annual program participant attrition rates. If the initial purge results in an inadequate number of applicants to offset regular program attrition rates, LTRAP will conduct additional outreach until it is determined that there are sufficient numbers of active applicants.

1.06 Removal of Applicants from the Waiting List

LTRAP will remove an applicant's name from the waiting list under the following conditions:

- The applicant requests, in writing, that his/her name be removed;
- The applicant fails to respond to a written request for information;
- Correspondence is returned to LTRAP by the Post Office as undeliverable;
- The applicant misses two or more scheduled appointments/briefings; or
- The applicant does not meet either program eligibility or screening criteria.

When an extenuating circumstance prevents an applicant from responding to LTRAP's correspondence which resulted in the applicant being removed from the active waiting list and determined ineligible, reinstatement of the applicant shall be granted by LTRAP subject to acceptable documentation verifying the extenuating circumstance. If reinstatement is granted, the applicant will retain his/her original position on the waiting list, provided that reinstatement is requested within six months of LTRAP's correspondence.

Extenuating circumstances include, but are not limited to the following:

- Death in the family;
- Hospitalization;
- Illness;
- Incarceration; and
- Other circumstances determined by LTRAP

In no event will an applicant's name be held in abeyance on the active waiting list based on his/her representation that he/she is not ready to be processed when reached on the list.

Applicants' files must be retained for at least three years after the date an application is closed, withdrawn from the waiting list, or determined ineligible.

1.07 Screening of Applicants

As part of LTRAP's processes for determining eligibility for participation, LTRAP will conduct criminal background checks on all adult household members, including live-in aides. These checks will be used to identify circumstances under which assistance must be denied in accordance with the requirements of Section 982.553 of the program regulations.

All adult applicant family members will be required to sign a release of information which will authorize LTRAP to access criminal records.

This check may be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for last three years. If the individual has lived outside the local area, LTRAP may contact law enforcement agencies where the individual had lived or request a check through the FBI's National Crime Information Center (NCIC). LTRAP will also check with the State sex offender registration program to determine if an individual is subject to a lifetime registration requirement as a State sex offender.
Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, LTRAP will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.

LTRAP will not screen family behavior or suitability for tenancy. LTRAP will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before LTRAP approval of the tenancy, LTRAP will inform the owner that screening and selection for tenancy is the responsibility of the owner. The owner is responsible for screening families based on their tenancy histories, including such factors as:

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

All screening procedures will be administered uniformly, fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex or other legally protected groups.

1.08 Grounds for Denial of Assistance

LTRAP **will** permanently deny assistance to a family if any member of the family has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally-assisted housing.

LTRAP **will** permanently deny assistance to anyone subject to a lifetime registration requirement as a State sex offender.

LTRAP will also deny assistance to applicants who:

1. Do not meet any one or more of the eligibility criteria;
2. Do not supply information or documentation required by the application process;
3. Fail to complete any aspect of the application or lease-up process;
4. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property, or any other criminal activity, including drug-related criminal activity that **would adversely affect the health, safety or well being of other participants or staff, or cause damage to the property**. However, such history will not serve as the basis to deny assistance if it has been at least five years since the conviction or service of sentence whichever is later, where there has been no other such intervening criminal activity during that period that would serve as the basis to deny assistance.
5. Have engaged in criminal activity or alcohol abuse (as specified below) within 1 year of initial lease-up of an applicant:

    - A member of the household has demonstrated a pattern of drug or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and/or persons in the immediate vicinity of the premises.

    - A current household member was convicted or incarcerated for any alcohol-related or drug-related criminal activity that took place on or near the premises.

LTRAP may waive the decision to deny assistance if:

- the person responsible for the prohibited action demonstrates successful completion of a credible rehabilitation program approved by LTRAP, or

- the circumstances leading to the violation no longer exist because the person who engaged in prohibited drug-related or alcohol-related activity is no longer in the household due to death or incarceration.

- LTRAP may approve assistance to an eligible family, provided that the household member(s) determined to have engaged in the proscribed activities will not reside in the unit. If the violating member is a minor, LTRAP may consider individual circumstances with the advice of Juvenile Court officials.

If assistance is to be denied as outlined above, the denial will be based upon either of the following:

- Preponderance of evidence – defined as *"evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not."*
- Credible Evidence – defined as *"evidence provided by police and court systems such as drug raids, drugs found in the dwelling unit, evidence which is tied to the activity, warrants issued, arrests made, etc."*

6. Currently owe rent or other obligations to any housing authority in connection with the public housing or Section 8 programs;

7. Have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;

8. Have a family member who was evicted from federally-assisted housing within the last five years;

9. Have a family member who was evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution or possession with the intent to manufacture, sell or distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;

10. Have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. LTRAP may waive this requirement if:

    - the person demonstrates to LTRAP's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;

    - the person has successfully completed a supervised drug or alcohol rehabilitation program;

    - the person has otherwise been rehabilitated successfully; or

    - the person is participating in a supervised drug or alcohol rehabilitation program.

11. Have engaged in or threatened abusive or violent behavior towards any LTRAP staff member;

12. Have a family household member who has been terminated under the Housing Choice Voucher Program during LTRAP's last three years. This three-year prohibition does not apply to a family member who voluntarily withdrew from the program, and was in good standing at that time;

13. Have a family member who has been convicted of manufacturing or producing methamphetamine;

14. Have a family member with a lifetime registration under a State sex offender registration program.

These circumstances governing denial of assistance to applicants shall also be applicable to any and all instances wherein a participant family wishes to admit an additional family member who meets any of the above conditions.

Please see exceptions for Emergency Housing Voucher participants.

1.09 Confidentiality of Criminal Records

LTRAP will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and must be destroyed once the purpose for which it was requested is accomplished.

All criminal reports, while needed, will be privately maintained with access limited to LTRAP staff individuals responsible for screening and determining eligibility for initial and continued assistance. Misuse of the above information by any employee of LTRAP will be grounds for termination of employment.

If the family is determined eligible for initial or continued assistance, the criminal report must be shredded as soon as the information is no longer needed for eligibility or continued assistance determination.

If the family's assistance is denied or terminated, the criminal record information must be shredded immediately upon completion of the review or hearing procedures and the final decision.

LTRAP will document in the family's file the circumstances of the criminal report.

1.10 Notification of Negative Actions

Any applicant whose name is being removed from the waiting list will be notified in writing by LTRAP that he/she has ten (10) business days from the date of the written correspondence to request an informal review. The letter will also indicate that the applicant's name will be removed from the waiting list if he/she fails to respond within the time limit specified.

LTRAP's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, LTRAP will provide a reasonable accommodation. If the applicant indicates that he/she did not respond due to a disability, LTRAP will verify that the applicant is disabled.

An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

1.11 Application Procedures

LTRAP will utilize an online standardized application form. The applicant will be responsible for completing all sections of the application. If an applicant with a disability requests assistance as a reasonable accommodation, LTRAP will arrange for it.

The primary purpose of the application intake function is to gather pertinent eligibility information on applicants. This process will also be utilized by LTRAP to provide such information to applicants as may be necessary to ensure accurate and timely decisions concerning eligibility and to expedite provision of assistance to eligible families.

Prospective applicants must complete the application online per the outreach materials. LTRAP will advertise outreach centers offering computer stations available for online application intake.
At a minimum, the application will contain the following information:

1. Head-of-household name, address, and phone number;

2. Name and Dates of birth for all family members;

3. Social Security numbers for all family members in accordance with HUD regulations and guidance..

4. Racial and ethnic designation of the head of household;

5. Annual gross income and assets for each family member;

6. Information regarding any preferences available to the family.

7. Date application was submitted; which will be automatically, computer generated;

8. Form HUD-92006, Supplement to Application for Federally Assisted Housing.*Note: While HUD requires that this form be included as a Supplement to the PHA's Application for Federally Assisted Housing, the applicant has the option of providing additional contact information, or declining to do so. Regardless of the option chosen, the signed and dated form must be maintained in the applicant's file.*

Application intake will be completed by the software company hired by LTRAP to complete the online application intake. The number of applications selected will be decided by LTRAP based on the anticipated need and provided to the software company conducting the intake. At the conclusion of the intake period, the software company will conduct a lottery to select the number of applicants requested by LTRAP., and to determine the order of the applications. The rest of the applications will be deleted.

Each person submitting an application online will receive a confirmation online as written acknowledgment of receipt of the application. The applicant will be able to check his/her status on the Waiting List after the lottery is performed, by logging into the account the applicant

set-up online. The applicant will be advised if the application submitted is active or if the application is inactive, meaning the application was not selected in the lottery.

No further written documentation will be sent by LTRAP to the applicant.

Disclosure of Social Security numbers by applicants must conform to HUD regulations and guidance, and to LTRAP policy notices. Accordingly, applicant(s) have up to 180 days to meet HUD's Social Security documentation requirements before being removed from the waiting list.

If an applicant is determined ineligible based on the information provided in the application, LTRAP will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform the family of its right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as a reasonable accommodation.

1.12 Applicant Status While on Waiting List

All applicants who are placed on the waiting list are responsible to report changes in address in writing within 30 days of occurrence. Applicants will also be required to report changes in income, family composition and/or other items potentially affecting applicant eligibility.
Applicants will be notified that, if LTRAP is unable to contact the family due to its failure to promptly submit a change of address notification, it may result in its name being dropped from the waiting list. Applicants will also be dropped from the waiting list if they fail to respond to written requests for information or action within LTRAP-specified time frames.

Exceptions will be granted for applicants with disabilities, as defined in 24 CFR §5.403 who were not able to respond within the time frame due to their disability. Exceptions may also be granted for applicants hospitalized for sufficient duration if the failure to respond is/was due to the hospitalization.

1.13 Time of Selection

When funding becomes available, families will be selected from the waiting list in the order selected in the lottery, regardless of family size, subject to all LTRAP Waiting List preferences..

1.14 Income Targeting Requirement

LTRAP is responsible for ensuring that, in any given year, not less than 75% of admissions must be families with incomes at or below 30% of area median.

1.15 Selection of Families from the Waiting List

Selection preferences shall be as follows:

1. Emergency Housing Voucher participants. This program was enacted in 2021 under the American Rescue Plan Act of 2021. This program is slated to run out of funding by the end of 2026. In order to ensure assistance for the remaining families enrolled in this Program, preference will be given to applicants to the HCV program who are currently EHV participants.
2. Residents of Lakewood, defined as those who live, work full-time, or have been hired to work full-time, in Lakewood, as indicated on their application. A non-Lakewood resident who moves to Lakewood shall qualify as a Lakewood resident provided he/she is a Lakewood resident at the time his/her name is reached for participation (when called-in). Any Lakewood resident leaving the Lakewood area after the application has been filed will lose his/her preference unless he/she becomes again a Lakewood resident when their name is reached for call-in. It shall be the obligation of the applicant seeking a residency preference to notify LTRAP that they qualify for a residency preference, and it is the obligation of LTRAP to notify all applicants of this requirement.
3. Families, senior or disabled individuals, before other singles.
4. Time and Date of Application. If a lottery is performed, time and date will be determined by the order (date and time) in which the names are picked in the lottery, as evidenced by the time stamp.
5. Income Targeting – Based on current regulations as set forth in the HUD Final Merger Rule, at least 75% of all new admissions will be from the extremely-low income category. See Section 1.14 above
6. Fifteen percent (15%) of all funding received from HUD, after January 1, 2001, for newly awarded Housing Vouchers, will be allocated to the disabled.

Selection preferences shall be applied universally and uniformly, across the board and without regard to applications intake closings and openings. In other words, regardless of how many times applications intake may have been opened, reopened, or suspended, and for how long, all the names received shall be considered as one continuous list, and the selection preferences shall be applied to this list in its entirety. For example, when new applications are received, new Lakewood-resident applicants will come before earlier non-resident applicants. Similarly, new single, elderly or disabled individuals will come before earlier "healthy" single applicants.

1.16 First-Year Limitation on Where Family Can Lease a Unit at Initial Participation in the Program

A "non-resident" applicant is required to utilize the voucher for the first 12 months in the initial jurisdiction of LTRAP.

For the purposes of this provision, a "non-resident" applicant is one where neither the head of household or spouse had a "domicile" (legal residence) in the jurisdiction of LTRAP at the time the family submitted an application for participation. "

Families will be advised that, if contacted for admission to the local program wherein they were a "non-resident" at the time of application, they must utilize the assistance for 12 consecutive months in the jurisdiction of the program where they are being admitted. All "non-resident" applicants must be advised of this policy upon acceptance of their application by LTRAP and at the time the family is contacted to establish an eligibility certification interview.

1.17 Eligibility of Students for Assisted Housing under Section 8

On December 30, 2005 HUD published a final rule implementing a new law pertaining to eligibility of students for Section 8 housing.

HUD Guidance was published in a notice in the April, 10, 2006 Federal Register and is available at http://www.gpo.gov/fdsys/pkg/FR-2006-04-10/pdf/06-3365.pdf.

Under this law, a person will not be eligible to separately receive Section 8 assistance who:

- Is enrolled as a student at an **institution of higher education** (a detailed definition of this term is provided in the April 10, 2006 Federal Register notice, pages 18149-18150);
- Is under the age of 24;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child;
- Is individually ineligible for Section 8 assistance; or
- Has parents who are, individually or jointly, ineligible for assistance.

To summarize, the Federal Register states: *"If a student is enrolled at an institution of higher education, is under the age of 24, is not a veteran, unmarried and does not have a dependent child, is individually ineligible for Section 8 assistance, or the student's parents are, individually or jointly, ineligible for assistance, no Section 8 can be provided to the student. Unless the student is determined independent from his or her parents, as discussed in this guidance, the eligibility of a student seeking Section 8 assistance will be based on both the student and the parents being determined income eligible for Section 8 assistance."*

Note*:* HUD's April 10, 2006 Guidance does not apply to a student residing in a Section 8 assisted unit with his or her parent(s), or who resides with his/her parent(s) who are applying to receive Section 8 assistance.

The rule also provides that in determination of student income, financial assistance in excess of tuition assistance received by the student will be included in annual income for determination of eligibility for Section 8 assistance, *unless* the student is over the age of 23 with dependent children. Financial assistance does not include loan proceeds for the purpose of determining income. HOTMA regulations now change how much of the student

financial assistance will be considered as income, a change from the previous exemption. These changes have been implemented as required effective July 1, 2025.

1.18 Initial Eligibility Certification

At the point of selection from the waiting list applicants will be required to participate in an initial eligibility certification interview. Single persons who claim that they are either elderly, or disabled must have that status verified prior to LTRAP's scheduling of the initial eligibility certification interview. Additionally, all other preferences including residency and asset limits must be verified before the applicant's income eligibility is reviewed.

Information used to verify an applicant's eligibility at initial certification for the HCV program must be current, that is within 60 days of the issue date of a voucher.

After all preferences are verified, applicants will be required to participate in a full eligibility certification interview with an LTRAP representative. The certification and briefing interview afford LTRAP an opportunity to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that all required information is accurate and complete. The briefing phase of the interview is used as a vehicle to provide information about the certification and verification process, as well as to advise the family of other services or programs which may be available.

At the certification interview, the applicant will be required to furnish complete and accurate information requested by the interviewer. LTRAP representative will initially complete the certification based on written and/or verbal information provided by the applicant.

At the conclusion of the certification interview, the applicant will sign and certify that all information is complete and accurate.

1.19 Requirement to Attend Interview

The head of household or the head and spouse are required to attend the interview which may be either in person or by telephone. If the head of household cannot attend the interview, the spouse may attend to complete the certification and certify for the family.

If an applicant misses a scheduled appointment, does not contact LTRAP to reschedule, cannot be contacted by LTRAP to reschedule or misses two scheduled meetings, LTRAP will reject the application and the applicant will be removed from the waiting list.

If an applicant is denied assistance due to failure to attend the full certification interview, the applicant will be notified in writing and offered an opportunity to request an informal review.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

The head of household and spouse will be required to sign the certification form and/or a supplemental form/worksheet containing the family composition, income, asset and allowance information for the family. As required by LTRAP, other adult members may also be asked to sign these forms.

All adult members must sign:

- HUD Form 9886 (Release of Information);beginning January 1, 2025 this form will only be signed once, and will no longer be required to be signed annually.
- any supplemental forms and/or documents required by LTRAP;
- declarations and consents related to citizenship/immigration status; and
- a consent form to release criminal conviction records and to allow LTRAP to receive records and use them in accordance with HUD regulations.

Applicants may also be required to sign specific verification forms for information which is not covered by HUD form 9886. Failure to do so when required will be cause for denial of the application for Section 8 assistance.

If LTRAP determines during or after the interview that additional information is needed directly from the applicant, LTRAP will specify in writing what information is required and what kind of documentation must be provided by the applicant to verify it. The family will be given ten business days to supply requested information. If the information is not supplied in this time period, LTRAP may deny assistance.

1.20 Portability Moves from Other PHAs

LTRAP is required to adhere to HUD's portability requirements for initial and receiving PHAs, as set forth in HUD regulations and PIH Notices.

1.21 Income Verification

All income and asset information provided by the applicant will be verified via third-party contact unless repeated attempts to provide such verification fail. If LTRAP is unable to obtain third-party verification, LTRAP will specify what other form of verification may be acceptable within the guidelines specified by HUD. When third party verification is unavailable, the file must be documented to leave a clear audit trail. Any documentation requested directly from the applicant must be provided within the time specified by LTRAP. LTRAP will calculate income as per Notice 2023-27 beginning with all January 1, 2027 recertifications. To calculate income, LTRAP will first review the income for the past 12 months. LTRAP will then adjust this income for any changes whether processed or not to reflect current income. The EIV Report will also be reviewed to ensure that reported income matches the EIV Report and if not discrepancies will be resolved prior to calculating income. Third party verification will not be necessary if other documents can accurately verify past income such as pay stubs, tax returns,

etc. Since the information will be historical it may not be necessary to receive third party verification.

1.21.01Child Support

Periodic and determinable allowances received as child support payments must be included as annual income..

LTRAP must also obtain third party verification of income derived from child support and/or cash contribution. Request for verification of such incomes must be made directly from the contributor or the enforcement agency (family court or Department of Social services, etc.). Usually a printout of past payments will suffice.

1.21.02Pay Stubs as Verification of Income

Original or authentic pay stubs generated by a third party source dated either within the 120-day period preceding the reexamination or LTRAP's requested date can be accepted as verification of income subject to the following:

LTRAP is required to obtain at a minimum, two current and consecutive pay stubs for determining annual income from wages. However, when available, LTRAP must obtain more than two consecutive pay stubs. Although consecutive pay stubs are required to determine annual income, if one or more pay stubs is/are significantly less than the other(s) LTRAP must ascertain the reason(s) for the difference and a determination should be made whether to exclude or include such pay stub(s). When this occurs, LTRAP must document the file to leave a clear audit trail. Since LTRAP will be using past income, most often the year to date income on the paystub will be used for calculation of income purposes rather than projecting the current income forward.

1.21.03Asset Verification This section is being modified to comply with HOTMA changes effective January 1, 2027.

When a family has net family assets in excess of $5000, ($50,000 beginning January 1, 2027)annual income shall include the greater of the actual income derived from the net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. As of January 1, 2027, households will have to self certify the amount of non-necessary assets they own up to $50,000. These include assets such as jewelry not used for religious purposes, coin collections, art investments, etc. Assets will also be limited to $100,000 or less with an inflation factor built in for future years. Additionally, a family will no longer be allowed to own residential property that is suitable for the family to live in while receiving Section 8 benefits. LTRAP has chosen not to enforce these restrictions for current participants so

as grandfather in the households who were admitted under previous regulations. Additionally, HOTMA has expanded the list of Asset Exclusions such as IRAs which will no longer be included as an asset. These assets will be removed from a family's assets as they recertify or do any action beginning Jan 1, 20207. A full list of asset exclusions is attached.

1.22 Final Determination and Notification of Eligibility

After verification is completed, LTRAP will make a final determination of eligibility. This decision is based upon information provided by the family, verification activities undertaken by LTRAP and current eligibility criteria in effect. If the family is determined to be eligible, LTRAP will confirm eligibility via written notification to the family. If a briefing has not already been conducted by LTRAP, one will be scheduled to coincide with issuance of the Housing Choice Voucher.

1.23 Document Retention for Applicants and Participants

1.23.01 Applicants

Applicant files and documents must be retained for at least three years after:

- the date an application is closed;
- the applicant has withdrawn from the waiting list; or
- the applicant is determined ineligible. When an applicant is admitted to the program, the application and associated verification of eligibility documents must be transferred to the participant's file and must be retained in that file according to the rules for program participant files (see below).

Special rules apply to retention of U.S. Citizenship and Immigration Services (USCIS) documents. These documents must be retained for at least five years.

1.23.02 Participants

Documents for participants must be retained during the term of the assisted tenancy and for at least three years thereafter. However, **except** for the documents listed below, ***all other documents may be destroyed after the three-year period***.

- Birth certificates or other verification of DOB
- Social security cards
- Initial pre-application
- Initial income eligibility verification
- Initial voucher
- Initial 50058

- Initial HAP contract
- Initial lease and tenancy addendum

Note: USCIS documents must be retained for at least five years.

1.2303 Criminal Records

Special retention rules pertain to criminal records for both applicants and participants. Criminal records are **required** to be destroyed once the purpose for which they are obtained has been accomplished.

Section 2.0 ISSUING VOUCHERS

After all family information has been verified, eligibility has been determined and the family has been briefed regarding general program rights and obligations, LTRAP will issue the Housing Choice Voucher (HCV). At this point the family begins its search for a unit.

2.01 Voucher Term

While HUD regulations specify a minimum voucher term of 60 days, LTRAP has the discretion to modify this term and to grant a family one or more extensions of the initial voucher term in accordance with the policies set forth in the administrative plan. LTRAP reserves the right to revise its voucher term guidelines based on budget authority granted by HUD and utilization of unit baseline allocations.

The initial term of the voucher will be 60 days and must be stated on the voucher. LTRAP may grant one or more extensions of the term, but the initial term plus any extensions will not exceed 120 days from the initial date of issuance. If additional extensions are required for *reasonable accommodation and/or extenuating circumstances*, LTRAP must follow the guidelines outlined in Section 2.04 below.

The family must make a reasonable effort to locate a unit throughout the initial voucher term and/or any subsequent extensions. If necessary, the family may seek the assistance of LTRAP.

2.02 Voucher Expirations

Upon expiration of a Housing Choice Voucher, LTRAP must inform the applicant or participant in writing that the voucher has expired.

If a voucher has expired, has not been extended by LTRAP or expires after an extension, the family will be denied assistance. As allowed by program regulations, a decision by LTRAP **not** to extend a voucher is not subject to an informal hearing. An applicant whose voucher has expired and who is not eligible for any additional extension of the voucher may reapply to the waiting list if LTRAP's waiting list is open or, if the waiting list is closed, may reapply at such time as the waiting list reopens.

2.03 Suspensions

The term of the voucher shall be suspended at the time the Voucher Holder submits a Request for Tenancy Approval (RTA). Suspension means 'stopping the clock' up to the time the Agency approves or disapproves the request to lease the unit. The Request for Tenancy Approval must be for a unit ready for leasing and occupancy. It must have a C.O. and be ready for inspection. Once the RTA is received by this Agency, an HQS inspection will be scheduled within 5 days of receipt. After the HQS Inspection is completed, an Agency Determination will be sent to the landlord and the tenant. If the rent is approvable and the unit passed inspection, the unit will be approved for lease-up. If the unit fails inspection the RTA will be disapproved. If the items listed on the HQS report are not representative of major repair work, the Agency may give the owner a specified amount of time to make the repairs and resubmit the RTA. Otherwise the RTA is denied and the tenant must find another unit. The number of days transpiring between the date the RTA was submitted and the date of the Agency Determination will be added to the Voucher expiration date.

2.04 Extensions

2.04.01 Reasonable Accommodation Extensions:

If a family needs and requests an extension (beyond the term noted in Section 2.01 above) as a reasonable accommodation to make the program accessible to and usable by a family member with a disability, it is LTRAP's responsibility to evaluate and grant the extension and to notify their Program Representative of same.

2.04.02 Extensions Due to Extenuating Circumstances:

Prior to granting any of the following voucher extensions, LTRAP must obtain documentation to substantiate the basis for his/her approval of the extension.

(1) LTRAP must grant a 30-day extension of the voucher, beyond the term noted in Section 2.01 above, if extenuating circumstances such as hospitalization or a family emergency for an extended period of time affected the family's ability to find a unit. A written request for such extension must be submitted within 30 days of the expiration of the voucher.

2.05 LTRAP Assistance to Voucher Holders

Families who require additional assistance during their search may call LTRAP office to request assistance. Voucher holders will be notified at their briefing session if LTRAP maintains and updates a listing of available units and how the updated list may be obtained. LTRAP will assist families in negotiations with owners and provide other assistance related to the families' search for housing.

.

.

Section 3.0 OCCUPANCY POLICIES

3.01 Definition of Groups of Persons That May Qualify as a Family

1. A Family
   - Family is defined as a single person or a group of two or more persons with or without children who maintain an interdependent relationship and whose income and resources are available to meet the family's needs.
   - Head of Household is the voucher holder. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program.
   - Spouse means the partner of the head of household in a marriage or domestic partnership recognized within or outside of this jurisdiction. The term "spouse" does not apply to boyfriends, girlfriends, or significant others.
   - Children temporarily absent from the home due to placement in foster care are considered participant members.
   - An unborn child and children in the process of being adopted are considered participant members for purposes of determining bedroom size, but are not considered participant members for determining income limit.
   - In cases where a parent has joint custody where the child/children reside with the parent at least 51% of the time, LTRAP must consider such child/children in determining the voucher (unit) size for the participant. The 51% custody arrangement must be verified and documented. If both parents are participants in the Housing Choice Voucher Program only one of the parents is allowed to claim the child/children as a dependent.

2. An elderly family is:

   - a family whose head, spouse, or sole member is a person who is at least 62 years of age;
   - 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.

3. A disabled family is:

   - a participant whose head, spouse, or sole member is a person with disabilities;
   - two or more persons with disabilities living together; or
   - one or more persons with disabilities living with one or more live-in aides.

4. A remaining member of a tenant family may qualify as a family.

3.02 Family Guests

Participants in the Housing Choice Voucher program are permitted to have a guest or guests in the household.

If the guest resides in the unit for more than a total of 15 consecutive days, the guest(s) will be considered unauthorized household member(s). When this occurs, LTRAP must enforce LTRAP and HUD policies addressing this matter.

3.03 "Room-mates"

An individual, with or without dependent children, who is not a family member may reside in the unit, if approved by LTRAP and the landlord, provided that the voucher holder or the voucher holder's spouse occupies the unit as his/her primary residence. The income of a room-mate is included in the calculation of income for purposes of program qualification and determination of amount of Housing Assistance Payment and Family Share. Such occupancy by a qualifying non-family member is subject to the Subsidy Standards set forth in Section 10.0 of this Plan.

3.04 Definition of When an Applicant Is Considered to Be Continuously Assisted

An applicant is considered to be continuously assisted under the United States Housing Act of 1937 if the family is already receiving assistance under any 1937 Act program when the family is admitted to the Section 8 Housing Choice Voucher Program.

Section 4.0 ENCOURAGING PARTICIPATION IN AREAS OF NON-CONCENTRATION

In all local areas of LTRAP's Section 8 Voucher Program where there are significant concentrations of low income and/or minority families, additional efforts will be taken to recruit and retain owners in non-impacted areas.

In each affected local area, LTRAP will clearly delineate areas of concentration and neighboring areas outside these areas of concentration. These efforts by LTRAP will include establishing maps that show various areas and information about facilities and services in neighboring areas such as schools, transportation and supportive and social services.

LTRAP will utilize the following measures as appropriate to increase owner participation in areas outside of minority or poverty concentration:

1. Making direct contact with landlords;

2. Providing written information promoting the benefits of owner participation in the Section 8 Housing Choice Voucher Program;

3. Providing historical evidence of overall community benefits derived via deconcentration efforts;

4. Holding formal and/or informal discussions and meetings with landlord groups;

5. Meeting with rental referral companies or agencies; and

6. Meeting with fair housing groups or agencies.

Section 5.0 AFFIRMATIVELY FURTHERING FAIR HOUSING

In the provision of housing services and programs, LTRAP promotes Fair Housing and Equal Opportunity and carries out its responsibilities pursuant to: Presidential Executive Order #11063 requiring equal opportunity in housing; The Fair Housing Act of 1968 - Title VIII; and The Americans with Disabilities Act (ADA).

It is the policy of LTRAP's Section 8 Housing Choice Voucher (HCV) Program to ensure that participating landlords and each of its local program offices fully comply with all Federal, State, and local nondiscrimination laws and the U.S. Department of Housing and Urban Development (HUD) regulations governing Fair Housing and Equal Opportunity. No person shall, on the grounds of race, religion, color, national origin, sex, marital status, age, disability, military status or sexual orientation be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any of its housing programs.

LTRAP's Fair and Equitable Housing Office (FEHO) was organized to respond to the Agency's expanding role in monitoring the progress of access to Fair Housing initiatives. In this effort, LTRAP's website makes available the following publications:

- Fair Housing and Equal Opportunity form;
- Anti-Discrimination form;
- Affordable Housing Directories;
- Statewide Listing of Section 8 Providers;
- FAQs;
- Section 8 Information Sheets;
- Agency contact phone numbers; and
- A complaint line or email.

LTRAP actively participates with local landlords in an effort to educate them regarding Fair Housing laws and conducts outreach programs to recruit additional landlords for the purpose of expanding housing choice to program participants by encouraging landlords to list their properties in areas of low minority and poverty concentration.

5.01 Assistance to Families Claiming Discrimination

LTRAP will provide Federal/State/local information to applicants for and participants in the Section 8 HCV Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application. The HUD Fair Housing Information and Discrimination Complaint Forms (Form 903) will be made available at LTRAP Office, and on the LTRAP website. In addition, all appropriate written information and advertisements will contain the appropriate Equal Housing Opportunity language and logo.

LTRAP will assist any participant who believes he/she has suffered illegal discrimination by providing him/her with copies of the housing discrimination form. LTRAP will also assist the participant in completing the form, if requested, and will provide him/her with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

LTRAP will advise families regarding how to file a complaint if they believe they have been discriminated against by an owner. LTRAP will advise the participant to make a Fair Housing complaint. LTRAP may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing organization.

5.02 Section 8 HCV Programs

As part of the Housing Choice Voucher Program, LTRAP administers the following programs:

- Family Self-Sufficiency (FSS) Program;
- Homeownership Program.
- Emergency Housing Voucher Program (see separate EHV section rules and policies).

The purpose of FSS is to create an opportunity for families receiving Section 8 rental assistance to improve and develop their ability to increase employment opportunities and enhance life skills needed to become self-reliant. All families who are currently receiving assistance from LTRAP's Section 8 HCV program are eligible for voluntary participation in FSS.

The Section 8 Home Ownership Program of the Lakewood Township Residential Assistance Program ("LTRAP") permits eligible participants in the Section 8 Housing Choice Voucher program, including participants with portable vouchers, the option of purchasing a home with their Section 8 assistance rather than renting. The program size is not limited. For further information on this program see separate Homeownership Section attached to this Plan.

Emergency Housing Vouchers were awarded as part of the American Rescue Plan of 2021. These Emergency HCVs are only awarded until September 2023. Please see separate addendum to the Administrative Plan for rules and policies for this program.EHV Particpants cannot participate in the FSS or Homeownership Program as this Program is due to end shortly. Currently, HUD expects to fund this program through 2026. If there will not be enough funds to continue the program, EHV participants will be told to apply to the Section 8 HCV Program, and their application will be given a preference, so as to ensure that these families remain continuously assisted.

5.0 Fair Housing Policies

LTRAP implements numerous initiatives to further the purposes of the Fair Housing Act. Strategies to promote fair housing rights and choice include mobility counseling; tenant, staff and owner education; and special initiatives to encourage housing search in areas where there are low concentrations of poverty and minority households.

All Housing Choice Voucher programs, including the Homeownership option, are marketed to all eligible families including persons with disabilities and those with limited English proficiency.

LTRAP will extend housing search time for people with disabilities when necessary and provide for exceptions to HCV payment standards and utility allowances as needed, including advising disabled families of the availability of these exceptions and the criteria used to evaluate and implement them. The agency advises owners and participants that higher rents will be approved for making structural modifications that result in making units more accessible for persons with disabilities. LTRAP will approve larger bedroom size payment standards to accommodate families who need additional space for medical equipment or live-in aides

LTRAP makes accommodations for disabled and non-English speaking individuals, such as providing home visits and having translators present. Accessibility for the hearing impaired is provided upon request.

Where requested, the agency will:

- Assist program applicants and participants in gaining access to local supportive services;
- Provide housing search assistance in accordance with Rent Reasonableness requirements; and
- Approve higher rents to owners that provide accessible units with structural modifications for persons with disabilities.

.

LTRAP's policies on Housing Choice Vouchers terms, as outlined in Section 2.01 of the Administrative Plan, allows each applicant adequate time for successful housing searches, and provides for extensions in response to requests for reasonable accommodation. Requests for approval of exception rent areas are granted in a timely fashion, as appropriate. Geographic choice is fostered through the Housing Choice Voucher portability provisions.

LTRAP's applicant briefing package includes information on the fair housing rights of HCV participants and where a discrimination complaint may be filed, including the office address, telephone number, and TTY number of the local fair housing agency, or HUD's Office of Fair Housing and Equal Opportunity. The briefing material also includes the toll free HUD Housing Discrimination Hotline, (800) 669-9777. This information can also be accessed for the hearing impaired at (800)927 9275 and/or by calling the federal relay (FedRelay) at (800) 877-8339.

5.04 Violence Against Women Act (VAWA)

The Violence Against Women and Justice Department Reauthorization Act of 2005, (VAWA) protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from HUD Section 8 assistance based on acts of such violence against them.

PHAs are required to notify their program participants and landlords of their rights and obligations under VAWA. Accordingly, LTRAP utilizes HUD's revised Housing Assistance Payments Contract (HUD-52641) and Tenancy Addendum (HUD 52641-A) which contain the VAWA provisions; provide all program participants with Form HUD 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* (at the time of admission, termination, or the start of an eviction proceeding*);* and provide all landlords with an Information Sheet entitled *The Violence Against Women Act - Landlords Rights and Responsibilities.*

In responding to an incident involving domestic violence, dating violence, or stalking that may affect a tenant's participation in the Housing Choice Voucher program, LTRAP must request that the individual certifies in writing that he/she is a victim of such violence or stalking.

Certification may be done by completing Form *HUD 50066.* The form requires specific information concerning the name of the perpetrator and the date and location of the incident. The form, if utilized to meet the certification requirement, must be completed, dated, signed and submitted by the individual within 14 business days of LTRAP request, unless extended by LTRAP. The form is available on the HUD website.

Evidence other than (or in addition to) the HUD certification form may also be accepted by LTRAP to meet the certification requirement. HUD Notice PIH 2006-42 contains details regarding other acceptable forms of verification. LTRAP is not required to demand official documentation or physical proof of the violence. The signed certification or other corroborating evidence is sufficient to trigger the protections available under the Act.

If the individual does not provide the Form HUD 50066 or the information that may be provided in lieu of the certification by the 14th business day, or any extension of that date authorized by LTRAP, none of the protections afforded under this Act will apply.

Employees should be aware of the confidential nature of all VAWA-related documentation and must observe confidentiality requirements set forth in the Notice.

Section 6.0 PROVIDING PARTICIPANT INFORMATION TO PROSPECTIVE OWNERS

Upon request, LTRAP will provide the owner with:

- the participant's current and prior address as shown in LTRAP's records; and
- the name and address of the participant's current and prior landlord (if known by LTRAP).

This information is available to any prospective owner upon request.

Section 7.0 DISAPPROVAL OF OWNER

LTRAP will deny participation by an owner at the direction of HUD. LTRAP may also deny an owner's participation for any of the following reasons:

1. The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract;
2. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
3. The owner has engaged in drug-related criminal activity or any violent criminal activity;
4. The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
5. The owner has a history of overcharging tenants or charging additional rent in excess of the amount stipulated in the lease agreement.
6. The owner has a history or practice of renting units that fail State or local codes;
7. The owner has not paid state or local real estate taxes, fines, or assessments;
8. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the premises by tenants, LTRAP employees or owner employees, or neighboring residents;
9. The owner or any other interested party (e.g. mortgage holder) is the parent, child, grandparent, grandchild, sister, or, brother of any member of the family; unless the LTRAP determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. Additionally, if the property is

owned by a trust or corporation, LTRAP will verify that no trustee, beneficiary, partner, member, or officer is related to the tenant.

10. There exist other conflicts of interest under federal, state, or local law.

Section 8.0 GROUNDS FOR TERMINATING ASSISTANCE

8.01 Terminating for Alcohol Abuse or Criminal Drug Activity

The members of the household may **not** engage in**:**

- drug-related criminal activity, or
- violent criminal activity, or
- other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Pursuant to the procedures outlined in Section 14.0, "Informal Hearing Procedures for Participants," LTRAP may terminate assistance if either of the following occurs:

- LTRAP finds that a member of the household has demonstrated a pattern of drug or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and/or persons in the immediate vicinity of the premises.

- LTRAP finds that a current household member was convicted or incarcerated for any alcohol-related or drug-related criminal activity that took place on or near the premises.

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

LTRAP will waive the decision to terminate assistance if:

- the person responsible for the prohibited action demonstrates successful completion of a credible rehabilitation program approved by LTRAP; or

- the circumstances leading to the violation no longer exist because the person who engaged in prohibited drug-related or alcohol-related activity is no longer in the household due to death or incarceration.

8.02 Termination of Assistance to Sex Offenders

Pursuant to the procedures outlined in Section 14.0, *"Informal Hearing Procedures for Participants"*, assistance for participants or members of a participant family in the Section 8 Voucher Program admitted to the Program after June 25, 2001 and who are subject to a lifetime registration as a sex offender will be terminated in accordance with HUD Notice PIH 2012-28 issued on June 11, 2012.

Assistance will be terminated if the sex offender is subject to a lifetime registration requirement, and it is determined that:

1. the participant was admitted to the program after June 25, 2001, and at the time of admission was subject to such lifetime registration requirement but was erroneously admitted to the program, or;

2. recertification screening reveals a failure to disclose on their application and/or recertification forms that they were subject to a lifetime registration requirement, or;

3. recertification screening reveals they falsified information on the application and/or recertification forms regarding their criminal history.

8.03 Other Reasons for Terminating Assistance

LTRAP will also terminate assistance to participants who:

1. have a family member who has been convicted of manufacturing or producing methamphetamine on the premises of a federally assisted housing;

2. have a history of criminal activity by any household member involving crimes of physical violence against persons or property, or any other criminal activity, including drug-related criminal activity, that would adversely affect the health, safety or well being of other participants or staff, or cause damage to the property;

3. have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;

4. have a family member who is involved in drug-related criminal activity including but not limited to the illegal manufacture, sale, distribution or possession with the intent to manufacture, sell or distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;

5. have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. LTRAP will waive this requirement if:

    - the person demonstrates to LTRAP's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;

    - the person has successfully completed a supervised drug or alcohol rehabilitation program;

    - the person has otherwise been rehabilitated successfully; or

- the person is participating in a supervised drug or alcohol rehabilitation program.

6. have engaged in or threatened abusive or violent behavior towards any LTRAP staff member;

If assistance is to be terminated as outlined in this Section, the termination will be based upon either of the following:

- Preponderance of Evidence - defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

- Credible Evidence - defined as evidence provided by police and court systems such as drug raids, drugs found in the dwelling unit, evidence which is tied to the activity, warrants issued, arrests made, etc.

LTRAP may also terminate assistance to participants who do not supply information or documentation that is required for continued program assistance or who fail to comply with any other program obligations.

Section 9.0 SUBSIDY STANDARDS

9.01 Determination of Family Unit (Voucher) Size

LTRAP will issue a voucher for a specific bedroom size, taking into consideration the family size and family composition, in determining the family's level of assistance. The subsidy standard provides for the smallest number of bedrooms needed without overcrowding and must be applied consistently for all families of like size and composition. The following guidelines will be used to determine each family's unit size:

To determine the Voucher size for applicants, being admitted to the program, the standard used shall be one bedroom/ sleeping room for each two persons, regardless of gender or age.

A person with a disability may request that a live-in aide move into the unit. LTRAP will provide a reasonable accommodation to a disabled person and allow a live-in aide to move into the unit and will also approve an additional bedroom for the live-in aide. LTRAP may refuse a particular live-in aide if that person committed a corrupt or criminal act against LTRAP; has committed drug-related or violent criminal activity; or owes money to any PHA under a federal housing program.

For current program participants, admitted prior to January 1, 2006 separate bedrooms will be allowed for the following households:

A. children of the opposite sex when both are over school age (6 and over).
B. A parent and a child of the same sex 13 and older.
C. A parent and a child of the opposite sex over school age (6 and over).
D. A single grandparent and a grandchild, regardless of age.

Subsidy standards will be based on the smaller of the family or unit size.

LTRAP shall set and maintain a Payment Standard schedule by bedroom size, which schedule will be reviewed annually and adjusted as needed. In order to accommodate handicapped individuals in a suitable dwelling unit, the Payment Standard applicable to a handicapped household can be set by LTRAP, without HUD approval, up to 110% of the published Fair Market Rent in effect at the time that the most recent Payment Standard was adopted, and up to 120% with HUD approval. In the case of a specific disability requiring additional utility consumption a family may request a higher utility allowance.

Subsidy standards are reviewed annually, or prior to a family move, so as to assure they match the family size (growth or decrease). Changes in family size do not affect the Payment Standard at an interim certification.

Special medical situations will be considered in determining bedroom size needed by the family, when requested in writing as a reasonable accommodation and properly documented by a doctor or other medical authority.

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

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

Space may be provided for a child who is away at school but who lives with the family during school recesses.

A pregnant woman will be treated as two-persons.

LTRAP may grant exceptions to normal occupancy standards in accordance with the provisions in Section 9.02.

The family unit size will be determined by LTRAP in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a unit that may be larger or smaller than the family unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

9.02 Exceptions to Subsidy Standards

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

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

Circumstances may dictate a larger size than subsidy standards permit when persons cannot share a bedroom because of a need such as a verified medical or health reason or elderly persons or persons with disabilities who may require a live-in attendant.

9.03 Requests for Exceptions to Subsidy Standards

The family may request a larger voucher than indicated by LTRAP's subsidy standards. Such request must be made in writing within 30 days of LTRAP's determination of voucher size.
The request must explain the need or justification for a larger voucher. Documentation verifying the need or justification will be required as appropriate.

LTRAP will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage or court-awarded custody. A larger voucher will not be issued due to additions of adult offspring, other adult family members (except by marriage), or room-mates. Requests based on health-related reasons must be verified by a licensed medical doctor**.**

9.04 Errors in Subsidy Standards

If LTRAP commits an error in the bedroom size designation, the family will be issued a voucher of the appropriate size.

9.05 Changes for Applicants

The voucher size is determined prior to the family's briefing by comparing the family composition to the established LTRAP subsidy standards. If an applicant requires a change in voucher size, based upon established subsidy standards, the guidelines in Section 10.01 will apply.

9.06 Changes for Participants

Upon initial lease-up for any unit, LTRAP must certify the family and give its approval of the persons who are permitted to reside in the unit as family members. Family members eligible for addition to the household subsequent to the initial lease-up fall into two categories as follows.

Category 1:

Persons added to the participant family by birth or adoption (including minor children previously born to or adopted by the program participant, but not residing in the household at the time of initial lease-up) or by court-awarded custody may be added

to the household as a matter of right. The family is required to notify LTRAP within 30 days of the addition of such person(s) to the household.

Category 2:

Persons other than those in category 1, including adult children of the participant, may not be added to the participant household without prior written notification to the owner and LTRAP. The guidelines in Sections 20.01 will apply to additions to the household in both categories 1 and 2.

9.07 Under-Housed and Over-Housed Families

If a unit does not meet Housing Quality Standards (HQS) space standards due to an increase in family size (unit too small), LTRAP will issue a new voucher of the appropriate size.

LTRAP will also notify the family of the circumstances under which an exception will be granted, such as:

- if a family with a disability is under-housed in an accessible unit;
- if a family requires the additional bedroom because of a health problem, which has been verified by LTRAP; or
- LTRAP and family have been unable to locate a unit within 180 days.

9.08 Ineligible Housing

The following types of housing are not assisted under the LTRAP's Section 8 Housing Choice Voucher Program:

- a public housing or Indian housing unit;
- a unit receiving project-based assistance under a Section 8 program;
- nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;
- college or other school dormitories;
- units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
- a unit occupied by its owner (this restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space); unless part of the house is being rented as "shared housing" see Section 9.09 below or

- a unit receiving any duplicative Federal, State, or local housing subsidy (this does not prohibit renting a unit that has a reduced rent because of a tax credit).

LTRAP will not approve a lease for any of the following special housing types, except as a reasonable accommodation for a family with disabilities:

- Congregate housing;
- Group homes;
- Assisted living facilities; or
- Single room occupancy housing.

9.09 Shared Housing-

Beginning October 1, 2023 LTRAP will permit shared-housing in accordance with the HUD regulations at 24 CFR 982.615-618. When a HCV holder requests approval for shared housing the owner must obtain a C.O. from the Township of Lakewood for the entire unit. LTRAP will also conduct an HQS inspection of the entire unit. The payment standard used will be the lower of the payment standard for the family size or the pro-rata share of the shared housing unit size, calculated by dividing the number of bedrooms available to the family by the total number of bedrooms in the unit. The HAP will be calculated by then taking the appropriate payment standard less the TTP. The utility allowance used will be the prorate share of the utility for the shared unit. Rent reasonableness will also be ensured so that the shared space does not exceed the reasonable rent for the pro rata share of the unit.

Section 10.0 FAMILY ABSENCE FROM THE DWELLING UNIT

The family must supply any information or certification requested by LTRAP to verify that the family is living in the unit or, if the family is absent from the unit, it must provide any requested information or certification on the purposes of family absences.

The family must cooperate with LTRAP for this purpose. The family must promptly notify LTRAP of its absence from the unit.

Absence means that no adult member of the family has resided in the unit for 30 or more days. The family must request permission in writing from LTRAP for absences that will exceed 30 days. LTRAP will issue a determination in writing within five business days of the request. An authorized absence may not exceed 180 days. Any family absent for more than 30 days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

- prolonged hospitalization;
- absences beyond the control of the family (e.g., death in the family, other family member illness); or
- other absences that are deemed necessary by LTRAP.

10.01 Confinement to Nursing Home or Hospital

If a family member is permanently confined to a hospital or nursing home and there are additional family members (s) remaining in the household, LTRAP will eliminate the income and medical deduction of the person permanently confined to the nursing home or hospital upon proper notification by the family.

If a reduction in bedroom size and corresponding payment standard is necessary as a result of the family member permanent confinement, the new payment standard will be effective at the next annual reexamination or move to another unit by the family, whichever comes first.

Section 11.0: DETERMINING ASSISTANCE IF A FAMILY BREAKS UP

11.0 Family Break-up

To protect the interests of all parties, the LTRAP encourages adult members of families who are about to break up to seek legal representation and to enter into a legal agreement as to which party will retain the HCV benefits. In the absence of a court decree, mediated or arbitrated settlement or other legal agreement, participants may mutually agree to the disposition of a Housing Choice Voucher by submitting a notarized statement to LTRAP signed by the party relinquishing participation.

Separation Without Prior Agreement Regarding Section 8 Benefits

A participant in the Section 8 and other assisted housing programs has property rights to the voucher. Therefore, if the family separates without agreement and only one of the parties signed the original application, the voucher is awarded to the original signer of the application.
If both or neither (in the case of an online application) separating parties signed the original application, the voucher shall remain with the party who remains in the assisted unit, or with whom the court decides to award the assistance. [But see Section 12.5, Actual or Threatened Physical Violence, below.]

Counseling by the LTRAP

In addition to encouraging separating families to seek legal counsel, the LTRAP will counsel separating families regarding the general procedures which the LTRAP will use in determining which of the parties will retain Section 8 or other assisted housing benefits as described above, Separation Without Prior Agreement Regarding Section 8 Benefits, above so that the parties can make informed decisions.

Referral to Outside Agencies

In cases in which children, the elderly, or disabled family members may be adversely affected, or in which family members are threatened with violence, LTRAP may refer the affected parties to appropriate city, county or state agencies for legal or other assistance.

Actual or Threatened Physical Violence

If a family member or group of members is forced to leave an assisted unit due to threatened or actual physical violence by another member of the assisted family, LTRAP may, at its discretion, and based on a preponderance of evidence, terminate the participation of the member remaining in the assisted unit because of violent criminal activity and award the voucher to the other remaining

members of the tenant family. The LTRAP may impose, as a condition of continued assistance for the other (remaining) family members, that the family member who was responsible for the actual or threatened physical violence will not reside in the unit. If the family member who was a victim of violence moves from the assisted unit, the family member must provide a certification of domestic violence in accordance with Section 12.6, Certification of Domestic Violence, below to be eligible for continued assistance.

Certification of Domestic Violence

The LTRAP requests that the family member making a claim of domestic violence, dating violence, sexual assault or stalking documents the abuse in writing. As verification that a family member has been the victim of domestic violence, dating violence, sexual assault or stalking, the LTRAP will accept:

1) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, sexual assault or stalking has signed and attested to the documentation; or
2) A Federal, State, tribal, territorial or local police report or court record or order; or
3) A HUD approved certification form that includes the name of the perpetrator. The certification must be provided within 14 business days of the LTRAP's written request. If not provided within 14 business days, the LTRAP may, at its sole discretion, extend the deadline or begin action to terminate the family from the program due to an eviction for good cause or due to criminal activity if supported by a conviction. All information provided by the family in the above cases shall be retained in confidence and shall not be entered into a shared database nor provided to any related entity except to the extent that disclosure is:

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

Information on domestic violence, dating violence or stalking shall be entered into the Client Notes of the LTRAP business system.

11.01 Remaining Member of Tenant Family

To be considered the remaining member of the tenant family, the person must have been previously approved by LTRAP to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the family. A "room-mate," as defined in Section 4.03 is also not a member of the family and will not be considered a remaining member of the family.

In order for a minor child to continue to receive assistance as a remaining family member:

- the court has to have awarded emancipated minor status to the minor; or

- LTRAP must have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child (or children) for an indefinite period.

A reduction in family size may require a reduction in the voucher family unit size.

Section 12.0 INFORMAL REVIEW PROCEDURES FOR APPLICANTS

12.01 Preference Denials

If LTRAP denies a preference to an applicant, the applicant will be notified in writing of the specific reason for the denial and will be offered the opportunity for an informal **meeting** (not an informal review) with LTRAP staff to discuss the reasons for the denial.

The person who conducts the meeting will be an employee of LTRAP who is at or above the level of the employee but not the employee who made the decision.

12.02 Informal Review Procedures for Applicants

LTRAP will give an applicant for participation in the Section 8 Housing Choice Voucher Program prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the decision and will state that the applicant may request an informal review within ten business days of the denial and will describe how to obtain the informal review. An applicant should be given an opportunity to submit a written request to reschedule an informal review. The applicant will be granted only one opportunity to reschedule an informal review. The informal review must be conducted within 30 days from the date of the notice.

12.03 When an Informal Review is Not Required

LTRAP will not provide the applicant an opportunity for an informal review for any of the following reasons:

1. A determination of family unit size under LTRAP subsidy standards;

2. LTRAP determination not to approve an extension or suspension of a voucher term;

3. LTRAP determination not to grant approval to lease a unit under the program or to approve a proposed lease;

4. LTRAP determination that a unit selected by the applicant is not in compliance with Housing Quality Standards (HQS), including reasons related to family size or composition;

5. General policy issues or class grievances; or

6. Discretionary administrative determinations by LTRAP.

12.04 Informal Review Process

LTRAP will give an applicant an opportunity for an informal review of LTRAP's decision denying assistance to the applicant.

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

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

- The reason(s) they have been determined ineligible;
- The procedure for requesting a review if the applicant contests the decision; and
- The deadline or time limit for requesting a review.

When denying admission for criminal activity as shown by a criminal record, LTRAP will provide the subject of the record and the applicant with a copy of the criminal record upon which the decision to deny was based.

LTRAP will provide applicants with the opportunity for an informal review of decisions denying:

- Listing on LTRAP's waiting list;
- Issuance of a Voucher;
- Participation in the program; and
- Assistance under portability procedures.

12.05 Procedure for Review

A request for an informal review must be received in writing by the close of the business day, no later than ten business days from the date of LTRAP's notification of denial of assistance.. The informal review must be conducted within 30 days from the date of the notice of denial.

The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The review may be conducted by any of the following:

- A staff person who is at the Casework Supervisor level or above;
- The Program Director or Executive Director (if not the same person who made the initial decision to deny assistance); or
- An individual from outside LTRAP.

The applicant will be given the option of presenting oral or written objections to the decision. Both LTRAP and the family may present evidence and witnesses. The family may use an attorney or other representative to assist the family at its own expense. The review may be conducted by mail and/or telephone if acceptable to both parties.

A notice of the review findings will be provided in writing to the applicant within fourteen days after the review. It will include the decision of the review officer and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the applicant's file.

12.06 Mitigating Circumstances for Applicants with Disabilities

When applicants are denied placement on the waiting list or LTRAP is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

12.07 USCIS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the USCIS SAVE system and manual searches do not verify the claim, LTRAP will notify the applicant within ten days of his/her right to appeal to the USCIS within thirty days or to request an informal hearing with LTRAP, either in lieu of or subsequent to the USCIS appeal.

If the family appeals to the USCIS, it must give LTRAP a copy of the appeal and proof of mailing or LTRAP may proceed to deny assistance. The time period to request an appeal may be extended by LTRAP for good cause.

12.08 Restrictions on Assistance to Non-Citizens

Assistance to an applicant will not be delayed or denied if:

- On the basis of immigration status if the applicant, within all requirements and/or dates specified by Section 5.508 of program regulations, takes all necessary steps to provide required documentation;
- LTRAP has not completed primary and secondary verification of immigration documents submitted by the applicant in a timely manner;
- If the USCIS appeals process under Section 5.514 has not been completed;
- If the ineligible family member has left the household; or
- Assistance to the applicant will be prorated;

Assistance to an applicant will be denied if:

- If a declaration of citizenship and eligible immigration status is not submitted by the date specified;
- USCIS primary and secondary verification does not support eligible immigration status of a family member;
- The applicant family does not pursue USCIS appeal or informal hearing rights; or
- USCIS appeal or informal hearing decisions are decided against the applicant or an individual family member.

12.09 Informal Review Regarding Citizenship Status.

The request for review must be made within 14 days of receipt of the notice offering the review; if an appeal was made to the USCIS, within fourteen days of receipt of that notice. The applicant will be notified that assistance will not be denied until the USCIS appeal process concludes but that assistance may be denied pending LTRAP informal hearing.

After receipt of a request for an informal review, the hearing is conducted as previously described in this section. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members LTRAP will deny assistance to the applicant.

Families denied for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as reviews for terminations for any other type of fraud.

Section 13.0 INFORMAL HEARING PROCEDURES FOR PARTICIPANTS

13.01 Consideration of Circumstances

In deciding whether to terminate assistance because of action or inaction by members of the family, LTRAP must consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

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

If LTRAP seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that LTRAP determines and notifies the participant of the decision to deny or terminate assistance. In determining whether to terminate assistance for these reasons LTRAP will consider evidence of whether the household member:

- has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;

- has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or

- is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

13.02 When a Hearing is Required

Hearing procedures will be provided to families in the briefing packet. LTRAP will give a participant family an opportunity for an informal hearing to consider whether the following decisions relating to the individual circumstances of a participant family are in accordance with HUD regulations and LTRAP policies:

1. Determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment;

2. Determination of the appropriate utility allowance (if any) for tenant-paid utilities from LTRAP utility allowance schedule;

3. Determination of the family unit size under LTRAP subsidy standards;

4. Determination to terminate assistance for a participant family because of the family's action or failure to act; or

5. Determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under LTRAP policy and HUD rules.

In cases described in items 4 and 5 above, LTRAP will provide the opportunity for an informal hearing before it terminates housing assistance payments for the family under an outstanding HAP contract.

13.03 When a Hearing is Not Required

LTRAP will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

1. Discretionary administrative determinations by LTRAP;

2. General policy issues or class grievances;

3. Establishment of LTRAP schedule of utility allowances;

4. LTRAP determination not to approve an extension or suspension of a certificate or voucher term;

5. LTRAP determination not to approve a unit or lease;

6. LTRAP determination that an assisted unit is not in compliance with HQS. However, LTRAP will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family;

7. LTRAP determination that the unit is not in accordance with HQS because of the family size; or

8. A determination by LTRAP to exercise or not exercise any right or remedy against the owner under a HAP contract.

13.04 Notice to the Family

In the cases described in items 4 and 5 of Section 13.03 entitled "When a Hearing is Not Required," LTRAP will notify the family that the family may ask for an explanation of the basis of LTRAP's determination, and that, if the family does not agree with the determination, the family may request an informal hearing on the decision.

In the following cases described in items 4 and 5 of Section 13.02 entitled "When a Hearing is Required," LTRAP will give the participant prompt written notice that the family may request a hearing within ten business days of the notification. LTRAP hearing procedures will be provided to families in the briefing packet. The participant should be given the opportunity to submit a written request to reschedule an informal hearing. The participant will be granted only one opportunity to reschedule an informal hearing.

The notice will contain a brief statement of the reasons for the decision and state that, if the family does not agree with the decision, the family may request an informal hearing on the decision within ten business days of the notification. The informal hearing must be conducted within 60 days from the date of the notice.

13.05 Hearing Procedures

LTRAP and participants will adhere to the following policies and procedures:

1. Discovery

a. The family will be given the opportunity to examine before the hearing any documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family's expense. If LTRAP does not make the document(s) available for examination on request of the family, LTRAP may not rely on the document at the hearing.

b. LTRAP will be given the opportunity to examine, at LTRAP's offices before the hearing, any family documents that are directly relevant to the hearing. LTRAP will be allowed to copy any such document at LTRAP's expense. If the family does not make the document(s) available for examination on request of LTRAP, the family may not rely on the document(s) at the hearing.

2. Representation of the Family

At the family's own expense, a lawyer or other representative may represent the family.

3. Hearing Officer

The hearing will be conducted by any qualified person or persons designated by LTRAP, other than a person who made or approved the decision under review or a subordinate of this person;

The person who conducts the hearing will regulate the conduct of the hearing in accordance with LTRAP hearing procedures.

4. Evidence

LTRAP and the family must have the opportunity to present evidence and to question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

5. Issuance of Decision

The person who conducts the hearing must issue a written decision within 14 calendar days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

13.06 Effect of the Decision

LTRAP is not bound by a hearing decision:

- Concerning a matter for which LTRAP 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 LTRAP hearing procedures; or

- Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State or local law.

If LTRAP determines that it is not bound by a hearing decision, LTRAP will notify the family within 14 calendar days of the determination and of the reasons for the determination.

13.07 Mitigating Circumstances for Participants with Disabilities

When LTRAP is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal hearing process.

13.08 Hearing Provisions for Restrictions on Assistance to Non-Citizens

Assistance to a participant will not be terminated:

1. On the basis of immigration status if the participant, within all requirements and/or dates specified by Section 5.508 of program regulations, takes all necessary steps to provide required documentation;

2. If LTRAP has not completed primary and secondary verification of immigration documents submitted by the participant in a timely manner;

3. If the USCIS appeals process under Section 5.514 has not been completed;

4. If the ineligible family member has left the household;

5. If assistance to the participant will be prorated;

6. If assistance for a mixed family is continued in accordance with Sections 5.514 and 5.518 of program regulations;

7. If LTRAP has deferred termination of assistance in accordance with Sections 5.516 and 5.518 of program regulations.

Assistance to a participant will be terminated if:

1. A declaration of citizenship and eligible immigration status is not submitted by the date specified;

2. USCIS primary and secondary verification does not support eligible immigration status of a family member;

3. The participant family does not pursue USCIS appeal or informal hearing rights; or

4. USCIS appeal or informal hearing decisions are decided against the participant or an individual family member.

13.09 USCIS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the USCIS SAVE system and manual search do not verify the claim, LTRAP will notify the participant within ten days of his/her right to appeal to the USCIS within 30 days or to request an informal hearing with LTRAP, either in lieu of or subsequent to the USCIS appeal.
If the family appeals to the USCIS, it must give LTRAP a copy of the appeal and proof of mailing or LTRAP may proceed to deny assistance. The time period to request an appeal may be extended by LTRAP for good cause.

13.10 Informal Hearing

The request for an informal hearing must be made within 14 days of receipt of the notice offering opportunity for the hearing or, if an appeal was made to the USCIS, within 14 days of receipt of that notice. The participant will be notified that assistance will not be terminated until the USCIS appeal process concludes.

After receipt of a request for an informal hearing, the hearing is conducted as previously described in this section. If the hearing officer decides that the individual is not eligible and there are no other eligible family members, LTRAP will:

- defer termination if the participant family qualifies for deferral; or

- terminate the participant if the family does not qualify for deferral.

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.

Families terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

Section 14.0 COMPLAINTS

LTRAP will investigate and respond to complaints by participant families, owners, employees, and the general public. All complaints will be documented. LTRAP may require that complaints other than HQS violations be put in writing.

Anonymous complaints are investigated when the person making the complaint indicates **in writing** the details of the specific allegations.

Categories of Complaints

- **Complaints from families:** If a participant family disagrees with an action or inaction by a representative of LTRAP or owner, complaints will be referred to the supervisor of LTRAP representative (unless that is the same person to whom the complaint was lodged against)..

- **Complaints from owners:** If an owner disagrees with an action or inaction of LTRAP or a family, complaints from owners will be referred to LTRAP office.

- **Complaints from staff:** If a staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to LTRAP supervisor for resolution.

- **Complaints from the General Public:** Complaints or referrals from persons in the community in regard to LTRAP, a family or an owner will be referred to LTRAP supervisor..

Section 15.0 PAYMENT STANDARDS

15.01 Setting the Payment Standard

Payment standards are established within the allowed "basic range" - 90 percent to 110 percent of the applicable HUD published Fair Market Rent (FMR). LTRAP may, approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities. As required LTRAP is now required to use the Small Area Fair Market Rents (SAFMRs). SAFMRs are FMRs calculated for ZIP Codes within Metropolitan Areas. LTRAP has a schedule of all SAFMRs by zip code in its area and calculates the appropriate Payment Standard for each zip code. The Lakewood Zip Code is the base for all payment standards, but in all cases a minimum of 90% of each SAFMR is used. In other words if 90% of the zip code affected is above the payment standard used for Lakewood, 90% of that zip code will be used as the payment standard for that unit. Similarly, if the Lakewood Payment Standard is above 110% of an area zip code we will limit the payment standard to 110% of that SAFMR.

15.02 Revising the Payment Standard

LTRAP will review payment standard levels annually, concurrent with publication of Fair Market Rents/and SAFMRs. LTRAP may also request payment standard adjustments at times other than the annual review when circumstances warrant.

Adequacy/appropriateness of existing payment standard levels will consider:

1. The percentage of annual income families pay for rent under the voucher program (rent burdens);
2. Program utilization rates;
3. Rents for units currently leased;
4. Size and quality of units leased under the program;
5. Rental vacancy rates and rents in the market area; and
6. Success rates of voucher holders in finding units.

If it is determined that existing payment standard levels present an obstacle to achieving favorable success and/or utilization rates, reasonable rent burdens or that families are generally renting low quality units, LTRAP may, within the basic range, raise the payment standard to a higher level.

LTRAP, may also reduce a payment standard for a specific bedroom size or all bedroom sizes if analysis shows that a significant percentage of leased units of moderate to high quality have rents that are substantially below the payment standard level.

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

15.03 Reasonable Accommodation

LTRAP may grant exception payment standards between 90% and 110% of the Fair Market Rent (FMR) in instances where a higher standard is necessary to provide reasonable accommodation for a family member with disabilities. This policy applies to cases where LTRAP approves higher payment standards only in cases involving disabilities in conformity with the Americans with Disabilities Act (ADA) and other applicable Federal and State human rights laws.

When LTRAP plans to increase the payment standard on behalf of a tenant in this category, the following procedures must be implemented:

1. The tenant must submit documentation to LTRAP verifying that the household member is in fact disabled. While a "diagnosis" is not required, there should be documentation in the file that provides substantiation of the person's disability. LTRAP must place a memo into the file documenting the amount of the increase and the justification of the use of a higher rent/payment standard.

2. Payment standards of 111% to 120% for disabled participants require HUD's approval. When submitting exception payment standard requests in this range, the following **must** be included:

   Documentation verifying that the approved gross rent is reasonable, in relation to unassisted units within and outside of, the building or development in question.

The request will only be approved after receipt of HUD approval.

Section 16.0 OWNER RENTS AND RENT REASONABLENESS

16.01 Rent to Owner in the Housing Choice Voucher Program

The allowable rent to owner is limited primarily by rent reasonableness. However, if the proposed gross rent for a unit is above the payment standard, the impact this will have on a family's maximum allowed rent burden also becomes a factor. At the time a family initially receives Housing Choice Voucher (HCV) assistance, whether a new admission or a move to a different unit, the family share may not exceed 40 percent of the family's monthly adjusted income when the gross rent for the unit exceeds the applicable payment standard for the family.

All owners will be advised that by accepting each monthly housing assistance payment they are certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the same premises. If requested, the owner must give LTRAP information on rents charged by the owner for other units in the premises or elsewhere.

16.02 Rent Proration

When initiating voucher assistance, the general standard is to begin assistance on either the 1st or the 15th of the month.

16.03 Rent Reasonableness Determinations

LTRAP will not approve an initial rent or a rent increase in the HCV program without determining that the rent amount is reasonable with respect to rents for comparable unassisted units in the market area.

Reasonableness is determined prior to the initial lease and in the following circumstances:

- Before an increase in rent to owner is approved;
- If 60 days before the contract anniversary date, there is a 5 percent decrease in the published Fair Market Rent (FMR) as compared to the previous FMR; and
- If, LTRAP, or HUD directs that reasonableness be re-determined.

LTRAP shall determine whether the rent to the owner is comparable to rent for other comparable unassisted units. To make this determination, LTRAP will consider the location, quality, size, unit type, age of the unit, any amenities, housing services, as well as maintenance and utilities to be provided by the owner in accordance with the lease agreement. LTRAP will enter this information into the third-party provided web based program used for this determination.

16.04 Rent Reasonableness Methodology

To ensure that the rent is reasonable, LTRAP uses a web-based Rent Reasonableness system developed by a third-party contractor, Novogradac & Co., in conjunction with Quadel Consulting Corporation. which is based on a market study of rents in the area to determine comparable rents.

When the rent is tested, if the rent is found to exceed the comparable rent for this type of unit, the rent will be LOWERED to the comparable rent.

Section 17.0 SPECIAL HOUSING TYPES

LTRAP will approve housing types including:

- Single family dwellings;
- Apartments;
- Shared Housing
- Manufactured housing; and
- Manufactured home space rentals.

Section 18.0 PARTICIPANT PAYMENTS FOR AMOUNTS OWED THE PHA

LTRAP is required to include in the Administrative Plan, policies concerning repayment by a family of amounts owed to LTRAP (24 CFR 982.54). This part describes LTRAP's policies for recovery of monies that have been overpaid on behalf of families, or to owners or loans extended to families.

LTRAP Policy

When an action or inaction of an owner or participant results in failure to honor a contractual obligation (e.g. loan) or the overpayment of housing assistance, LTRAP holds the owner or participant liable to return any overpayments to LTRAP.

LTRAP will enter into a repayment agreements in accordance with the policies contained in this part as a means to recover overpayments.

When an owner or participant refuses to repay monies owed to LTRAP, LTRAP may utilize other available collection alternatives including, but not limited to, the following:

Collection agencies
Small claims court
Civil law suit
State income tax set-off programs.

18.01 Repayment Agreements – General

Owner Debts to LTRAP

Any amount due to LTRAP by an owner must be repaid by the owner within 30 days of the LTRAP determination of the debt.

If the owner fails to repay the debt within the required time frame and is entitled to future HAP payments, LTRAP will reduce the future HAP payments by the amount owed until the debt is paid in full.

If the owner is not entitled to future HAP payments LTRAP will offer to enter into a repayment agreement in accordance with the policies below.

If the owner refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, LTRAP will ban the owner from future participation in the program and pursue other modes of collection.

Family Debts to the LTRAP

Any amount due to LTRAP by an HCV participant must be repaid by the family. If the family is unable to repay the debt within 30 days, and there is plausible argument that the debt was a result of an honest error and not fraud, then LTRAP will offer to enter into a

repayment agreement in accordance with the policies below. There is no maximum dollar amount for considering whether or not LTRAP will enter into a repayment agreement

If the family refused to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, LTRAP will terminate the assistance upon notification to the family, report the debt in HUD's "Debts Owed to PHAs & Terminations" database tracking system, and pursue other modes of collection.

Repayment Agreement (24 CFR 792.103)

The term repayment agreement refers to a formal document signed by a tenant or owner and provided to LTRAP in which a tenant or owner acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

Repayment Agreement Guidelines

Down Payment Requirement

Prior to the execution of a repayment agreement, the owner or family must pay 25 percent of the balance owed to LTRAP. The CFO may authorize a different down payment to avoid a financial hardship for the family.

Payment Thresholds

LTRAP Policy

- Amounts over $3,000 must be repaid within 24 months.
- Amounts between $2,000 and $2,999 must be repaid within 18 months.
- Amounts between $1,000 and $1999 must be repaid within 12 months.
- Amounts under $1,000 must be repaid within 6 months.

If the amount is greater than $6,000, a repayment agreement may only be entered into with the CEO or CFO written approval.

Execution of the Agreement

The head of household or spouse/cohead (if applicable) must sign the repayment agreement.

No Offer of Repayment Agreement

LTRAP will not enter into a repayment agreement if there is already or was a repayment agreement in place with the family or owner, or while the matter is under investigation for possible criminal prosecution or is currently being criminally prosecuted. Subsequent offenses will result in immediate termination from the program. LTRAP will terminate the assistance upon notification to the family, report the debt in HUD's "Debts Owed to PHAs & Terminations" database tracking system, and pursue other modes of collection.

Debts Owned to Public Housing Agencies and Terminations

HUD requires housing agencies to report in a nation-wide database on balances owed any PHA or S8 landlord; whether a repayment agreement has defaulted; whether the PHA has obtained a judgement against the former participant; whether the former participant filed for bankruptcy; the negative reasons for end of participation status such as fraud, abandoned unit, lease violations, criminal activity, and end of participation date.

18.02 Repayment Agreements - Fraud Recovery

LTRAP is required by HUD to report fraud recovery in HUD's Voucher Management System reports. LTRAP is allowed to keep 50% of the recovered funds resulting from fraud repayments.

18.03 Late Payments

Due Dates

All payments are due by the first of the month but courtesy will be given until close of business on the 10th day of the month. If the 10th does not fall on a business day, the due date is the close of business of the first business day after the 10th. LTRAP now accepts credit and debit card payments through our software program PHA-Web.

Non-Payment

If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by LTRAP the family is in default and subject to sanctions.

LTRAP may modify, extend, or suspend the terms of the repayment agreement upon a showing an extenuating circumstance beyond the control of the family prevented it from complying with the terms of the repayment agreement (e.g. death or medical emergency in the immediate family).

If after receiving a final notice to pay from LTRAP, a family fails to bring the account into good standing, LTRAP will terminate assistance upon written notification to the family.

If a family requests a move to another unit, and has an existing repayment agreement in place for the payment of an owner claim, the family will not be permitted to move with continued HCV assistance until the family pays the balance in full.

If a family who has an outstanding balance on an existing repayment agreement requests to port to another jurisdiction , the outstanding balance must be paid in full before the family will be permitted to port.

18.04 Minimum Rents

LTRAP has a minimum rent policy of $50 for all participants in the Section 8 Voucher Program.

Refer to Section 21.06 for guidance on the Minimum Rent Hardship Exemption.

Section 19.0 UTILIZING THE ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM

Use of the HUD EIV System is mandatory. LTRAP will use the EIV system to identify potential discrepancies in income reporting by participants during the annual and interim reexamination processes. In order to identify any discrepancies, LTRAP will use EIV wage/benefit data in conjunction with third party income verification documents received during the annual and interim recertification processes. If there are discrepancies in the amount of income, or if the income is outdated, LTRAP will use the most accurate and reliable source of income verification.

The data contained and provided by the EIV system will be protected by LTRAP and should only be used for official program purposes. Data will not be disclosed to anyone in any manner that would violate the privacy of the individuals represented.

LTRAP must adhere to EIV security awareness measures to ensure that only authorized system users may access the EIV system in order to maintain overall privacy and security compliance.

LTRAP must use the EIV system to verify household income on such sources as Social Security, Social Security Disability, SSI, wages and unemployment compensation for each family member. LTRAP must use the EIV system to compare the income source and amount recorded in the participant-supplied income data and form, HUD 50058 which is maintained in the HUD Public and Indian Housing Information Center (PIC) System database.

19.01 Demonstrating Compliance with Mandatory Use of EIV

In accordance with 24 CFR §5.233(a)(2)(i), LTRAP must demonstrate compliance with mandated use of EIV by doing the following:

A. For each new admission:

   a) Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date;

   b) Print and maintain a copy of the EIV Income Report in the tenant file; and

   c) Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.

B. For each historical adjustment (action type 14):

   a) Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date;

b) Print and maintain a copy of the EIV Income Report in the tenant file; and

c) Resolve any income discrepancy with the family within 60 days of the EIV Income Report date.

C. For each annual reexamination where the *tenant does not dispute EIV information, LTRAP must*:

Maintain the EIV Income Report, current acceptable tenant- provided documentation and, *if necessary* (as determined by LTRAP), traditional third party verification form(s).

D. For each annual reexamination where the *tenant disputes EIV information, LTRAP must*:

Maintain the EIV Income report, current acceptable tenant- provided documentation, and/or traditional third party verification form(s)

E Where the *Tenant-reported income is not verifiable through EIV system, LTRAP must:*

Maintain current tenant-provided documents and, *if necessary*, traditional third party verification form(s).

19.01.01 Debts Owed to PHAs & Termination Module

HUD has established a national data base to serve as a repository for debt and termination information on former program participants. It is now mandatory that each local program designate at least one staff person whose responsibility it is to enter information into this Debt Termination Data Base (DTDB).

19.01.02 Policy Governing DTDB Entries

The following practices must be adhered to when entering debt/termination information into DTDB:

1) Debt/Termination information must not be entered into DTDB until an End Of Participation (EOP) action has been entered in PIC for the former participant.

2) Debt/termination information must be entered within 60 days from the EOP date.

3) Debt/termination information will be maintained in DTDB only up to a period of 10 years.

4) Families who have never, or no longer, warrant being in the data base must be removed following HUD guidelines under *Debts Owed to PHAs and Termination information.*

5) Local programs may modify a tenant record only 3 times.

6) Debts should not be modified as payments are being made. The debt is to be removed only after being paid in full.

19.01.03 Screening Families Through EIVs' "Former Tenant Search" Module

Procedures governing use of the EIV "Former Tenant Search" module must include the following:

1) Prior to admission, local programs should query each adult household member's SSN to determine if a PHA has reported a debt or adverse termination;

2) Former participants who owe debts to a PHA may not be admitted to the program until the debt is paid in full to the PHA that is owed the outstanding amount;

3) Adverse Terminations should be denied assistance in accordance with PHA or HUD policy; and

4) Families denied assistance due to information in DTDB must be provided with a copy of the Debts Owed & Termination report, and as with other denials, offered an informal review.

19.01.4 Mandatory Monitoring of EIV Reports

LTRAP is required to monitor the following EIV reports on a ***monthly*** basis:

1. Deceased Tenants Report
2. Identity Verification Report
3. Immigration Report

LTRAP is required to monitor the following EIV reports on a ***quarterly*** basis:

1. Income Discrepancy Report
2. Multiple Subsidy Report
3. New Hires Report
4. SAVE Report

19.02 Income Discrepancy Resolutions

When the EIV income data differs from the participant-provided income data by at least $200.00 per month, this constitutes a "substantial difference."

In cases where the EIV income data is **NOT** substantially different than tenant-reported income, LTRAP will:

- use participant documents or third party income verification to calculate anticipated annual income if the EIV income is less than current participant-provided documentation; or

- use EIV income data unless the participant provides documentation of a change in circumstances when the EIV data is more than the current participant-provided documentation. If acceptable participant documentation is provided to justify a change in circumstances, the participant documents will be used to calculate income.

In cases where EIV income is substantially different than the participant-reported income, the LTRAP must:

- Request written third-party verification from the income source in accordance with 24 CFR 5.236(3) (i).

- Review historical income data for patterns of employment, paid benefits, and/or receipt of other income when LTRAP cannot readily anticipate income such as in the cases of seasonal employment, unstable working hours and suspected fraud.

- Analyze all data and attempt to resolve the income discrepancy.

- Use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

Section 19.03 EIV Security Measures

19.03.01 Handling of Discrepancy Reports

LTRAP must handle EIV discrepancy reports in the following manner:

- If a participant disagrees with the discrepancy report issued by the EIV system, a meeting will be scheduled by LTRAP with the participant to resolve the dispute. All details of the discrepancy report must be documented and the participant will have 15 business days from the date of the meeting to obtain third-party verification of the discrepancy and submit supporting documentation to LTRAP. All participant-provided information and submitted documentation should be dated not more than 60 days prior to the initial resolution meeting. Once the information is received from the participant, LTRAP will review and make a final decision within ten business days from the date that the information was received from the participant.

- If a situation arises where facts indicate that a participant has not reported or has under-reported income, a repayment agreement will be executed between the participant and LTRAP. A revision to the current and future participant's share must also be made. If a participant refuses to enter into a repayment agreement and/or refuses to pay the newly calculated rent, termination of assistance will occur using the established policies and procedures in accordance with LTRAP's Section 8 Administrative Plan.

19.03.02 Records Retention

During the term of the assisted tenancy and for three years thereafter, LTRAP must retain the documents in the participant's file. EIV information must be destroyed three years from the End of Participation (EOP) unless there is pending litigation.

19.03.03 Disposal of Applicant and Participant Records

All EIV documents must be destroyed at the end of the three-year retention period. They should be destroyed in a manner that would not compromise the confidentiality of the applicants and/or participants.

19.03.04 EIV Security Monitor

LTRAP must designate someone as the agency's *"EIV Security Monitor."* The agency's EIV Security Monitor will be responsible for ensuring that the minimal EIV security procedures outlined in this document are adhered to.

19.03.05 EIV Security Awareness Training

Staff using the EIV access must satisfy the required annual EIV Security Awareness Training.

Section 20.0 RECERTIFICATIONS

20.01 Interim Recertifications

Families are required to report **all** changes in income and family composition to LTRAP within ten days of the date of such change. Families that report a change in income or family composition will be advised by LTRAP to forward written documentation. During an interim reexamination only information affected by the changes being reported will be reviewed and verified.

Upon receiving any documentation requested from the family, LTRAP will process interim recertifications in the following circumstances **only**: Please note that HOTMA regulations significantly change this section. Since this Plan covers both the 2027 effective date changes and the previous policies both will be stated in the Plan for this year.

- Current policy: Recertifications requested by a participant which result in a any decrease in tenant rent will be processed;

HOTMA 2027 policy: Only decreases of 10% of your adjusted income will be processed.

- Current Policy: Recertifications due to an increase in yearly household income of 25% or more, which would result in a monthly increase in participant rent share will be processed effective from the date of the increase;
  HOTMA policy: Only increases of 10% or your adjusted income will be processed. If the increase is a result of an increase to earned income the change will only be processed only if there was a previously reported decrease within the past recertification year. If no decrease was reported since the last recertification, no action will be taken on the reported earned income increase. Participants are still however required to report any and all changes.

- Recertifications that are a result of a change in family/household composition and that result in either an increase or decrease in the tenant rent as described above, must be reported.

- Changes from increases in income occurring within 3 months of the recertification will not be processed. The change will be included in the next recertification.

- Changes in child care allowance due to termination of employment will be processed at recertification if the employment has ended; however hardship situations will be considered for up to 90 days when the family is unable to pay rent.

- The medical expense threshold will increase to 10% under HOTMA but any family received a medical allowance prior to 2024 will be granted a phased in threshold over 3 years, going to 5%, then 7.5 %, then finally to 10%.

Required reporting includes but is not limited to:

1. Any change in the source of EARNED INCOME, such as those resulting from a change in employer, job title, transition from part-time to full time employment, an adult family member previously unemployed obtaining employment, any additional income arising from a new family member, etc.
2. Any change in UNEARNED INCOME, such as an increase in TANF, SSI, SS or Child Support.
3. Any change in UNEARNED INCOME, such as income received on behalf of any family members but not previously reported.
4. Any decrease in household income.
5. Participants must request permanent or conditional permission to add individuals to the household except for children born to or adopted by the participant and the authorized occupants of the household during the subsidized tenancy. All of the requirements below must be met for LTRAP to approve the addition of any person to a HCVP subsidized unit.

- The request must be made by the Head of Household (HOH);
- The HOH must reside in the unit on the date of the request;
- The request must be made in writing;
- The family must be in good standing when the request is made, meaning there is no administrative action pending against the family to terminate the subsidy;
- The proposed additional person must fall within familial relationship categories specified by LTRAP at its discretion

  Note: LTRAP will make the determination if a family member will be added permanently or conditionally. Permanent permission will allow for the succession of the voucher to a remaining family member. Conditional permission does not allow for the succession of the voucher to a remaining family member.

- If an adult family member moves out they will not be able to move back in unless there is an extenuating circumstance which must be reviewed and approved by LTRAP.

6. If a family member leaves the household, this must be reported.

In order to add a household member (other than through birth or adoption), including a live-in aide or a room-mate, the family must request that the new member be added to the lease. The new household member must first be approved by LTRAP. Before adding the new member to the lease, the individual and participant head of household must undergo a recertification and document the income, assets, and all other information normally required of applicants and participants.

The individual to be added to the household must also provide his/her Social Security number (if he/she has one) and must verify his/her citizenship/eligible immigrant status.

The family's revised annual income will be recalculated taking into account the income and circumstances of the new family member.

NOTE: Housing assistance will only be delayed if caused by family action or inaction.

20.02 Effective Date of Changes for Interim Recertifications

Effective date of Change:

- Current Policy: LTRAP will review the information provided and will only process an income change if required as explained above. Changes occurring by the 15th of the month will be processed for the next month, after the 15th for the subsequent month. In the case of an increase the change will be processed based on the date the income increased rather than on the date the family reported the increase to LTRAP; however no adjustments will be made retroactively for decreases that were not reported in a timely manner.
- HOTMA policy: Changes that result in decrease in adjusted income will be processed for the 1st of the month following the change. Changes that resulted

from an increase to adjusted income require 30 days notice to the tenant and landlord. If the change was reported late the 30 days will be calculated from the date of the inception of the increased income. Increases in earned income will not be processed within 3 months of the recertification date.

20.03 Annual Recertifications

An annual recertification must be completed for each Section 8 HCV family. The recertification must be completed on or prior to the date of the previous year's recertification.

The information used for reexamination must be current (within 120 days) of the effective date of the recertification. The family should be given a minimum of 90 days, but not more than 120 days, written notice prior to the anniversary date of the recertification.

Since Covid 19, LTRAP no longer requires the participant(s) to visit the office for the purpose of conducting the recertificationAll recertifications are done by mail.. Paperwork can either be mailed, faxed, emailed, or dropped off in our drop box.The office is open Monday-Thursday from 1:00 P.M.- 5:00 P.M. for in person drop offs or any other inquiries. Recently, LTRAP has added both a participant and waiting list portal enabling both applicants and participants to upload documents directly to their portal. The documents are instantly available for staff review and processing and remain a part of the permanent file. The applicant/participant must obtain their unique registration code and set up their own login information.

The initial recertification notice must inform the family of the required documents and the deadline (or the date to appear in the office for the reexamination) for submitting all required documents and requested information.

If the family fails to respond to the initial/first notice, a second notice must be sent to the family informing them that they have failed to submit the required information for recertification. A second request and a copy of the previously sent notice must be sent to the family.

If the family fails to respond to the second notice a termination notice must be mailed to the family.

20.04 Income:

HUD has changed the definition of income, under 24 cfr 5.609(a). These changes will be implemented beginning January 1, 2027. At that time, annual income will include anything that is not specifically excluded by the regulations in this section , as well as unearned income of a minor and imputed income from assets over $50,000.

20.05 Zero Income Families

"Zero-Income circumstances are very unusual and require extra steps to validate. This can be better accomplished in a face-to-face meeting.

When an applicant or participant reports zero household income or household income which is below the then current minimum income guidelines (per household size) used by the Ocean County Board of Social Services/Temporary Assistance to Needy Families(TANF)—this creates a rebuttable presumption that the reported income is unrealistic, pointing to a potential program abuse/fraud or an error/omission in the declared household income. An in-depth review with the family is to be undertaken to determine whether there are additional sources of income, e.g., whether monies, goods, services or other forms of includable cash or non-cash financial assistance are received as grants or gifts that were not fully disclosed. After completion of the comprehensive review, if the family's reported income is still unrealistic, and the family cannot provide a reasonable explanation as to manageability, then the applicant will be deemed ineligible on the grounds of apparent program abuse. In a case where a family reports zero income, and declares that it is living off of assets or loans, the comprehensive review must be completed at least every three months. If the reported income appears to be unrealistic in relation to the family's living expenses, even if it is above the TANF guidelines, an in-depth review of the family's income and expenses will be undertaken, including a credit check, which, in such a case, the applicant/participant will be required to authorize as a condition for admission or continued participation in the program. If this detailed review with the family does not yield credible resolution of the discrepancy between the family's reported income and actual expenditures, then the applicant or participant will be deemed ineligible on the grounds of apparent program abuse.

20.06 Minimum Rent Hardship Exemption

LTRAP must advise a family who is paying the minimum rent of their right to request an exemption of the minimum rent payment. If the family requests the exemption LTRAP must suspend the minimum rent and adjust the HAP payment effective on the first of the month following the change in the family's circumstances. LTRAP must request documentation to substantiate the hardship, and must promptly determine if the hardship is temporary or long term.

If the LTRAP determines the financial hardship to be temporary (90 days or less), the minimum rent must be suspended for a period of 90 days from the date of the family's request. At the end of the 90 day period, the minimum rent must be reinstated retroactive to the date of suspension. If the amount the family owes as a result of the suspension of the minimum rent exceeds the family's ability to pay in one lump sum, LTRAP must offer the family a repayment plan.

Financial hardship includes the following circumstances:

- a family has lost eligibility for or is awaiting an eligibility determination for a government assistance program;

- a family would be evicted because it is unable to pay the minimum rent

- the income of the family has decreased because of changed circumstances including loss of employment;

- a death has occurred in the family; or

- other circumstances determined by the PHA or HUD.

LTRAP must conduct an in office interim recertification every 30 days for a family that is receiving a minimum rent hardship exemption. The purpose of the interim recertification is to verify the family's expenses, and to have the family provide an explanation of how their monthly expenses are being paid. Any regular contributions received by the family from outside sources must be considered as household income.

In addition, the family must complete the HUD "*Zero Income Checklist and Worksheet*" Form on a monthly basis, which can be found in the HUD Public Housing Occupancy Guidebook. For further guidance on this topic, see the HUD Public Housing Occupancy Guidebook (published June 2003).

Section 21.0 RESTRICTIONS ON MOVES BY A PARTICIPANT FAMILY

During the initial 12 months of assisted occupancy, families who resided in LTRAP's jurisdiction prior to admission and wish to move within the same jurisdiction will be allowed to move only under the following conditions:

- LTRAP has terminated the Housing Assistance Payment (HAP) contract due to an owner's breach of responsibility (i.e. failure to correct Housing Quality Standards (HQS) violations); or

- The owner and family have agreed to mutual rescission of the lease;

LTRAP may deny permission to move if:

- The family has violated a family obligation;

- The family owes LTRAP money; or

- The family has moved or was issued a voucher within the past 12 months.

Families are required to give proper written 30-day notice of intent to terminate the lease. During the initial term families may not end the lease unless the family and the owner mutually agree to end the lease and submit in writing to LTRAP a statement signed by the owner and tenant that the lease is being mutually terminated and the effective date of the termination. If the family moves from the unit before the initial term of the lease ends without the owner's and LTRAP's approval, it will be considered a serious lease violation and may subject the family to termination from the program.

The family is required to give LTRAP a copy of the notice to terminate the lease at the same time it gives the notice to the landlord. A family's failure to provide a copy of the lease termination notice to LTRAP will be considered a violation of family obligations and will cause the family to be terminated from the program.

Section 22.0 HOUSING QUALITY STANDARDS (HQS) INSPECTION POLICIES

Housing Quality Standards (HQS) are minimum standards for tenant-based programs and are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as to the unit. Newly leased units must pass the HQS inspection **before** the beginning date of the assisted lease and Housing Assistance Payments (HAP) contract. HUD has creasted a NEW INSPECTION MODEL – NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE). This new system was initially implemented for the Public Housing Program, but will come to the HCV Program effective October 1, 2023, although it will not be required to be implemented until February 1, 2027. LTRAP will begin using NSPIRE for all inspections on or after January 1, 2027.

LTRAP will inspect each unit under contract at least biannually.

LTRAP will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by the Section 8 Management Assessment Program (SEMAP) annually to maintain LTRAP's required standards and to assure consistency in LTRAP's program.

This section describes LTRAP procedures for performing HQS and other types of inspections and standards for the timeliness of repairs. It also explains the responsibilities of the owner and family and the consequences of non-compliance with HQS requirements for both families and owners.

22.01 Requirements and Guidelines for Inspections

When a Request for Tenancy Approval (RTA) is submitted, the unit being offered must be available for inspection with a valid Certificate of Occupancy.

LTRAP will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Section 8 Program unless HQS is met. Units will be inspected at least annually (or at least biennially, if the unit has been placed on a biennial inspection schedule as provided above), and at other times as needed, to determine if units meet HQS.

LTRAP must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by mail or by phone. If the owner and/or family cannot be at home for the scheduled inspection appointment, the owner or family must make arrangements to enable LTRAP to enter the unit and complete the inspection.

If the owner or family misses the scheduled inspection and fails to reschedule the inspection, LTRAP will only schedule one more inspection. If the family misses two inspections, LTRAP may consider the family to have violated a Family Obligation and may terminate their assistance.

HQS will be the minimum requirement for approving units proposed for Section 8 Housing Choice Voucher (HCV) assistance.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. LTRAP will not promote any additional acceptability criteria which are likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

All utilities must be in service prior to the HQS inspection. If the utilities are not in service at the time of inspection, the inspector will notify the tenant or owner (whomever is responsible for the utilities according to the Request for Tenancy Approval) to have the utilities turned on. Either the inspector will schedule a reinspection or the owner and tenant will both certify that the utilities are on.

Following are the types of inspections LTRAP will perform:

1. **Initial:** An inspection that must take place to ensure that the unit passes HQS before assistance can begin; this inspection is conducted upon receipt of Request for Tenancy Approval;

2. Bi**Annual:** An inspection to determine that the unit continues to meet HQS; this inspection must be conducted within 24 months of LTRAPs last inspection;

3. **Supervisory:** Quality control inspections on units under lease during any specific fiscal year.

22.02 Initial HQS Inspections

LTRAP will inspect the unit, determine whether the unit satisfies HQS and notify the family and owner of the determination within 30 days after the family and the owner have submitted a request for approval of tenancy.

LTRAP will make every reasonable effort to conduct initial HQS inspections for the family and owner in a manner that is time efficient and indicative of good customer service.

LTRAP will periodically review the average time required for a family and owner to have a unit inspected from the time the RTA is submitted by the family and owner to LTRAP.

The initial inspection will be conducted to:

- determine if the unit and property meet HQS as defined in this Plan;

- document the current condition of the unit to assist in future evaluations whether the condition of the unit exceeds normal wear and tear; and

- document the information to be used for determination of rent reasonableness.

If the unit fails the initial HQS inspection, the family and owner will be advised to notify the office once repairs are completed.

22.03 B i - Annual HQS Inspections

LTRAP will conduct HQS inspections within 24 months of LTRAP's last inspection. Special inspections may be scheduled between anniversary dates.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a deficiency for which the tenant is responsible.

The owner and/or family must allow LTRAP to inspect the unit at reasonable times with reasonable notice.

Failed inspections will be categorized as life threatening, severe, moderate or low. Life threatening items must be repaired within 24 hours. Severe or moderate fails must be repaired within 30 days and low items need not be repaired.

Inspections will be scheduled with adequate notice to the family.

If the owner or family is unable to be present at the inspection, he/she must reschedule the appointment within five business days.

If the family misses an inspection appointment and does not contact LTRAP to reschedule the inspection, or if the family misses two scheduled inspection appointments, LTRAP will consider the family to have violated a family obligation and the family's assistance will be terminated in accordance with the termination procedures in this Plan.

22.04 Verification of HQS Deficiencies

LTRAP may elect to do a reinspection to comply with 23 CFR 982.404 (a) (3) to verify that all HQS deficiencies have been corrected

22.05 Reinspections

If an on-site reinspection is required and the family and/or owner is not at home for the reinspection appointment, LTRAP will leave a notice at the unit verifying the inspector's attempt to conduct the inspection.

LTRAP will schedule a reinspection of the unit. A notice of the reinspection will be provided to the owner and the family. The notice may contain a warning that payments will be abated (in the case of owner's responsibility), or a warning of intent to terminate (in the case of family's responsibility).

22.06 Notification of HQS Failures

When a unit fails HQS inspection, LTRAP must notify the owner in writing of the amount of time that will be allowed to correct any items noted as fail. The amount of time allowed will be determined by LTRAP based on the time standards described in Section 22.03.

If the time period allowed to correct the repairs has elapsed and LTRAP has not granted an extension of time, the family must select another unit for assistance.

22.07 Time Standards for Repairs

See Section 22.03

22.08 Rent Increases

Rent increases must be requested at least 60 days prior to the lease renewal. If the request is not received in a timely manner, the rent increase will not be applied at lease renewal but at the earliest date following 60 days from the date of the notice.
Rent increases to an owner must not be approved if the unit fails inspection and deficiencies have not been corrected.

22.09 Quality Control Inspections

Quality control inspections will be performed by LTRAP on the number of files required by SEMAP. The purpose of quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections and to ensure that there is consistency among inspectors in application of HQS.

The sampling of files will include recently completed inspections (within the prior three months), a cross-section of neighborhoods, and a cross-section of inspectors.

22.10 Accessibility Modifications to HQS

Modifications or adaptations to a unit due to a disability must meet all applicable HQS.

22.11 Emergency Repair Items

HQS deficiencies of an emergency nature must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector. Deficiencies of an emergency nature include but are not limited to the following:

- lack of security for the unit;
- waterlogged ceiling in imminent danger of falling;

- major plumbing leaks or flooding;
- natural gas leak or fumes;
- electrical problem which could result in shock or fire;
- no heat when outside temperature is below the Fahrenheit degree level consistent with local building codes and temperature inside is below the Fahrenheit degree level consistent with local building codes;
- inoperable smoke detector;
- inoperable carbon monoxide detector;
- utilities not in service;
- no running hot water;
- broken glass where someone could be injured;
- obstacle which prevents tenant's entrance or exit; and
- lack of functioning toilet.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by LTRAP.

If the emergency repair item(s) are not corrected in the time period required by LTRAP and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair items are not corrected in the time period required by LTRAP and it is an HQS breach which is a family obligation, LTRAP may terminate the assistance to the family.

22.12 Lead Based Paint

LTRAP is responsible for complying with HUD's Lead Based Paint requirements as outlined in 24 CFR Section 35.

22.12.01 Initial Inspection

HUD regulations require that all stabilization of lead-based paint surfaces be completed before the commencement of assisted occupancy. While 24 CFR Section 35.115 (12)

permits a reasonable delay in the performance of an evaluation, lead-based paint hazard reduction, or lead-based paint abatement on an exterior painted surface during a period when the weather conditions are unsuitable for conventional construction activities, such delays are **not** permitted for initial HQS inspections. A unit must pass its initial HQS inspection before assistance commences under the HAP contract. Under no circumstances should a waiver be granted for a unit that fails initial inspection.

22.12.02 Annual/Periodic Inspection

If a unit fails its annual reinspection due to lead based paint hazards, LTRAP must advise the owner of his/her responsibility to ensure that the following conditions are adhered to:

- ***Pursuant to 24 CFR Section 35.1345:***

  (a) Occupants shall not be permitted to enter the worksite during hazard reduction activities (unless they are employed in the conduct of these activities at the worksite), until after hazard reduction work has been completed and clearance, if required, has been achieved; and

  b) Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, unless the exceptions noted in 24 CFR 35.1345 exist.

- ***Pursuant to 24 CFR Section 35.1215:***

  (a) If assisted occupancy has commenced prior to a periodic inspection, such paint stabilization must be completed within 30 days of notification of the owner of the results of the visual assessment. Paint stabilization is considered complete when clearance is achieved in accordance with §35.1340. If the owner does not complete the hazard reduction required by this section, the dwelling unit is in violation of Housing Quality Standards (HQS) until the hazard reduction is completed or the unit is no longer covered by this subpart because the unit is no longer under a housing assistance payment (HAP) contract with the housing agency; and

  (b) LTRAP may grant the owner an extension of time to complete paint stabilization and clearance for reasonable cause, but such an extension shall not extend beyond 90 days after the date of notification to the owner of the results of the visual assessment

22.13 Determination of Responsibility

Certain HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service;
- Failure to provide or maintain family-supplied appliances; and
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear. Normal wear and tear is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations, including vermin infestation even if alleged to have been caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. LTRAP may terminate the family's assistance on that basis. The owner or participant may appeal the determination to LTRAP within five business days of the inspection. If the family is responsible for damages but the owner carries out the repairs, the owner may bill the family for the cost of the repairs.

22.14 Consequences When Owner is Responsible (Non-Emergency Items)

When it has been determined that a unit on the program fails to meet HQS, and the owner is responsible for completing the necessary repair(s) in the time period specified by LTRAP, the assistance payment to the owner will be abated.

A Notice of Abatement will be sent to the owner stating that the abatement will be effective from the day after the date of the failed inspection. LTRAP will determine the deadline for completing deficiencies, depending on the nature of the repair(s) needed.

LTRAP will determine the time period for which abated units should be inspected, depending on the owner's notification that the work has been completed.

Upon notification that the required work is completed, LTRAP will advise both owners and tenants of the reinspection date. If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS. The notice of abatement states that the tenant is not responsible for LTRAP's portion of rent that is abated.

22.15 Termination of Contract

If the owner is responsible for repairs and fails to correct all the deficiencies cited, HAP payments may be abated for a period of up to 180 days. The owner will be sent a HAP Contract Proposed Termination Notice prior to the end of the abatement period. During this period the tenant should pay his/her share of the rent unless directed otherwise by legal counsel. If the tenant chooses to remain in the unit after the HAP contract is terminated, he/she should be advised by LTRAP to seek legal guidance.

If the unit is uninhabitable, the tenant should be notified. LTRAP should work with the tenant to determine, based on the specific circumstances, when to issue a new voucher.

If repairs are completed before the effective termination date, the termination may be rescinded by LTRAP if the tenant chooses to remain in the unit.

22.16 Consequences When Family Is Responsible

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, LTRAP will require the family to make any repairs or corrections within a time period consistent with the owner requirement for completing deficiencies. If the repairs or corrections are not made in this time period, LTRAP will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases must be approved by LTRAP. The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP contract will terminate when assistance is terminated.

Section 23.0 SECTION 8 HOME OWNERSHIP

23.01 Introduction

Under the Section 8 Home Ownership Voucher Program, LTRAP provides tenant-based assistance to an eligible family that purchases a dwelling unit to be occupied by the family. All HUD and LTRAP policies for rental vouchers apply to home ownership vouchers except where superseded in the following sections.

23.02 Permitted Ownership Arrangements

The Home Ownership Program may be utilized in the following types of housing:

(1) Single-family home
  (a) New construction with environmental review completed
  (b) Under construction
  (c) Existing;

(2) Manufactured home on a permanent foundation;

(3) Single dwelling unit in a condominium owned by the family in which one or more family members hold title to the home;

(4) Homes occupied under a lease-purchase agreement; and

(5) A cooperative unit in which one or more family members hold membership shares in the cooperative

23.03 Determination of Family Eligibility

LTRAP is responsible for all normal Section 8 eligibility determinations and for ensuring that families meet employment and minimum annual income requirements established by Federal program regulations. The minimum family income requirements are as follows:

1. For non-disabled individuals and families, the federal minimum annual family income from full-time employment at the federal minimum hourly wage X 2000 hours.

2. For elderly or disabled individuals or families, the employment requirement is waived.

    a. Definition of Disabled Family: A disabled family for purpose of eligibility means a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

3. At the commencement of home ownership assistance, the minimum average 30 hours worked must be continuous for at least one year prior to application for a home owner- ship voucher.

LTRAP will use current minimum wage and current minimum disability incomes for all eligibility decisions.

LTRAP will also be responsible for determining that families satisfy first-time homeowner requirements established by program regulations, and that they are "credit ready" and have not defaulted on any mortgage used to purchase a home under the home ownership program. A family is not eligible if any family member at the time of default has previously received home ownership assistance and defaulted on a mortgage.

23.04 Home Ownership Counseling

Section 536:8 (y) of the Quality Housing and Work Responsibility Act of 1998 provides that a family must participate in and complete a home ownership and housing counseling program before commencement of Section 8 home ownership assistance.

Counseling may be provided a HUD-approved housing counseling agency

23.05 Home Inspections

Two kinds of physical inspections are required in the home ownership program, in addition to and separate from any lender required inspections, both of which must be completed prior to release of HAP, and preferably before closing. They are:

(1) an HQS inspection by LTRAP; and

(2) an independent professional home inspection by an inspector used in the private market by home buyers.

All major systems must be turned on and functional for the inspection; otherwise the inspection for those systems must be marked "inconclusive" and therefore, the inspection

fails. These systems include heat, water, and electric services to be tested. A re-inspection must be scheduled once the systems are functional.

The independent professional inspector must be selected, hired and paid for by the family.

The HQS inspection performed by LTRAP will indicate the current physical condition of the unit and any repairs necessary to ensure that the unit is safe and habitable. The purpose of the independent home inspection is to identify any home defects and to assess the adequacy and life span of the major building components. The home must pass an initial HQS inspection before home ownership voucher assistance can be authorized. No further HQS insepctions are completed following purchase of the home.

23.06 Determination of Home Ownership Assistance Levels

HAP will begin only after the unit passes inspection. There are no partial month payments for home ownership. HAP begins the first of the month after closing.

LTRAP will be responsible for determining the amount and distribution of the home ownership assistance to be provided on a family's behalf. If the family has satisfactorily met all Section 8 requirements of the home ownership process and has applied for the mortgage(s), LTRAP will provide the following information to the lender(s):

- the total gross rent;
- total tenant payment (TTP);
- the Payment Standard in effect at that time,; and
- the estimated housing assistance payment (HAP).

Lenders will be notified that these numbers are subject to change once LTRAP has the true mortgage, interest, taxes, and insurance payment values.

In determining the monthly home ownership expenses for purposes of calculating the monthly home ownership assistance payment, LTRAP must consider:

- the (PITI) principal, interest, taxes, insurance; condo/co-op fees;
- principal and interest on debt incurred to finance major repairs;
- replacements or improvements for the home; utilities; and
- an allowance for routine maintenance and major repairs.

The allowance for routine maintenance and major repairs will be used as a guideline by the family to establish savings/reserves for maintenance and/or repairs and replacement of major systems or appliances. While maintenance and tracking of this account is not statutory, it is highly recommended. When calculating utilities, use the lesser of the allowance for the bedroom size the family is purchasing or the allowance for the bedroom size the family is eligible for.

Pursuant to program regulations, once home ownership assistance commences for the home or unit, the payment standard will never be less than the payment standard at the time home ownership payments begin.

The housing assistance payment may be made directly to the lender or the family. However, if any HAP payments are being made directly to the family and the family becomes delinquent in payments, LTRAP may make future HAP payments directly to the lender. LTRAP may also make payments directly to the lender at the lender's request. If this change is to be made, the lender must have capacity to accept payment from both the individual and Section 8 for the one mortgage payment.

Pursuant to program regulations, LTRAP will also be responsible for determining if a family is eligible for continued tenant-based assistance if the family wishes to move.

23.07 Mortgage Financing and Down Payments

LTRAP may not require the use of a specific lender. However, LTRAP may require certain qualifications of potential lenders, and may establish prohibitions on certain forms of financing and terms. The home the family intends to purchase must be affordable, and LTRAP may disapprove any proposed financing or re-financing if LTRAP, or the housing counseling partner determines that the debt is unaffordable or the loan terms are oppressive.

Signatures will be obtained on all pertinent documents for all parties on the deed and the mortgage. The voucher holder must be on both.

LTRAP requires a minimum down payment that equals three percent of the sale price. The family contribution toward the down payment should be at least one percent of the sale price and come from the family's personal resources. An FSS escrow account may be used for this purpose, if applicable.

The mortgage loan financing used for the purchase of the home must meet one of the following criteria:

- provided, insured, or guaranteed by state or federal government;
- complies with secondary mortgage market underwriting requirements;
- complies with generally accepted private sector underwriting standards.

Lease-purchase agreements will be permitted.

Refinancing will be considered for positive outcomes (i.e.: lower interest rate, lower payment, capital improvement); however, LTRAP has the right to deny any request. **Cash outs of equity are not allowed**. Before refinancing, the home owner must receive authorization from LTRAP.

23.08 Home Search

The family is responsible for finding an eligible home or unit to purchase. LTRAP may establish time limits for a family to locate a home to purchase and to close on a home. LTRAP may not steer or restrict the family to certain sellers or neighborhoods.

Under regulations, LTRAP must disapprove the seller if the seller has been debarred or suspended by either HCR or HUD from participation in any housing program.

23.10 Portability

Section 8 Housing Choice Voucher (HCV) regulations provide a portability feature after an initial lease up of one year. Families who are determined eligible for the home ownership program and are in good standing with the initial PHA , may port out of LTRAP's jurisdiction to anywhere in the US for home ownership, as long as the receiving PHA administers a Section 8 home ownership program and is accepting new families into its program.

23.11 Length and Continuation of Assistance

Section 8 assistance will only be provided for the period in which the family resides- in the home. The maximum length of time a non-elderly, non-disabled family may receive home ownership assistance is 15 years if the mortgage has a term of at least 20 years. There is a 10 year time limit for home ownership voucher assistance for mortgages less than 20 years. There are no time limits for elderly and disabled families.

A home ownership family may purchase another home with Section 8 assistance provided there is no mortgage loan default and the family is in compliance with the Statement of Homeowner Obligations (HUD Form 52649). However, the maximum 15 year term of assistance for non-elderly, non-disabled families is cumulative between the two purchases.

In some cases, the gross home ownership expenses are less than gross rental expenses, or the family has an increase in income causing a zero HAP calculation. The family will remain at zero HAP, but will stay in active status for up to six months. At the end of the six months the family will be terminated from the program.

A family may revert to rental from home ownership if they are in good standing with the PHA; however, the family must first sell the home. Rental HAP cannot be dispensed as long as the family owns the home and is eligible for and receiving HAP toward their mortgage.

23.12 Home Ownership Option 10 year Asset Exclusion: *(Reference 24CFR 5.603(b) Net Family Assets*

For the purpose of determining a family's income, the home purchased under the HCV program is exempt from being counted as an asset for the first ten (10) years after the closing date. The home purchased under Section 8 is exempt from the asset limitation under HOTMA.

Once the family has reached the 10 year anniversary of their closing, the annual income must include either the actual income derived from the net family assets, or a percentage of the value of such assets based on the current passbook savings rate established by HUD.

This income is based on the equity of the home each year. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the assets. The market value is the price a buyer would pay to a seller for a property in its present condition. The market value can be determined by a sales comparison method or the tax assessor's market value method.

However, LTRAP uses the tax assessor's value to determine the market value of the home. In addition, the reasonable costs for converting to cash must also be deducted from the equity. Accordingly, the Net Cash Value must be determined as follows:

1. Market Value – Loan (Mortgage)=Equity
    - The market value will be obtained by reviewing the local assessment roll or the owner's most recent property tax bill.

    - The monthly mortgage statement of the participant will usually contain information pertaining to the loan balance or payoff amount for the loan. LTRAP should first try to use the payoff amount for the loan. If the only information available is the loan balance, LTRAP may deduct that amount from the market value

2. Equity – Expenses to convert to cash= Net Cash Value

    - To calculate the cost to convert the asset to cash, Local Administrators will use HUD's Safe Harbor percentage of 10% of the market value of the home. However, if the home is sold, the actual costs (expense) must be used in the calculation.
    - If Net Cash Value is zero or a negative number, no adjustment to net family assets should be made.

23.13 Recapture Provisions and Re-Sales

There are no recapture provisions for the monthly housing choice voucher assistance in the Home Ownership Voucher Program. Upon sale of the home and if still eligible, a family may move and utilize its voucher for either rental assistance or home ownership assistance. If home ownership assistance is chosen, then the term limits remain in effect and the family will be entitled to utilize the remaining term. With regard to the payment standard and sale of the home, voucher rules covering relocation become effective. During this time the payment standard and voucher size will be adjusted to accommodate the family size or composition.

A family may sell its home, move to another jurisdiction, and continue with home ownership assistance if:

the new jurisdiction is operating a home ownership program and accepting new families

23.14 Defaults

If a family in the Home Ownership Program defaults on **any** mortgage loan, the family must be terminated from home ownership assistance, and the family will not be permitted to use the home ownership voucher to purchase another house. If LTRAP can justify allowing the family to revert back to rental assistance from this default situation, a letter requesting approval must be submitted to LTRAP Rental assistance may not be released until approval is granted..

2315 Family Obligations

Before commencement of home ownership assistance, the family must sign HUD Form 52649, Statement of Homeowner Obligations.

Note: Prior to closing, the participant will be required to provide proof that the rental unit they are vacating is in good condition .

To continue to receive home ownership assistance, a family must comply with the following family obligations:

(1) The family must leave their current rental unit in good condition before moving into the home ownership program.

(2) The family must comply with the terms of any mortgage which secures the debt used to purchase the home, and any refinancing of such debt; under refinancing, no cash-outs are allowed.

(3) During the time the family is receiving home ownership assistance; the family may not sell, convey or transfer any interest in the home to any entity or person. Further, the family must maintain the home as their principal residence for the period of time the family is receiving the assistance. Subletting or leasing the home is not permitted.

(4) The family must supply required information regarding income and family composition on an annual basis in order to calculate the appropriate TTP and HAP during the term of home ownership assistance.

(5) The family must immediately notify LTRAP if household income decreases and must provide all information necessary to complete an interim recertification.

(6) The family must provide information on the following: any mortgage or other debt used to purchase the home and any refinancing of such debt; any satisfaction or payment of mortgage debt; any sale or other transfer of any interest in the home; and the family's home ownership expenses. The family will sign an authorization allowing LTRAP and all lenders holding mortgages to the family's home to disclose to each other, information as it pertains to the mortgage application and other records which each party may require.

(7) The family must immediately notify LTRAP if the family becomes delinquent and/or defaults on a mortgage, securing any debt incurred to purchase the home, and must agree to work with LTRAP's housing counselors to work out terms for becoming current, or other acceptable loss mitigation work-out plans.

(8) At annual recertification, the family must document to the satisfaction of LTRAP that the family is current on mortgage, insurance, taxes, utility payments, co-operative fees, condominium fees, and/or land-lease payments, if applicable. Monitoring of replacement/reserve accounts is not statutory, but is highly recommended.

(9) As required by LTRAP, the family must participate in ongoing post purchase counseling and/or attend other courses related to home ownership.

(10) The family must promptly notify LTRAP in writing of the birth, adoption or court- awarded custody of a child, or the presence of a live-in-aide.

23.16 Termination

As per CFR 24 982.638, Section 8 Home Ownership Assistance may be denied or terminated based on CFR24 Sections 982.551, 982,552, and 982.633 and for Mortgage Default. Please see aforementioned documents for complete listing.

1. The family must use the home for their sole residence, have no residents in the home other than reported family members, and must not sublet the whole or any portion of the home.

2. Participants must abide by the HAP contract, the Mortgage Contract, the Statement of Family Obligations.

3. The family must submit any documentation and /or information requested by LTRAP in a timely manner. All information must be true and accurate.

4. The family must not default on the mortgage.

5. The family will repay monies owed to LTRAP as per a repayment agreement.

6. The family must not commit fraud.

7. The family must not be absent from the unit for more than 30 days. See Section 11.0 of the Administrative plan for more info on absence. Total authorized absence will not exceed 180 days.

8. No family member may be involved in any drug related or other criminal activity.

23.17 Family Self-Sufficiency (FSS) and Home Ownership

A Section 8 head of household that is currently participating in an FSS program may, during the term of its FSS contract, pursue home ownership and utilize his/her voucher assistance for home ownership purposes (in conjunction with this or any other local, state or federal home ownership program). If home ownership occurs, the family may use up to 90% of their escrow account funds toward expenses incurred in the purchase, and may also continue after the purchase, to fulfill the remaining term of its FSS contract and continue to accrue escrow, if applicable.

Under these circumstances, the Individual Training and Services Plan (ITSP) must be amended to include attendance at post-purchase counseling. See Section 24.09 for topics that may be covered under post-purchase counseling.

23.18 File Documents for Audit Trail

The following is a list of file documents that should be in each HCV Home Ownership file to maintain a clear audit trail for each Section 8 home owner.

1. Any required authorizations signed by the head of household; include prequalification application, releases of information, signed statement never defaulted on a mortgage under Section 8 Assistance, and any proofs of eligibility (full time employment for a year, minimum required income, disability letter (if disabled)

2. Copy of waivers granted, if applicable (i.e., reasonable accommodation for disabled head of household or family member)

3. Voucher & signed Statement of Family Obligations (signed)(HUD Form 52649)

4. Certificate of Completion of Home Ownership Counseling courses

5. Credit Report(s) or confirmation of Credit Score

6. Worksheet estimating HAP for Home Ownership or notes to file either on separate sheet of paper or on a copy of the 50058 (Note: you may use the short calculation for home ownership function in the Power Builder computer system as a resource)

7. Copy of Mortgage Commitment Letter

8. Copy of executed Contract of Sale (must include Contract Contingency Statement).

9. Signed Statement from seller that he/she is not debarred from participating in any HUD program – if you cannot obtain this, you must have documentation in your client files to explain why you don't have it.

10. Prior to closing: Statement from landlord confirming that the participant is in good standing, and the apartment being vacated is in good condition (at least as good condition as when it was rented barring normal wear and tear, and that the rent is current).

11. HQS Inspection report & Professional inspection report (include work scope and bids on work for rehab/repair if applicable). .

12. HUD 50058 - Family Report - one <u>before</u> home ownership and one <u>after</u> home ownership occurs.
13. Copy of Deed (or Cooperative Shares, if applicable)

14. Mortgage document (as proof of competitive interest rate & terms)

15. Copy of HUD-1 Settlement Statement

16. Proof of family contribution toward 3% down payment (1% when applicable) was from their personal resources (if the mortgage product used required down payment)

17. Copy of the completed after purchase Home Ownership Survey

18. Any and all correspondence (letters, emails, faxes) regarding issues with the closing from start to finish.

19. **Optional**: Photo of Home purchased (digital format preferred) plus (signed) release/permission form to use photo and/or other closing information.

Section 23.18.01 Annual Recertification Documents Required in Home Ownership Files

Proof of:

1. Income and family composition
2. *Home Owners Insurance Policy or declaration page
3. Mortgage is current
4. *Taxes are current (i.e.: school, property, etc.)
5. Utilities are current
6. (If co-op or condo) payment of operating charges, maintenance fees or special assessments are current

NOTE: *If taxes and insurance are escrowed by the lender, the bank's escrow summary report will satisfy these requirements.

23.19 Re-enrollment in the Home Ownership Program

Housing Choice Voucher participants going through the home ownership process have the right at any time during the process to withdraw from the home ownership program without purchasing a home. This decision does not affect the status of the participant's housing choice voucher. If the family has already signed a contract for sale, they may cancel the contract for purchase (subject to the terms of the contract).

Section 24.0 PROJECT-BASED VOUCHER PROGRAM

The Section 8 Project-Based Voucher (PBV) program is a component of the Section 8 Housing Choice Voucher (HCV) program and provides long-term project-based rental assistance contracts for very low and extremely low income households. Unlike the Tenant-Based Voucher (TBV) Program, PBV subsidies are attached to specific units in specific projects for the term of the Housing Assistance Payments (HAP) contract. They can be used for newly constructed properties or rehabilitated units or for units in existing buildings Currently, LTRAP does not administer any PBVs. This section was added when LTRAP applied for some PBVs but they were not awarded. It is remaining in place for future use

24.01 PBV Contract Selection

1. Prior to selection of a proposal for PBV assistance LTRAP will determine that:
   a) The property is eligible for housing;
   b) The project complies with regulatory caps on the number of PBV units per building/project;
   c) The project meets the applicable site selection standards; and
   d) The project complies with other applicable HUD regulations and requirements for the PBV program.

   LTRAP will select PBV owner proposals pursuant to either of the methods described at 24 CFR 983.51(b)(1) and (2).

   The PHA may also award PBVs to owners of projects who have received a competitive award of other government funding for the preservation of affordable housing subject to the availability of vouchers.

24.02 HAP Term

The term of the PBV HAP contract can be no less than one (1) year and no more than fifteen (15) years. In most cases the initial term will be fifteen (15) years.

LTRAP will consider and may agree to enter into an extension of the HAP contract prior to expiration of the initial contract term if it is determined an extension is appropriate to continue providing eligible families needed affordable housing opportunities.

24.03 HAP Contract Amendments (Unit Substitution/Addition)

24.03.01 Unit Substitution

Since PBV assistance is assigned to specific units throughout the duration of a project's HAP contract term, LTRAP may consider unit substitutions by means of a contract amendment in situations only where a reasonable accommodation is needed. In order to be considered, the substituted unit must be located within the same project, have the same number of bedrooms, be HQS compliant and meet the same PBV requirements as the previously covered contract unit. Should LTRAP approve the requested substitution, LTRAP must inspect and pass the proposed unit prior to assistance being transferred.

Exception: Should a unit under contract at a project become vacant ***and*** the next available applicant on that project's site-specific waiting list is a current occupant in an unassisted unit within the same project, a unit substitution will be considered providing the replacement unit has the same number of bedrooms, is HQS compliant and meets the same PBV requirements as the covered unit.

24.03.02 Unit Addition

A request to amend the HAP contract by adding PBV units may only be considered during the three-year period following the execution date of a project's contract. LTRAP, at its sole discretion, will consider amending the HAP contract to accommodate additional PBV units under the following general circumstances: a sudden housing shortage caused by a disaster or other loss of housing units, an influx of displaced families, or if an inordinately high percentage of voucher-holders are unable to find housing prior to the expiration of their voucher (taking into consideration all approved extensions).

Although a new PBV request for proposal is not required, any amendment to a HAP contract is subject to all applicable PBV requirements. Units approved to be added to a HAP contract must use the anniversary and expiration date of the existing contract.

24.04 Selection of Families from the Waiting List for Project-Based Units

2. Applicants for PBV assistance must meet the same eligibility requirements as applicants for LTRAP's tenant based voucher program. LTRAP will maintain one centralized Waiting List organized as described below. An applicant will not be required to take a PBV unit, and may choose to remain on the Waiting List for a TBV. Additionally, an applicant who accepts a PBV will not be removed from the Waiting List if he/she wishes to remain on the Waiting List for a TBV.

In addition the following specific provisions apply solely to the PBV program.

- In Place Family: An eligible family residing in a proposed PBV contract unit on the date the project is selected/approved is considered an "in-place family." These families are afforded protection from displacement under the PBV; however they may be determined ineligible based on LTRAP's eligibility and suitability assessment. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on LTRAP's waiting list. Once the family's continued eligibility is determined the family will be given an absolute selection preference and referred to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements. This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

- When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, LTRAP will refer families who require such features to the owner.
- LTRAP will not take any of the following actions against a family from the regular waiting list who has applied for, received or refused an offer of PBV assistance:
    a) Refuse to list the applicant on the Waiting List for tenant-based voucher assistance if eligible.
    b) Deny any admission preference for which the applicant qualifies.
    c) Change the applicant's place on the Waiting List based on preference, date, and time of application, or other factors affecting selection under LTRAP's selection policy
    d) Remove the applicant from the tenant-based voucher Waiting List.

If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant based voucher Waiting List.

24.05 Tenant Screening

As provided for in Section 983.255 of PBV regulations, LTRAP is authorized to establish a policy to engage in applicant screening as further defined in Section 1.08 of this Administrative Plan. Applicant screening for purposes of determining suitability for occupancy is the responsibility of the project owner and must be conducted in conjunction with the project's approved affirmative fair housing marketing plan and should not be confused with LTRAP's responsibility as PHA to determine PBV eligibility.

24.06 HQS/Inspections

HCR will ensure PBV units are in accordance with the Housing Quality Standards (HQS) found at 24 CFR 983.101, 982.401 and this Administrative Plan. Unit inspections will be conducted in accordance with requirements found at 24 CFR 983.103.

24.06.01 New/Turnover, Annual and Special Inspections

- New: All units must fully comply with HQS standards prior to executing a PBV HAP contract.

- Turnover: At turnover, LTRAP must inspect and pass each vacated unit before providing assistance to a new family.

- Annual Inspections. LTRAP must inspect, by way of random sample, at least 20% of the contract units in each project on an annual basis to ensure the units are maintained in accordance with HQS regulations. Turnover inspections may not be counted towards meeting the required 20%. If more than 20% of the inspected units fail inspection, the PHA must re-inspect all units in the building.

- Special Inspections: LTRAP will inspect units per request by participant/tenant as needed to ensure contracted units comply with HQS.

24.07 Over-Housed, Under-Housed and Accessible Units

In accordance with Section 983.259 of PBV regulations, a family in the Project-Based Voucher Program must occupy an appropriately sized unit as defined in Section 10.0 of this Administrative Plan. If a family is occupying a wrong-sized unit LTRAP must notify the family and project owner within 30 days of its determination the requirement to move and offer of continued assistance under the program.

If one family is occupying a unit with accessibility features they do not require and another family on the wait list is need of a unit with these features, LTRAP must notify the family currently occupying the unit within 30 days of its determination the requirement to move and offer of continued assistance in a unit not designated as accessible under the program.

Continued assistance is defined as the following, in preferential order:

1) PBV assistance in an appropriate-sized and/or non-designated accessible unit under contract within the same project;
2) Next available tenant-based voucher assistance.

When LTRAP offers the family project assistance, the family will be given a reasonable timeframe to move, however, not to exceed 180 days from the date the family is notified. LTRAP may grant extensions if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a member of the household or as a reasonable accommodation. The extension (and justification) must be documented and placed in the file.

If a tenant-based voucher is issued, the family must follow the same guidance, policies and procedures for reasonable timeframes and extensions as required under tenant-based voucher assistance.

If the family does not accept the offer for continued assistance, does not move out of the PBV unit within a reasonable time as determined by the PHA or both, the PHA must terminate the HAP payments for the wrong-sized unit at the expiration of the voucher issued to the family (if applicable) or reasonable timeframe as determined by the PHA. If 3 years has transpired since the execution of the PBV HAP contract, the unit must be permanently removed from the contract**.**

24.08 Vacancy Payments

As provided for in Section 983.352 of PBV regulations, it is the sole election of the PHA whether or not vacancy payments will be provided. LTRAP's policy does NOT provide for vacancy payments. This decision applies to all current and future PBV contracts and will be indicated by striking the discretionary vacancy payment language within the HAP Contract.

24.09 25% Project Cap

there is currently a 25% limitation on the number of PBV units contracted per project., unless there is an established agreement to provide supportive services to those families that exceed the 25% (50% for PBV contracts converted under RAD) threshold cap. ***(See 25.11 for PBV's Supportive Service Requirements)***

It is the responsibility of the project sponsor/management to either: (1) directly provide Supportive Services requirements or, (2) contract with an entity who will be responsible for ensuring fulfillment of required supportive services.

PBV units will be excepted from the 25% per project cap if they are specifically earmarked for qualified families. Qualified families are elderly or disabled families, or families already receiving supportive services.

If a family residing in a unit excepted because of supportive services fails to comply with any of the supportive service requirements, the family's assistance will be terminated in accordance with HUD requirements and may also be subject to eviction.

24.10 Supportive Service Requirements

In fulfilling the requirement for those units exceeding the 25% threshold cap, the purpose of PBV supportive services is to create an opportunity for families receiving Section 8 rental assistance to improve and develop their ability to increase employment opportunities and enhance the life skills needed to become self-sufficient. This is accomplished by combining Section 8 rental assistance, case management, and the coordination of services to help participating households achieve economic self-sufficiency as well as financial fitness, and maintain a lifestyle independent of public assistance. Supportive services families are offered a variety of ways to learn new skills, enhance existing talents and meet people who share similar goals for themselves and their families.

The project sponsor/management is responsible for providing a Supportive Services Coordinator. Service provider plans must be submitted to, and approved by LTRAP.

The "excepted" families receiving Project-Based Voucher rental assistance must meet with the local Supportive Services Coordinator to review the program participation requirements and the Contract of Participation (COP). Individual Training and Services Plans (ITSPs) are developed to identify and establish participant goals. ITSP contracts must be entered into a minimum of three (3) years and may include participation of any member but must include participation of at least the head of household. Participating families are required to play a part in ongoing case management to assist them in identifying and addressing obstacles, identifying resources, and ultimately achieving their self-identified goals. The ITSP may be amended during the term of the COP.

24.10.01 Requirements

To be eligible for this service exception, a project must provide to the excepted units services in at least one of the categories listed in the ITSP:

- Child care
- Education
- Job training and employment counseling
- Transportation (for job training, skills training, counseling or education only)
- Substance/alcohol abuse treatment or counseling
- Household skill training
- Homeownership counseling

The household is obligated to participate in this service program as a condition of participation in the PBV program. As a requirement for graduation and service exception, each participant must complete a minimum of three (3) goals as highlighted in their ITSP (as chosen from any one or more approved category), and participate for a minimum of three (3) years. Failure by the household to meet its service obligation without good cause will require termination of PBV assistance.

The owner may not require the tenant to pay charges for any supportive services required for compliance with the 25% PBV cap.

24.10.02 Compliance Monitoring

The project management will be responsible for regularly monitoring the supportive services requirements for the excepted units.

24.11 Determination and Redetermination of Rent

LTRAP will not approve and the owner may not receive any increase in rent until and unless the owner has complied with all requirements of the HAP contract, including compliance with HQS. The owner may not receive any retroactive increase of rent for any period of noncompliance.

(A) LTRAP will redetermine the rent to owner:

(1) Upon the owner's request (only at the annual anniversary of the HAP contract);

(2) When there is a five percent or greater decrease in the published FMR in accordance with §983.301; or

(3) Should the current rent to owner, as a result of a drop in the FMR as determined and published annually by HUD, exceed 110% of the fair market rent for each applicable unit bedroom size.

24.11.01 Rent Increase Request Process

The owner must submit a rent increase request in writing, which must be received no less than 60 days prior to the annual anniversary of the HAP contract to be effective at the start of the HAP contract anniversary.

> The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year. Any adjusted rent to owner amount applies for the period of 12 calendar months from the annual anniversary of the HAP contract.

If a rent increase request is received between 14 and 60 days prior to the HAP contract anniversary date, the rent may be approved for the contract anniversary date but will not be implemented until the first day of the month following the 60 day timeframe after receipt of the owner's request. Any request received after this period will not be considered until the following annual anniversary.

The approved rent must be the lesser of:

(1) 110 percent of the applicable fair market rent for the unit bedroom size;
(2) The reasonable rent; OR
(3) The rent requested by the owner

In addition to the rent limits detailed above, additional restrictions apply as follows:

1) Rents for units assisted under the HOME program may not exceed those rents established for the HOME program;

2) Rents for units in a HUD Section 236 insured or non-insured project, a HUD Section 221(d)(3) project or a Rural Development Section 515 project may not exceed the Basic Rent as determined in accordance with those federal programs.

Any rent adjustment approved by LTRAP constitutes an amendment of the rent to owner specified in the HAP contract.

Section 25.0: ENHANCED VOUCHER ASSISTANCE

25.1 Zero Housing Assistance Payments at Initial Conversion

In cases where a family is eligible for Enhanced Voucher Assistance at initial conversion but there is no initial Housing Assistance Payment (HAP), and the family continues to reside in the project/development, the following guidelines must be complied with:

If it is determined that a family is income eligible for an Enhanced Voucher but there is no HAP payment because the family's total tenant payment (TTP) is equal to or greater than the gross rent, LTRAP **must** inform the family that if there is a decrease in income or an increase in rent **within five (5) years** of the initial eligibility determination, the family may inform LTRAP of the change. ***It is the family's responsibility to notify LTRAP of the change.***

In addition, LTRAP must maintain a record of the family's initial income determination.

Section 26.0 SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)

LTRAP will conduct an annual SEMAP review of its programs. The review will cover the program's fiscal year: ***January 1st to December 31st.***

Section 27.0 Emergency Housing Vouchers

On March 11, 2021, the American Rescue Plan Act of 2021 was signed into law by President Biden. Section 3202 of this Plan provides funding for Emergency Housing Vouchers. This addendum deals with policies adopted in the administration of these Emergency Housing Vouchers.

Family Eligibility:

1. The family must meet one of the four eligibility categories:
   a. Homeless
   b. At risk of homelessness
   c. Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
   d. Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

2. Families in any of the above categories must register with the Continuum of Care (CoC) Agency and be entered into the Coordinated Entry (CE) system. LTRAP will only accept referrals from the CE system. Unlike the regular Housing Choice Voucher Program participants will not be coming from the LTRAP Waiting List, however all applicants currently on the Waiting List will be notified of this funding availability, and if applicable the applicants can register with the CoC.
3. EHV participants must meet eligibility requirements in accordance with 24 CFR 982.201. Income targeting, however does not apply to EHV families.

Preferences:

LTRAP will give preference to Ocean County applicants. The Lakewood local preference applied to regular Waiting List admissions does not apply to EHVs. LTRAP will not establish further preferences for the EHV Program.

Service Fees:

HUD has allocated additional service fees for the EHV Program. LTRAP will use these service fees to provide additional assistance to the EHV participants, in any one or more of the following areas, as needed by the family and as determined necessary by LTRAP.

1. Housing Search Assistance: Funding will be available for the family to identify and find a unit, including but not limited to providing transportation assistance, assistance completing rental applications and necessary forms.
2. Security Deposits: The amount provided for security deposits will not exceed two months rent, or the maximum security deposit allowed under state law, or required by the landlord. The security deposit will be paid directly to the landlord and must be returned to LTRAP, (less any amounts retained by the landlord) at the end of the tenancy.
3. Application Fees: If applicable and required by the landlord, LTRAP will assist with application fees.
4. Utility Deposit Fees: Utility deposit fees may be approved for utilities provided by the tenant. In addition, LTRAP may assist a family with arrearages the family may have accumulated, in order to facilitate leasing. These fees will be paid directly to the utility company. Any refunded deposits must be returned to LTRAP.
5. Owner incentive payments: At the discretion of LTRAP, owner incentive payments may be offered to new owners to encourage participation in the EHV program.
6. Moving expenses: LTRAP may provide assistance, for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV program. Assistance for subsequent moving expenses will only be approved if the family is required to move for no fault of their own, or if the family must move due to domestic violence, dating violence, sexual assault or stalking.
7. Tenant-readiness services. LTRAP may approve payments for items to mitigate barriers families may be facing such as bad credit history.
8. Essential Household Items: LTRAP may assist a family with essential household items.

9. Renter's Insurance: LTRAP may assist a family with the cost of renter's insurance if the purchase of this insurance is required by the lease.

EHV Voucher Term:

The initial EHV Voucher will be issued for a term of 120 days. Further extensions will be approved in 30 day increments at the discretion of LTRAP based on the families evidence of efforts in obtaining a unit and the obstacles they have faced.

Criminal History – Denial of Assistance:

LTRAP will restrict assistance as required for households with a household member who has been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing, or if any member is subject to a lifetime registration requirement under a State sex offender registration program.

Additionally, LTRAP will also prohibit assistance in the following situations unless recommended not to by the CoC:

1. Any household member is currently engaged in or has engaged in the last 12 months: violent criminal activity or other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.
2. Any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the past 12 months.
3. The family has engaged in or threated abusive or violent behavior toward LTRAP staff within the past 12 months.

Income Verification:

LTRAP will use the same income verification procedures used in the HCV Program. However, in an effort to expedite the leasing of these EHVs, LTRAP will accept self-certification of income and assets when necessary, or third-party verification that is out of date. LTRAP will however, require that accurate and current verification be provided when possible. LTRAP will also review the EIV data for the family within 90 days of the PIC submission. Any discrepancies noted when comparing the actual data, EIV data, and the documents originally submitted by the family will be reconciled, and any adjustments to the Housing Assistance Payment (HAP) will be made retroactively.

Social Security Number and Citizenship Verification:

EHVs are issued to families who are experiencing some form of homelessness and as such may have difficulties providing LTRAP with original Social Security cards, Birth Certificates, and other documents attesting to citizenship. Therefore, LTRAP will accept self-certification or alternate forms of identification instead of original documents. LTRAP will further verify the accuracy of the certifications when reviewing EIV data.

Payment Standards:

Recognizing the difficulties, the EHV participants will have in locating units in a very tight housing market, the payment standards for the EHV Program will be set at 110% of the Fair Market Rent (FMR) for the area. This exception payment standards expires as of November 1, 2026. If the FMR increases, adjustments to the Payment Standard will be made at the next regular recertification.

Termination of EHV Program:

The EHV Program is initially funded until September 30, 2030 with funds being cancelled as a matter of law as of September 30, 2035. Due to the historic increases in rental prices, HUD estimates that funds will be only sufficient through 2026. As such no new contracts will be issued for the EHV participants. Current contracts will be honored as long as financially feasible but new moves will not be allowed effective July 1, 2025. EHV participants will be encouraged to apply to the HCV Waiting List if and when the List opens, and these families will be given a preference. If the Waiting List does not open before the termination of the program. LTRAP will consider opening the List for EHV preference families.

GLOSSARY

I. Acronyms Used in the LTRAP Section 8 Administrative Plan

ACC	Annual Contributions Contract
ADA	American Disabilities Act
AHAP	Agreement to Enter Into a Housing Assistance Payments [Contract] - HUD Form 52521
CFR	Code of Federal Regulations
COP	Contract of Participation
DHS	U.S. Department of Homeland Security
DOB	Date of Birth
DTDB	Debt Termination Data Base
EIV	Enterprise Income Verification System
EOP	End of Participation
FBI	Federal Bureau of Investigation
FHA	Federal Housing Administration
FEHO	Fair and Equitable Housing Office
FHEO	Fair Housing and Equal Opportunity
FMR	Fair Market Rent
FY	Fiscal Year
HAP	Housing Assistance Payments
HCV	Housing Choice Voucher
HOTMA	HOUSING OPPORTUNITY THROUGH MODERNIZATION ACT

HQS	Housing Quality Standards
HUD	U.S. Department of Housing and Urban Development
ITSP	Individual Training and Service Plan
MOU	Memorandum of Understanding
NOFA	Notice of Funding Availability
PBV	Project-Based Voucher
PHA	Public Housing Agency
PIH	HUD Office of Public and Indian Housing
RFP	Request for Proposal
RTA	Request for Tenancy Approval
SAVE	USCIS Systematic Alien Verification for Entitlements
SEMAP	Section 8 Management Assessment Program
SSA	U.S. Social Security Administration
SSI	Supplemental Security Income (SSA)
TANF	Temporary Assistance for Needy Families
TTP	Total Tenant Payment
US	United States of America
USCIS	U.S. Citizenship and Immigration Services (DHS)
VAWA	Violence Against Women Act of 1994

II. DEFINITION OF TERMS USED IN THE ADMINISTRATIVE PLAN:

1937 ACT: *United States Housing Act of 1937*

ADMINISTRATIVE FEE: *Fee paid by HUD to the PHA for administration of the program.*

ADMINISTRATIVE PLAN: *The document that describes PHA policies for administration of the tenant-based programs.*

ANNUAL RECERTIFICATION: *Annual review of the participant's household income to determine continued eligibility for Section 8 housing choice voucher rental assistance.*

APPLICANT or APPLICANT FAMILY: A family that has applied for admission to a program but is not yet a participant in the program.

BRIFING PACKET: *The information packet that families selected to participate in the housing choice voucher program receive during the briefing appointment.*

CONTINUOUSLY ASSISTED: *An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Act program when the family is admitted to the certificate or voucher program.*

CURRENT FEDERAL MINIMUM WAGE: *The federal minimum wage at the time of the inquiry (as indicated by the US Department of Labor).*

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

DIFFERENT GENERATIONS: *Different generations are defined as "family members from different eras (i.e., grandparents/parents; parents/children, etc.)"*

DISABLED FAMILY: *A family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.*

DOMESTIC VIOLENCE: *Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has*

cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

DOMICILE/UNIT: *The legal residence of the household head or spouse as determined in accordance with State and local law.*

DRUG-RELATED CRIMINAL ACTIVY: *The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.*

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

EXCEPTION PAYMENT STANDARDS: A PHA may request HUD approval of payment standard amounts higher or lower than the established 40th or 50th percentile FMR for designated parts of the FMR area (the "exception areas"). The exception payment standard amounts may be for all units in the exception areas, or for all units of a given bedroom size in these areas.

EXTREMELY LOW-INCOME FAMILY: *A family whose annual income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.*

FAIR HOUSING ACT: *Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).*

FAIR MARKET RENT: *The rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. This Fair Market Rent includes utilities (except telephone).*

FAMILY GUEST: *A guest who resides in the unit for less than 30 days in a calendar year(*

FAMILY SELF-SUFFICIENCY PROGRAM: *The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services.*

FEDERAL REGISTER: *The official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.*

FISCAL YEAR. *LTRAP Section 8 Program fiscal year commences on January 1 and ends on Dec 31.*

FORM 50058: *The HUD Form 50058 is used by PHAs to collect information on families who participate in Public Housing or Section 8 rental subsidy programs and is used to determine the participant family's continued eligibility for assistance.*

HEAD OF HOUSEHOLD: *The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.*

HEARING OFFICER: *The hearing officer in the LTRAP program is either of the following: a staff person who is at the Casework Supervisor level or above; the Program Director or Executive Director (if not the same person who made the initial decision to deny assistance); or an individual from outside LTRAP.*

HOUSEHOLD: *All the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.*

HUD–APPROVED HOUSING COUNSELING AGENCY: *A public or private nonprofit agency that has met the qualifying criteria for administering the HUD Housing Counseling Program.*

INFORMAL HEARING: *LTRAP will give a participant family an opportunity for an informal hearing to consider whether the following LA decisions relating to the individual circumstances of a participant family are in accordance with LTRAP, HUD regulations and LTRAP policies.*

INFORMAL MEETING: *If LTRAP denies a preference to an applicant, the applicant will be notified in writing of the specific reason for the denial and will be offered the opportunity for an informal meeting (not an informal review) with LTRAP staff to discuss the reasons for the denial*

INFORMAL REVIEW: *LTRAP will give an applicant an opportunity for an informal review of LTRAP's decision denying assistance to the applicant. Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract.*

INITIAL PHA: *The term refers to both a PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and a PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.*

INTERIM RECERTIFICATION: *Interim review of the participant's household income (based on extenuating circumstances) to determine continued eligibility for Section 8 housing choice voucher rental assistance.*

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

LANDLORD: *See* **OWNER**.

LIVE-IN AIDE: *A person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who is determined to be essential to the care and wellbeing of the person(s); is not obligated for the support of the person(s); and would not be living in the unit except to provide the necessary supportive services.*

MOBILITY COUNSELING: *A counseling program to help housing choice voucher recipients to find housing outside of minority and/or poverty concentrated areas.*

NON-RESIDENT: *Refers to an applicant who does not reside in the jurisdiction in which he/she is applying for housing choice voucher rental assistance.*

OVER-HOUSED: *Applicable to families residing in units where the actual number of bedrooms exceeds the family unit size for which the family qualifies under the public housing agency (PHA) subsidy standards.*

OWNER*: Any private person or entity, including a cooperative, an agency of the federal government, or a public housing agency, having the legal right to lease or sublease dwelling units.*

PAYMENT STANDARDS: *The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).*

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

PRE-MERGER CERTIFICATE OR VOUCHER PROGRAMS: *The Section 8 programs that were administered prior to enactment of the Quality Housing and Work Responsibility Act of 1998 (QHWRA).*

PREMISES: *The unit subsidized or, in the case of a multiple dwelling, any area within the property that the housing unit is in.*

PUBLIC HOUSING AGENCY: *Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.*

REASONABLE ACCOMMODATION: *A change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space.*

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

RECEIVING PHA. *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.*

RENT TO OWNER: *The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.*

SECTION 8 HOMEOWNERSHIP PROGRAM. *Allows low-income families who qualify for Section 8 rental assistance to use their certificates or vouchers to pay for homeownership costs under a mortgage.*

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.*

SUSPENSION/TOLLING: *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 of the tenancy, until the time when the PHA approves or denies the request.*

TOTAL TENANT PAYMENT: *The total tenant payment (TTP) represents the minimum amount a family must contribute toward rent and utilities regardless of the unit selected.*

UNDER-HOUSED: A*pplicable to families residing in units where the actual number of bedrooms is fewer than the family unit size for which the family qualifies under the public housing agency (PHA) subsidy standards.*

UTILITY ALLOWANCE: *The utility allowance for a family shall be the lower of:*

(1) The utility allowance amount for the family unit size; or
(2) The utility allowance amount for the unit size of the unit rented by the family.

If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

VIOLENT CRIMINAL ACTIVITY: *Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.*

VOUCHER: *The voucher document is administered locally by a public housing agency (PHA) that receives federal funds from the U.S. Department of Housing and Urban Development (HUD) to administer the voucher program. A family that is issued a housing voucher (HUD Form 52646) is responsible for finding a suitable housing unit of the family's choice where the owner agrees to rent under the program. This unit may include the family's present residence. Rental units must meet minimum standards of health and safety, as defined by HUD and determined by the PHA.*

VOUCHER HOLDER: *The person or family to whom the voucher has been issued.*

WAITING LIST: *LTRAP program's list of eligible applicants awaiting availability of section 8 rental assistance.*