

Brookline Housing Authority
Section 8 Administrative Plan
2012



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I. INTRODUCTION AND GENERAL POLICIES

A. INTRODUCTION

This Administrative Plan is prepared in accordance with the Department of Housing and Urban Development's Code of Federal Regulations (CFR) as set forth at 24 CFR 982.54. Throughout this document the term "Department" or "HUD" shall mean the United States Department of Housing and Urban Development. The term "Authority" or "HA" shall mean the Brookline Housing Authority. The term "FMR" shall mean, "Fair Market Rent" for the federal Section 8 program as determined by the Department of HUD. Other abbreviations will be so noted within the body of this document.

B. REASONABLE ACCOMMODATION

The Housing Authority is aware of the requirement to provide a Reasonable Accommodation in its rules or policies when so required under the law. Thus, certain policies described herein may be amended in specific situations if to do so is required as a reasonable accommodation to an individual with a disability. The provision of such accommodation shall not mean that such policy has been altered or amended and the Authority shall retain full authority to continue to enforce policies as so described within this plan for all other clients. The HA will make Reasonable Accommodations in accordance with the HA's Reasonable Accommodation in Housing Policy.

C. LIMITED ENGLISH LANGUAGE ABILITY

If an Applicant/Participant cannot understand or read English, HA staff will read and explain documents that they would normally hand to the Applicant/Participant to be read or filled out. The HA will take reasonable steps to assure meaningful access by persons with limited English ability. An Applicant/Participant who cannot read or understand English may need to be provided with an interpreter who can explain any policies or procedures.

A statement written in other languages indicating the importance of the notice and that it should be translated is placed directly upon important documents. Documents which are

available in other languages are provided to applicants and participants when they are available for use by the Housing Authority.

D. DECONCENTRATION OF POVERTY AND FAIR HOUSING

It is the objective of the Housing Authority (HA) to ensure that our policies and practices affirmatively further fair housing, promote equity, enhance choice and overcome the effects of impediments to fair housing choice. It is the policy of the HA to comply fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing Fair Housing, Civil Rights and Equal Opportunity in housing and employment. The HA certifies that it will provide equal opportunities for inclusion in our housing programs regardless of a person's race, religion, color, national origin, sex, sexual orientation, age, ancestry, familial status, veteran status, or physical or mental impairment.

The HA will be affirmative in our goal of complying with all fair housing requirements under the law by educating our housing partners in their responsibilities under the law. The HA will affirmatively further fair housing by continuing to educate our staff on fair housing laws. The HA will affirmatively further fair housing by placing Fair Housing Posters in the waiting area and including fair housing information in briefing packets for our tenants and voucher recipients. The HA will inform voucher holders of their rights under Fair Housing Laws, how to report unlawful discrimination and procedures for filing complaints.

The HA will make reasonable accommodations in adjusting the search time and payment standard as referenced within this administrative plan. Further the Housing Authority takes into consideration the Value of an Accessible Unit when determining the Reasonable Rent for the unit.

When the Section waiting list is to be opened, the Housing Authority will employ minority media and a newspaper of general circulation to advertise availability of the program. At such time, the HA will employ staff from the agency, housing providers, and other agencies to perform outreach to households. Specifically, the HA will coordinate with a variety of homeless shelter administrators, non-profit and for profit housing providers, and community-based organizations to identify households who may qualify for Housing Choice Voucher assistance and to help with the application process and submission. Outreach activities will be performed in other languages, as appropriate. Further, the Housing Authority will have materials such as press releases translated and provided to appropriate agencies for distribution.

The HA will promote housing choice and mobility to all our voucher recipients. The HA keeps a bulletin board in the waiting room with lists of apartments, including handicapped accessible units, for all our applicants and voucher recipients to see. The majority of our

housing resources and support services, including Family Self-Sufficiency, are targeted towards low and very low income persons.

The Housing Authority encourages participation by owners of suitable units located outside areas of low income or minority concentration with the "owner's brochure" which describes the benefits to owners renting to participants under the Federal Section 8 Program. Further, the HA has a relationship with local realtors who list properties for rent in areas of low poverty/minority concentration.

The HA will take the following steps to address the impediments to fair housing choice:

1. Increase staff knowledge of fair housing laws and obligations. The HA will collaborate with organizations to provide education and outreach to our Board, staff, consumers (tenants, voucher recipients, and applicants) and landlords.
2. The HA will participate in MassAccess, an online housing registry of affordable housing opportunities that are accessible to persons with disabilities.
3. The HA will refer participants with complaints of non-compliance to the Massachusetts Commission Against Discrimination.
4. The HA will seek to increase the supply of affordable housing and rental assistance for very low-income households.

The HA's office and community space is accessible to people with disabilities. Accessibility for the hearing impaired is provided by the TTD/TDY telephone service provider.

II. THE SECTION 8 WAITING LIST

A. MARKETING AND OUTREACH

When the Authority opens the Section 8 waiting list, public notice will be given so that families are informed that they may apply for tenant based assistance. This public notice will state where and when the applicant may apply.

At minimum, the public notice will be published in one of the following newspaper(s) of general circulation:

- 1) Herald
- 2) Boston Globe
- 3) Brookline Tab

The following minority media will be employed:

- 1) Bay State Banner
- 2) El Mundo
- 3) Sanpan Publishing

In the event that the above referenced newspaper(s) and/or minority media are not available or practical for use, comparable minority media/newspapers will be utilized by the BHA. Advertisements will include an Equal Opportunity logo and nondiscrimination statement.

Other advertisements may be included at the discretion of the BHA, i.e. sending out to shelters, churches, schools, etc. The HA will coordinate with a variety of homeless shelter administrators, non-profit and for profit housing providers, and community-based organizations to identify households who may qualify for Housing Choice Voucher assistance and to help with the application process and submission. Outreach activities will be performed in other languages, as appropriate. This is done in a manner to ensure that the HA is attempting to reach those families “least likely to apply” as defined by HUD.

On an ongoing basis, the BHA coordinates with a variety of homeless shelter administrators, non-profit and for profit housing providers, and community-based organizations to identify households who may qualify for Section 8 assistance and to help with the application process and submission. Outreach activities will be performed in other languages, as appropriate. Further, the Housing Authority will have materials such as press releases translated and provided to appropriate agencies for distribution.

B. THE WAITING LIST

The Brookline Housing Authority uses the centralized waiting list as administered by MA NAHRO. In advance of participation in the MA NAHRO’s centralized list the Brookline Housing Authority maintained its own waiting list for section 8 assistance. The families on this Brookline Housing Authority list were not required to re-apply for Section 8 assistance and their names are still maintained on the BHA’s Section 8 waiting list according date and time of application and priority status as described within the this Plan. The purge of and updates of this waiting list are performed by the Brookline Housing Authority. The same selection procedure is used for this list and if a client on this list has priority status and a date and time of application before a client on the list maintained by MA NAHRO this client will be served first.

1. PURGE OF THE WAITING LIST FOR APPLICANTS ON LIST PRIOR TO CENTRALIZED WAITING LIST

As determined necessary by the Housing Authority, or at least every other year, the Authority will send a letter to all applicants on the Section 8 waiting list. This letter will be sent to the address listed on the Section 8 waiting list or on any "Change of Address" which was completed and sent to the Housing Authority. Clients will be requested to respond to the mailing within a time parameter set forth in the letter and the letter shall indicate that failure to respond will result in the removal of his/her name from the Section 8 waiting list. In the event that the applicant does not respond within the applicable time parameter, his/her name shall be removed from the Section 8 waiting list.

2. PROCEDURES FOR REMOVING NAMES FROM THE WAITING LIST

In addition to a Waiting List Purge, applicant names will be removed if:

1. the applicant requests removal of his/her name from the waiting list;
2. the applicant fails to respond to a written request to supply information to the Housing Authority within an applicable time parameter;
3. the applicant fails to attend a scheduled appointment at the Housing Authority (the Authority may grant a second appointment upon request); or;
4. the applicant does not meet Section 8 eligibility criteria as set forth in Federal Regulations or by Housing Authority rules/policies;
5. the applicant fails to attend two scheduled briefing sessions; or
6. other reasons not prohibited by regulation or State or Federal law.

3. SECTION 8 CENTRALIZED WAITING LIST PROCEDURES

a. Introduction

The Housing Authority has elected to utilize the Centralized Application and Waiting List process. Over the past few years, the Department of Housing and Urban Development has encouraged the use of a Centralized Waiting List by Public Housing Authorities.

It is anticipated that a Centralized Section 8 Waiting List will afford the Housing Authority and its clients the following benefits:

- Ease of application process for applicants who may apply at the office of any Housing Authority participating in the centralized waiting list option.
- Eliminate the procedural hardship on families and administrative burden to the Housing Authority of closing and opening of the Section 8 Waiting List. The Centralized Section 8 Waiting List will be maintained as an open waiting list.
- Increase housing opportunities for families who now have the potential option of placement at a number of locations throughout the Commonwealth through the submission of a single application.

b. Acceptance of Applications

A single, standardized Preliminary Application is available at each participating Housing Authority. A master list of all participating Housing Authorities will be maintained at the office of the Massachusetts Chapter of the National Association of Housing and Redevelopment Officials (hereinafter MassNAHRO) and at each participating Housing Authority. Only one application will be accepted for each Head of Household.

The Preliminary Application will request information as required to administer the Section 8 Housing Choice Voucher Program such as: name and city or town (where Head of Household and spouse live and work), telephone number, total number of family members, Head of Household's social security number, if client is 62 years of age or older or disabled, total gross family income, race, and ethnicity. Information regarding preferences adopted by participating Housing Authorities will also be elicited on this application.

The Housing Authorities collectively reserve the right to modify the application to include other information required or useful to administer the Section 8 Housing Choice Voucher Program. All participating Housing Authorities must agree to adopt said modification to the application in advance to such modification.

Applications will be available for completion at the Housing Authority in person between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. The HA will accept applications in person or by mail. Upon completion of the application it shall be marked by the Housing Authority staff with date and the time of submission and the family shall be provided with a standard receipt evidencing submission of the application within ten (10) business days of receipt of the application by the HA. The Housing Authority will then enter the information from the Preliminary Application into the Centralized Waiting List.

c. Updating the Applications

A family may update its application (i.e. change of address) for Section 8 Assistance at the office of any Housing Authority participating in the Centralized application process regardless of where the original application was submitted. To update the application a written request must be submitted by the family.

d. Selection from the Waiting List

The Housing Authority will place families on the Section 8 Waiting List according to priority and such families will be selected according to date and time of application within their priority category. These priorities are “local preferences” these applicants will be selected first. All other applicants will be considered “standard applicants” and will be selected only after all applicants with a priority have been selected.

The selection criteria set forth in Exhibit A to this Administrative Plan shall govern the manner in which individuals and families are selected by the Housing Authority from the Centralized Section 8 Waiting List.

e. Determination of Eligibility

Once a family has been selected from the Centralized Section 8 Waiting List, eligibility determination shall be made according to federal law, regulations governing State law and any applicable procedures set forth in the Brookline Housing Authority's Administrative Plan.

f. Determination of Ineligibility

(i) Ineligibility for Assistance

If a family is denied assistance by the Brookline Housing Authority, they will have the right to the grievance procedures set forth within this Administrative Plan. After such time expires to request an informal hearing or a hearing is held and the decision is upheld, the

family will be denied participation in the Section 8 Program by the Housing Authority making the determination. The family's name will not be removed by the Brookline Housing Authority from the Centralized Section 8 Waiting List because the family may be eligible under *another* participating Housing Authority's policies. However, the family will not be again selected by the Brookline Housing Authority unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

(ii) Determination that Family is Over Income Limits

If the family was denied participation in the Section 8 Housing Choice Voucher Program because it was over income for the program, the name will be removed from the Centralized Section 8 Waiting List if the Housing Authority making the determination is in the jurisdiction with the highest income limits of those Housing Authorities participating in the Centralized Section 8 Waiting List process. Otherwise, the family's name will not be removed by the Housing Authority from the Centralized Section 8 Waiting List because the family may be income eligible under *another* participating Housing Authority's policies. However, the family will not be again selected by the Housing Authority unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

(iii) No Response

Further, if the family does not respond to a letter sent by a participating Housing Authority to attend an eligibility determination appointment or to otherwise respond to the Housing Authority, the Housing Authority who requested said response may remove the family's name from the Centralized Section 8 Waiting List. The manner and grounds for said removal shall be governed by the Administrative Plan for the Housing Authority making said removal. This includes that the family's name may be removed for failure to attend two scheduled briefing sessions.

g. Waiting List Updates; Purging of Waiting List

MassNAHRO will, on a biennial basis, send a letter to each applicant on the Centralized Section 8 Waiting List. This letter will be sent to the address on the Section 8 preliminary Application or on any written change of status request that was completed and sent to a

participating Housing Authority. Applicants will be requested to respond to the mailing within a time parameter set forth in the letter and the letter shall indicate that failure to respond will result in the removal of his/her name from the Centralized Section 8 Waiting List¹. In the event that the applicant does not respond within the applicable time parameter, his/her name shall be removed from the Centralized Section 8 Waiting List.

h. Grievances or Complaints; Jurisdiction

When a family expresses a problem with a decision made by a Housing Authority involved in the Centralized Section 8 Waiting List option, that family shall be referred to the Housing Authority who made the determination in question. When a family expresses a problem with a decision made by MassNAHRO on behalf of all LHAs participating in Centralized Waiting List, that family shall be referred to MassNAHRO's Centralized Waiting List Administrator.

III. Section 8 Eligibility

A. DEFINITION OF FAMILY

The applicant must qualify as a family. The Housing Authority defines a family as a single person or a group of persons as follows.

1. **An elderly family:** A family whose head, 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.

2. **A disabled family:** A family whose head, co-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. **The remaining member of a tenant family:** The remaining member of a tenant family will be reassigned another bedroom size voucher, provided there is funding available.

¹ Upon request, reasonable accommodations will be made for persons with disabilities.

The remaining member of a tenant family does not include a live-in aide of the former family whose service was necessary to care for the well being of an elderly, disabled or handicapped head of household, co-head, or spouse and whose income was not included for eligibility purposes. The remaining member of a tenant family does not include a foster adult. Remaining members of the tenant family are family members and not household members.

4. A group of persons: Two or more persons sharing residency, who are not categorized as an elderly or disabled family, whose income and resources are available to meet family needs. There must be a relation by blood, marriage or operation of law, or the group must provide evidence of a significant relationship determined to be stable by the Housing Authority as defined below.

The following is to be considered as relation by blood: mother, father, children, sibling, cousin, niece, nephew, aunt, uncle, grandfather and grandmother. A group of two could also be a single person who is pregnant or in the process of adopting or securing legal custody of any individual under the age of 18.

Stable Relationship: When the applicant group is not related by blood, marriage, or operation of law, the Housing Authority will require that the applicant group provide evidence of a stable relationship.

The Housing Authority defines a stable relationship as:

1. A relationship that has been in existence for a minimum of 6 months, and
2. The parties provide financial support for each other.

Acceptable documentation of a stable relationship includes lease agreements indicating that the parties have lived together for at least 6 months, utility bills, other joint bills and/or bank account(s) (need to provide for a 6-month period), and, on a case-by-case basis, letters from a social service provider or religious organization confirming the relationship.

5. A single person: A person who lives alone, or intends to live alone, who is not categorized as elderly, disabled, or the remaining member of a tenant family.

A child who is temporarily away from home due to placement in foster care is considered a member of the family. A social worker shall designate whether placement is permanent or temporary and temporary shall be defined as placement out of the home for a period of less than six (6) months or any other compelling evidence demonstrating to the HA that the placement is temporary.

1. FAMILY MEMBERS

HUD regulations also define specific members of a family.

The *head of household* is the adult member of the family who is considered the head for purposes of determining eligibility and rent.

The *spouse* is the marriage partner of the head of household.

The *cohead* is an individual in the household that is equally responsible with the head of household for ensuring that the family fulfills program responsibilities, but who is not a spouse.

The BHA's will not allow an emancipated minor to be designated as a cohead.

Other adult means a family member, other than the head, spouse or cohead, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student.

The following can never be dependents: the head of household, spouse, cohead, foster children/adults and live-in aides.

The BHA will consider dependents subject to joint custody arrangements to be considered part of the resident family if they are in the household more than 50% of the time as verified by documentation of custody arrangements such as Court Orders or Separation Agreements. The Housing Authority may also allow the child to be claimed by the parent who claims the child as a dependent on their tax return. Two assisted households will not be able to claim the same child as a dependent.

Children who are temporarily absent from the home due to placement in foster care are considered part of the family.

A *full-time student* is a person who is attending school or vocational training on a full-time basis. The school or vocational training center defines *fulltime*.

2. HOUSEHOLD

Household and family are not the same.

Live-in aides, foster children and foster adults who qualify as household members are not considered family members.

B. INCOME LIMITS

To be income-eligible, the applicant must be a family in any of the following categories:

- (i) A “very low income” family;
- (ii) A low-income family that is “continuously assisted” under the 1937 Housing Act;
- (iii) A low-income family that meets additional eligibility criteria specified in the PHA administrative plan. Such additional PHA criteria must be consistent with the PHA plan and with the consolidated plans for local governments in the PHA jurisdiction;
- (iv) A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily units) project. (Section 8(o)(4)(D) of the 1937 Act (42 U.S.C. 1437f(o)(4)(D));
- (v) A low-income or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing as defined in §248.101 of this title;
- (vi) A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident homeownership program under §248.173.

Only 25% of admissions may be above the extremely low income level. The Housing Authority will track this information and reserves the right to “skip over” a low or very low income family that may be otherwise eligible to serve an extremely low income level applicant if the Housing Authority must do so to meet the income targeting requirement.

C. WHEN A FAMILY IS CONSIDERED “CONTINUOUSLY ASSISTED”

A family is considered continuously assisted even if they were not subsidized under a program covered under the 1937 Housing Act provided that such period of non-receipt of subsidy assistance is related to certain program technicalities or the family being forced to leave the unit through no fault of their own. Example of a program technicality includes a move with tenant based assistance where the new HAP is not executed due to no fault of the Section 8 participant. The Housing Authority will make this determination on a case by case basis taking into consideration the facts and circumstances of each case.

D. DENIAL OF ASSISTANCE

These guidelines apply to applicant families, and any new members being added to the household of a family currently participating in a rental assistance program administered by the Housing Authority. The Housing Authority also screens families transferring into its jurisdiction from other housing authorities, as authorized at 24 CFR §982.355(c)(9) and §982.355(c)(10).

1. *DENIAL OF A VOUCHER*

a. Definitions

(i) **Denial** means a HA action which denies listing on the HA waiting list, denying or withdrawing a voucher, refusing to enter into a HAP Contract or approve a Lease or refusing to process or provide assistance under portability procedures.

(ii) **Drug Related Criminal Activity** is defined in 14 CFR Part 5.100 as 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.

An “illegal drug” is defined as any controlled substance, in any amount, as defined by the United States Code, Title 21, section 802, including but not limited to narcotics, amphetamines, hallucinogens, cocaine, marijuana, designer drugs, or other intoxicants. This definition also specifically includes over the counter medications used in the manufacture of illegal drugs or for the purposes of becoming intoxicated, and pharmaceutical medications which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a physician for the purposes of becoming intoxicated.

(iii) **Violent Criminal Activity**: means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or to be reasonably likely to cause, serious bodily injury or property damage.

b. Considerations in Certain Denials

(a) *Consideration of Circumstances*. In determining whether to terminate assistance because of an action or failure to act by members of the family, the HA has discretion to

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 to act.

- (b) *Reasonable Accommodation.* The HA shall consider a request for Reasonable Accommodation by an Applicant who has a disability or handicap, has a record of a disability or handicap, or is perceived as having a disability or handicap.
- (c) *Mitigating Circumstances.* The HA shall consider mitigating circumstances such as active participation in, or completion of, a supervised drug treatment program.
- (d) *Retention of assistance by a portion of the Family.* The HA may, in its discretion, allow only a portion or certain members of the Family to be admitted to the HCVP, if there is sufficient evidence that the Family member who engaged in the alleged activity will not reside in the unit or if the Head of Household certifies that the Family Member who engaged in the alleged activity will not reside in the unit.
- (e) *Minors.* If the violating member is a minor, the Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.
- (f) *Domestic Violence.* The HA may consider an incident or incidents directly related to Domestic Violence, Dating Violence, or Stalking as mitigating circumstances when the incident or incidents of Domestic Violence, Dating Violence, or Stalking is directly related to the reason for denial.

c. Mandatory Denial

The Family must be denied a Voucher, even if they are otherwise eligible:

- (i) If any Family Member fails to sign and submit Consent forms for obtaining information in accordance with this Administrative Plan and 24 C.F.R. part 5, subpart B and F.
- (ii) If any Family Member fails to submit required evidence of citizenship or eligible immigration status (or non-contending forms) in accordance with 24 C.F.R. part 5, subpart F and policies within this Administrative Plan.
- (iii) The family does not meet the social security number disclosure, documentation and certification requirements.
- (iv) The family does not meet income eligibility requirements.

(v) Any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612.

(vi) If any Family Member has been evicted from federally assisted housing within the last three years for Drug Related Criminal Activity. 553.(a) (1) (i)

However, the HA may admit the Family if the HA determines:

(1) That the evicted Family Member who engaged in the drug related criminal activity has successfully completed a supervised drug rehabilitation program.

(2) That the circumstances for leading to eviction no longer exist (for example, the criminal Family Member has died or is serving a lengthy prison term).

(vii) If any Family Member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the Premises of federally assisted housing, the HA will permanently prohibit Admission to the Section 8 program.

(viii) If any Family Member is subject to a lifetime registration requirement under a State sex offender registration program in Massachusetts or any other State. This is regardless of longevity of conviction or completion of any rehabilitative program. [982.553 (a) (2)]

(ix) If the Family member currently engages in illegal use of a drug [24 CFR 982.553(a) (1) (ii) (A)].

(x) If the HA determines that it has reasonable cause to believe that a Family member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the Premises by other residents. [982. 553 (a) (3)] may move

(xi) If the HA determines that there is reasonable cause to believe that a Family member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the Premises by other residents. [24 CFR 982.553(a) (1) (ii) (B)]]]

(xii) If any member of the family has been evicted from housing assisted under the program for serious violation of the lease.

d. Discretionary Denial

The HA may deny a Family a Voucher, even if they are otherwise eligible, if any Family member:

(i) Has been evicted from federally assisted housing in the last five years;

- (ii) If a PHA has ever terminated assistance under the program for any member of the Family;
- (iii) Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing assistance program;
- (iv) If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act (including but not limited to, court costs, constable fees, or other related fees).
- (v) If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- (vi) Has breached an agreement to repay a debt to the HA or another HA; (At its discretion the HA may offer the family the opportunity to enter into an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The BHA will prescribe the terms of the agreement)
- (vii) If the family was a FSS participant and failed to comply, without good cause, with the FSS contract of participation.
- (viii) If a welfare-to-work family failed, willfully and persistently, to fulfill its obligations under the Section 8 welfare-to-work voucher program.
- (ix) Has violated any Family obligation under the Section 8 Program as stated in 24 C.F.R. § 982.551 or listed in this administrative plan.
- (x) Has engaged in or threatened abusive or violent behavior toward HA personnel;
 - "Abusive or violent behavior" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for denial.
 - "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- (xi) Any Family member is currently engaged in, or has engaged in during a reasonable time before the Admission:

(1) Drug Related Criminal Activity;

The HA may not deny assistance due to use or possession of a controlled substance by a Family member if the Family member can demonstrate that s/he has an addiction, has a record of an addiction, or is regarded as having an addiction to a controlled substance, and is recovering or has recovered from such addiction and does not currently use or possess a controlled substance.

The HA will under these circumstances require a Family member who has engaged in the illegal use of a controlled substance to submit verifiable evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

(2) Violent Criminal Activity;

(i) Other criminal activity which may threaten the health safety, or right to peaceful enjoyment of the Premises by other residents or persons residing in the immediate vicinity; or

(ii) Other criminal activity which may threaten the health or safety of the Owner, property management staff, or persons performing a contract administration function on behalf of the HA (including a HA employee or a HA contractor, subcontractor, or agent).

(iii) For the purposes of this provision unless otherwise noted, “reasonable time” will depend on the individual circumstances including but not limited to the seriousness of the crime and number of matters under consideration.

(3) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

(4) Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a *contract* administration function or responsibility on behalf of the PHA (including a PHA employee or a PHA contractor, subcontractor or agent).

e. CORI Handbook

The Brookline Housing Authority has adopted the Section 8 Administrators Association’s March 21, 2000 Policy on CORI (Criminal Offenders Records of Information) “CORI Handbook” as updated in the March, 2007 manual prepared for the Section 8 Administrator’s Association as set forth in the handbook on display at the HA.

f. Preponderance of Evidence

In determining whether to deny assistance based on criminal activity, the Housing Authority may deny assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

The Housing Authority may consider arrests, convictions, no contest pleas, fines, city ordinance violations or other credible preponderance of evidence in determining if a violation has occurred.

“Preponderance of evidence” is 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. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

g. Currently Engaged In

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

2. CRIMINAL BACKGROUND CHECKS

The Housing Authority requests a criminal background check for all applicant household members (including live-in aides) 14 years of age and older. The criminal background check is used as a factor in screening applicants for criminal activities that would prohibit admission to the Housing Authority’s Section 8 rental assistance programs.

A signed Criminal Background Consent Form, authorizing the release of criminal conviction records from law enforcement agencies must be completed by the party for whom the record is being requested or in the case of a minor the adult responsible for said minor. Failure to sign the consent form will result in the denial of assistance.

A criminal conviction alone may or may not result in the denial of assistance. Factors such as disclosure, completion of a drug or alcohol rehabilitative treatment program, type and longevity of the conviction, reasonable accommodation and Violence Against Women Act may also be taken into consideration.

3. STATUTORY AND REGULATORY REQUIREMENTS AND HUD DIRECTIVES

Nothing in the plan serves to limit the Housing Authority from denying assistance on grounds authorized by State, Federal or local law or by HUD directive.

E. SCREENING OF APPLICANTS FOR FAMILY BEHAVIOR OR SUITABILITY FOR TENANCY

The BHA will perform a credit report and check landlord references. This information will be used to make certain:

1. The tenant has not been evicted for fault reasons when such is required to verify a preference; or
2. The tenant does not owe money to a former landlord.

To the extent that any information used for screening indicates that the family did not provide true and complete information to the Housing Authority per HA request it may be used as a basis for denial or termination.

Generally, the screening performed by the HA is to determine that the family is eligible for Section 8 assistance, that the family is income eligible and has no recent history of violent or drug related criminal activity as determined by review of a CORI (Criminal Offenders Record of Information). The HA strongly encourages owners to perform screening prior to accepting any new tenant. Legal procedures utilized by owners to screen market tenants should also be utilized by owners to screen Section 8 participants

F. PROVIDING INFORMATION TO PROSPECTIVE OWNERS ABOUT THE FAMILY

Under Federal Regulations the HA is required to notify prospective landlords of:

1. The family's current and prior address (as shown in the HA's records); and
2. The name and address (if known to the HA) of the landlord at the family's current and prior address.

Subject to privacy and confidentiality laws:

Upon the request for such information by the prospective landlord, if the information is

contained in Housing Authority records, the information will be provided to the prospective landlord by the HA. In all such cases the tenant must have made a request in writing to the Housing Authority for this information and sign any Release as required by the HA.

The Housing Authority will not provide prospective landlords any additional information related to screening the tenant. The landlord is responsible for tenant screening.

IV. VOUCHER ISSUANCE AND HOUSING SEARCH

A. SUBSIDY STANDARDS

The subsidy standards for the Housing Authority are designed to provide for the smallest number of bedrooms without overcrowding.

- Two adults will share a bedroom unless they are related by blood or one is a live in aide.
- Two children of the opposite sex will not share a bedroom.
- Two children of the same sex will share a bedroom.
- Adults and children will not be required to share a bedroom unless they are two siblings in which they will be required to share a bedroom unless they are of the opposite sex.
- Live-in-aides will be counted in determining family unit size. A live in Aide will be provided with his/ or her own bedroom.

Upon request and verification of the necessity for such, exceptions of subsidy standards may be made by the Housing Authority if to do so serves to provide a reasonable accommodation for a person with a disability.

B. TERM OF THE VOUCHER; EXTENSIONS; AND SUSPENSIONS

1. *TERMS*

The Housing Authority shall issue all vouchers with a term of 60 Days. Upon request by the family, the Housing Authority will provide an additional 60 days if the family has been unable to locate housing within the initial 60 day period.

Upon request by the family, the Housing Authority may, in its discretion, issue an extension beyond 120 days if such extension is necessary as a reasonable accommodation for a family with disabilities or if the family has been the victim of housing discrimination.

Such extensions will be granted by the HA only when the HA considers the documentation submitted by the family to be sufficient to justify this extension. All extensions which are granted will be done so in writing by the HA after an in persona appointment at the BHA. Exception to the appointment requirement may be granted in cases or reasonable accommodation.

2. SUSPENSION OF TERM

“Suspension” means stopping the clock on the term of a family’s voucher after the family submits a Request for Tenancy Approval (RTA).

The HA will suspend the term of the voucher from the date the “Request for Lease Approval (RLA) or Request for Tenancy Approval (RTA) is submitted to the HA until the date upon which the HA informs the family that the unit in question is “approved for occupancy” or is “denied.” Such time will not exceed 90 days.

3. VOUCHER EXPIRATION

If the family’s voucher expires, the family’s name is removed from the Section 8 waiting list and will need to reapply.

C. REQUEST FOR TENANCY APPROVAL

The BHA will process only one Request for Tenancy Approval at a time. If the unit is rejected, or the family prefers to select another unit, the family may submit another Request for Tenancy Approval only once the initial Request for Tenancy Approval has been processed by the BHA or withdrawn by the family.

D. IMMEDIATE PORTABILITY

The HA will allow new admissions who did not reside in the HA's jurisdiction when application was made to move outside of the HA's jurisdiction upon receipt of the subsidy.

E. THE PROCESS FOR ESTABLISHING AND REVISING PAYMENT STANDARD

1. CURRENT PAYMENT STANDARD

The payment standard may be set by the HA between 90% and 110% of the Fair Market Rent Level.

On an annual basis, the Housing Authority shall review leasing rates and/or the rent burden of assisted families to determine if an adjustment in the payment standard is necessary to assist Section 8 participants.

The current payment standard is on file at the Housing Authority and is available for review. HUD has approved exception rents for Brookline and they are also on file at the Housing Authority.

2. EXCEPTION PAYMENT STANDARD

One of the purposes of an exception payment standard is to ensure that a family with a person with disabilities can rent a unit that meets the disabled person's needs.

If necessary as a reasonable accommodation for a person with disabilities the Housing Authority will approve a family request for an exception payment standard under Sec. 982.505(d) for a tenancy under the Section 8 voucher program so that the program is readily accessible to and usable by persons with disabilities. The Housing Authority may approve exception payment standards up to 110% of the FMR as a reasonable accommodation.

The HUD Field Office Public Housing Director can approve exception payment standards above 110 percent to 120 percent of the FMR as a reasonable accommodation in accordance with 24 CFR §982.503(c)(2)(ii).

HUD Headquarters must waive 24 CFR § 982.505(d) to allow the HA to approve any exception payment standards higher than 120 percent of the FMR as a reasonable accommodation.

The Housing Authority will submit all such request to the field office and where applicable the field office will make the necessary waiver request to HUD headquarters. The HA will include the following in the submission to HUD in order to facilitate the consideration of such a request:

- a)** Note whether the family is an applicant or participant family.
- b)** The number of household members including a live-in aide/s.
- c)** The voucher size the family is issued under the HA's subsidy standards or any exception to those standards granted through a reasonable accommodation request;
- d)** The FMR for the voucher size or unit size whichever is smaller.
- e)** When either the disability or the need for the requested accommodation is not known or readily apparent, a statement from a health care provider regarding the need for the reasonable accommodation and the features of the unit (which may include its location) which meet that person's needs.
- f)** The contract rent and utility allowance for the unit.
- g)** A statement from the HA that it has determined the rent for the unit is reasonable and that the unit has the feature/s required to meet the needs of the person with disabilities as noted in the statement from the health care provider where such a statement is necessary (see e. above).
- h)** The household's monthly adjusted income.
- i)** Proposed effective date of the new lease or actual effective date of the lease renewal.

To the extent such information must be supplied by the family, the Housing Authority will not make such request until such time as the family submits the applicable information to the Housing Authority.

F. METHOD FOR DETERMINING RENT REASONABLENESS

The HA's methodology for ensuring that the rent to an owner is reasonable in comparison to similar unassisted units takes into consideration the following factors: location, quality, size, unit type, age, amenities, housing services, maintenance and utilities provided by the

owner.

To determine the rent for a unit, the HA will review the following information for the unit in question.

- 1 - Location: (by zip code or neighborhood);
- 2 - Quality: (meets HQS/Exceeds HQS);
- 3 - Size: (average: most rooms are 70-100 square feet: Most rooms are over 100 square feet);
- 4 - Unit type: (duplex / 3 decker / garden / townhouse / single family / high rise);
- 5 - Age: (old: over 10 years; new: less than 10 years);
- 6 - Amenities: (i.e. dishwasher, washer / dryer, newer carpet, refinished hardwood, off street parking, pantry or abundant shelving and cabinets, balcony, patio, deck, porch, alarm system, modern appliances, high quality floors or wall coverings, large and well maintained yard;
7. Maintenance: Maintenance provided by owner or professional maintenance staff;
- 8 - Housing Services: concierge or other in-house services;
- 9- Utilities: (highest cost not included in rent / highest cost is included in rent).
- 10 - Value of Accessibility: (accessible features may be taken into consideration when approving a requested rent) This “value of accessibility” factor will be taken into consideration on a case by case basis when the family indicates that the unit has certain qualities which are not available in other units which are required as a result of a disability.

This information will then be compared to the information on file at the Housing Authority. The BHA maintains information on market units containing the 9 factors stated above and other information such as if there are assisted units at the property. Assisted units are not used in making a rent reasonableness determination. Determinations are based upon comparison of the HUD required factors to private market units. Comparables utilized to establish the reasonable rent will be documented and maintained in the tenant file. Each rent reasonableness determination will be reviewed and approved by either the Director of Section 8 or his/her designee. A copy of this approval will be maintained in the tenant file. The reasonable rent will be offered to the owner.

Finally, even when the market comparables on file at the Housing Authority are higher than the rent which is received by an owner for a “like kind” unit within the same building, the HA will only approve a rent equal to that approved for the “like kind” unit within that same building. However, if exceptional circumstances apply (i.e. the unit in question is more desirable because it was recently refurbished or the tenant in the “like kind” unit has been

in place for many years, the HA may approve the higher rent).

This same rent reasonableness process will be utilized for:

- 1 New Admissions & Movers;
- 2 Rent Increases;
- 3 The Fair Market Rent for the Primary Metropolitan Statistical Area or Metropolitan Statistical Area decreases by more than 5% for the particular unit size;
- 4 When directed by HUD; and
- 5 At time of annual inspection.

G. ENCOURAGING PARTICIPATION BY OWNERS IN LOW POVERTY/ MINORITY CONCENTRATION

The Housing Authority encourages participation by owners of suitable units located outside areas of low income or minority concentration. Definition of such areas is referenced in the City or State Consolidation Plan and/or the Housing Authority's five-year plan.

The following are activities, which encourage participation by owners of suitable units outside areas of low income or minority concentration.

1. BHA was a member of the Federal Regional Opportunity Counseling Program (ROC). The staff was provided with access to briefings performed by ROC staff which provided families with information relative to locating units in areas outside of poverty or minority concentration. Landlord outreach workshops are performed through this program. While the ROC program is no longer funded, the information and principles of such program are still employed by BHA staff. Families are notified of the ability to lease units in area of low poverty concentration and are provided with information relative to assist them in leasing in these low poverty areas such as the existence of BHA approved exception rent limits.
2. The BHA has HUD approved exception rents for certain areas which encourages landlords to rent to Section 8 participants.
3. This PHA has a relationship with local apartment complexes that are willing to rent their Properties in areas of low poverty/minority concentration.
4. The BHA has an "owners guide" which provides Section 8 landlords with information as to the benefits of renting to families under the Section 8 program.

H. DISAPPROVAL OF OWNERS

1. *MANDATORY DENIAL*

The Housing Authority will not approve a unit if:

1. The HA has been informed, by HUD or otherwise, that the owner is debarred, suspended, or subject to limited denial of participation under 2 CFR part 24.
2. When directed by HUD, the HA will not approve a unit if the Federal Government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal Equal Opportunity Requirements and such action is pending.
3. When directed by HUD, the HA will not approve a unit if a court or administrative agency has determined that the owner violated the Fair Housing Act or other Federal Equal Opportunity Requirements.

2. *DISCRETIONARY DENIAL*

The Housing Authority may deny approval to lease a unit from an owner for any of the following reasons:

1. The owner has violated obligations under a HAP contract under Section 8 of the 1937 act (42 U.S.C. 1437f).
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 any drug related criminal activity or any violent criminal activity.
4. The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project based Section 8 Assistance or leased under any other Federal Housing Programs
5. The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other Federally Assisted Housing Program for

activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

- threatens the right to peaceful enjoyment of the premises by other residents;
 - threatens the health and safety of other residents, of employees of the HA, or of owner employees or other persons engaged in management of the housing;
 - threatens the health or safety of or the right to peaceful enjoyment of their residency by persons residing in the immediate vicinity of the premises; or
 - engages in drug related criminal activity or violent criminal activity.
6. The owner has not paid state or local real estate taxes, fines or assessments.
 7. The owner has a history or practice of renting units that fail to meet State or local housing codes.
 8. Any other reasons determined reasonable by the Housing Authority and prohibited by law.

Generally, when the HA decides not to execute HAP contracts with an owner for reasons described in this section of the administrative plan, the decision affects only prospective future contracts. Participants residing in units belonging to the identified owner will not always be asked to move solely because of a decision to disapprove the owner as described within this plan.

When a Housing Assistance Contract with an owner is terminated for reasons such as violation of Housing Quality Standards which is not tenant caused the Section 8 participant will be issued a voucher and required to relocate to continue to receive Section 8 assistance.

For purposes of this section “owner” includes principal or other interested party.

Nothing in this section of the Administrative Plan is intended to give any owner any right to participate in the program.

I. ASSISTING A FAMILY THAT CLAIMS “ILLEGAL DISCRIMINATION”

In the event that a family informs the HA that they have been illegally discriminated against and, due to such discrimination, they were prevented from leasing a particular unit, the family will be provided with appropriate Discrimination Complaint Forms and/or information which will include.

- 1. A Massachusetts Commission Against Discrimination (MCAD) Complaint Form**

2. A HUD Discrimination Complaint Form

The family may also be provided with the telephone numbers for the following:

HUD's Fair Housing Enforcement Center: - 1-800 827-5005

MCAD - (617) 727-3990

In accordance with Housing Authority policy as set forth within this Plan, the Housing Authority may also provide additional search time on a voucher when a family claims illegal discrimination prevented the leasing of a unit.

V. CONTINUING PROGRAM PARTICIPATION

A. INTERIM REPORTING AND PROCESSING POLICIES – 982.516(B)(C) & (D)

1. *MANDATORY INTERIM REPORTING*

Mandatory Interim Reporting will be required on the following instances:

- When a family receives **any** increase in total monthly income;
- When a family changes the source of their income (i.e. changed jobs);
- When a family's expenses decrease by more than **10%**
- When a household member is leaving the dwelling unit;
- When the family is breaking up;
- When the family is requesting that a new family member be added to the household composition.

a. Manner of Reporting and Effective Date of Recertification

It is obligation of the family to report these changes to the Housing Authority. It is the policy of the BHA to require that the family report these changes immediately and in writing. Failure to do so may result in the family's termination from the Section 8 program for violation of family obligations.

The BHA will perform an interim recertification when such information is reported to the BHA.

After the family has reported a change to the BHA, the BHA will mail out an Interim Questionnaire form for the family to complete and return. Appropriate verifications will be requested immediately after the source has been reported to the BHA. The HA will not make the recertification retroactive if the family failed to submit the requested documentation in a timely manner or failed to cooperate with the BHA in relation to the reporting or verification requirements.

The effective date of the interim recertification will depend on the timeliness of the family's reporting of the change to the BHA, the Housing Authorities receipt of requested documentation and appropriate verification. The HA will make the interim determination within a reasonable time after the family request.

For decreases, the interim determination will be effective on the first of the following month, within reason (if the determination is at least five days prior to the end of the month).

For increases, the interim determination will be effective on the first of the second month.

In both instances this effective date of the determination is provided that the information was reported to the HA in a timely manner and that the family cooperated with the Housing Authority's ability to receive all necessary documentation and verification.

b. Change in Family Composition resulting in Over-Housed Family

When a change resulting in a decrease in voucher size occurs, such as decrease in family size or a condition requiring an additional bedroom no longer exists, the family will be sent a "Notice of Rental Share Change" based upon the new lower Payment Standard. This change will not be effective until the first of the month after the month that follows this notice. In addition, the family shall be notified of the right to be issued a voucher in the size appropriate under the BHAs subsidy standards.

When a family becomes over housed and is putting forth a good faith effort to locate alternative housing within the lower payment standard appropriate for the new family size, the Housing Authority may elect to provide the family with an extension of time to locate alternative housing and retain the higher payment standard during this housing search. This higher payment standard will not be provided for a period of longer than a total of 120 days. The Housing Authority will require documentation of a good faith housing search under these circumstances.

2. Optional Interim Reporting

At any time, the family may request an interim determination of family income or composition because of any changes since the last determination. The time frames set forth in the Mandatory Reporting Section shall also apply in cases of an optional interim recertification.

B. VERIFICATION

1. VERIFICATION HIERARCHY

The HA will verify information through the six methods of verification, acceptable to HUD, in the following ranking order:

1. Enterprise Income Verification (EIV)
2. Upfront Income Verification (UIV) using non-HUD systems
3. Third-party written (may be provided by the family)
4. Third party form written
5. Third-party oral (in person or via telephone directly from the third party)
6. Certification/self-declaration

2. METHODS OF VERIFICATION

a. Enterprise Income Verification (EIV)

i. Introduction

The HA's first choice is Enterprise Income Verification (EIV) as required in accordance with the new HUD regulation 24 CFR 5.233 as issued in the final rule Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System Amendments.

The EIV system is a web based application which provides the HA with employment, wage, unemployment compensation and social security benefit information of tenants participating in the Section 8 program. HUD's computer system is matched against that of agencies such as the Social Security Administration and the US Department of Health and Human Services.

The HA is required to use the EIV system as a (primary) source to verify tenant income information during all mandatory annual and interim reexaminations.

The Housing Authority has adopted an Enterprise Income Policy which is on file at the BHA Office.

The information is only be used to verify a tenant's eligibility for participation in HUD's rental assistance program and to determine the level of assistance the tenant is entitled to receive.

Data obtained through EIV system will be compared to family reported information. If the EIV report reveals an income source that was not reported by the tenant or a substantial difference (\$2400 or more annually) in the reported income information the PHA will obtain further third party documentation in accordance with the hierarchy contained in this administrative plan. (The PHA is always required to request written third party verification when the tenant disputes EIV information and is unable to provide acceptable documentation to support his/her dispute)

If there is a discrepancy, once the HA has verified and validated the income discrepancy, the HA will calculate the tenant retroactive rent due, if any, and initiate a repayment agreement and/or take other corrective action.

ii. EIV File Documentation

If the family does not dispute EIV employer data, and has acceptable supporting documentation, acceptable file documentation consists of:

- The EIV income details report
- Copy of tenant-provided third party verification (ie pay stubs)

If the family disputes the EIV employer data and has no acceptable supporting documentation, file documentation includes:

- The EIV income details report
- Written third-party verification form

b. Upfront Income Verification (UIV) using non-HUD systems

In addition to the EIV System the PHA may use other up-front income verification sources to verify participant income. UIV meets the regulatory requirement for third-party verification. UIV is an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals. Examples on non-HUD UIV systems are the work number and state government databases.

c. Third-party written (may be provided by the family)

Written third-party verification is an original document generated by a third-party source, dated within 60 days prior to the reexamination or HA request date.

The Housing Authority requires that documents be original and authentic. They may be supplied by the family or received from a third party source.

Examples of acceptable third-party documents provided by the family include:

- pay stubs
- payroll summary reports
- employer notice or letters of hire or termination
- SSA benefit verification letters – state and federal
- bank statements
- child support payment stubs
- welfare benefit letters or printouts
- unemployment monetary benefit notice
- Veterans Administration letters
- Retirement Benefit Letters
- Investment Company Statement
- City or County Court orders
- Life Insurance Company Statement
- Investment Group Statement

The HA requires at minimum, three current and consecutive pay stubs for determining annual income from wages.

The HA reserves the right to reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

Information verified on the internet is considered by the HA to be written third-party verification if the HA is able to view and print web-based information from a reputable source on the computer screen.

d. Third Party Form

A written third party verification form is a standardized form which will be used to collect information from a third-party source when

1. There is no UIV information available and the participant has no written third-party documentation to support their reported income, or
2. There is an unreported source of income or a substantial difference in reported income (\$2400 annually or more) and there are no UIV or third party documents provided by the family to support the income discrepancy.

Third-party written verifications must be received **directly** from the third parties. The family will be required to sign an authorization for release of information to allow the third parties to release the requested information. Verifications received from the third party electronically via computer e-mail, by fax machine, via an on-line database system, or directly from the source, are considered by the HA to be written third party verifications

e. Oral Third Party Verification

If a PHA has requested a written third-party verification form and has not received a response **within 10 or more working days**, or if written third party verification is not possible, the PHA will attempt oral third-party verification

When a third-party oral verification is used, HA staff to note in the file:

- the name of the person contacted
- the date of the conversation, and the facts provided.

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

f. Tenant Declaration

If it is not possible to contact the third party by telephone due to either the agency's documented policy of not releasing information over the telephone, or unavailability of the third party, the HA will note the file and proceed to the next ranking verification source, Self Certification. The HA will not delay the processing of an application beyond ten working days because a third party information provider does not return the verification in a timely manner.

A notarized family certification will be accepted when no other form of verification is available. With this method of verification, an applicant or participant submits an affidavit or notarized statement to certify income or expenses that she or he has reported. A notarized self-certification means a family signed and dated affidavit/certification/statement under penalty of perjury in the presence of a notary public.

The family may be required to certify that they do not receive a particular benefit or type of income.

3. LENGTH OF TIME VERIFICATION IS ACCEPTABLE

Unless otherwise noted herein, for applicants, verifications may not be more than 60 days old at the time of voucher issuance. For participants, verifications are valid for 120 days from date of receipt.

C. MINIMAL INCOME POLICY

1. APPOINTMENTS

For any family reporting no income the Head of Household will be required to complete a Statement of Income and Expenses. This statement serves to document the family's expenses and the source of revenue for each expense.

Failure to provide such information requested on the Statement of Income and Expenses will be grounds for termination of assistance. The Housing Authority will require completion of this form every sixty (60) days as long as the family is reporting no income.

2. UTILITY RE-IMBURSEMENT CHECKS

For a client entitled to a utility reimbursement check the Housing Authority will send this payment directly to the utility company.

D. MINIMUM RENT POLICY

1. MINIMUM RENT POLICY

The Public Housing Reform Act of 1998 includes a provision for the establishment of minimum rents to be paid by participants in the Section 8 Housing Choice Voucher Program. This provision permits housing authorities administering the program to set a minimum rent requirement between \$0.00 and \$50.00 per month.

Due to the reduction of funding and in response to recommendations from the Secretary of the U.S. Department of Housing and Urban Development (HUD), the Housing Authority has established a minimum rent of \$50.00 per month for the Section 8 Housing program.

2. EXEMPTIONS FROM THE MINIMUM RENT REQUIREMENT

To be considered for an exemption from the minimum rent requirement a tenant/participant of household must demonstrate that it is experiencing a financial hardship due to an unexpected or unprecedented economic burden on the family. (The voluntary loss of income, or voluntary continued loss of income, does not necessarily qualify a family for the financial hardship exemption from minimum rent.)

Only the following situations shall qualify for the exemption:

- When the family has lost eligibility for, or is awaiting an eligibility determination from a federal, state or local assistance program, including a family having a non-citizen household member lawfully admitted for permanent residence and who would be entitled to public benefits except for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.
- When the family would be evicted as a result of the imposition of the minimum rent requirement.
- When the family income has decreased due to changed circumstances, including involuntary loss of employment.

- When the family has an increase in expenses due to changed circumstances, such as medical costs, childcare, transportation, education, or similar items.
- When a death or severe illness has occurred in the family.
- Other qualifying circumstances require approval by the Housing Authority or HUD.

Requests for an exemption from the minimum rent must be submitted in writing to the Housing Authority office. This written request must be accompanied by the following:

- 1.) A complete listing of all household members' current income and their sources.
- 2.) A completed Zero Income form listing all the household members' current financial obligations and routine expenditures.

If a family requests the hardship exemption, application of the minimum rent hardship will be suspended beginning the month following the family's written hardship request. During suspension, the minimum rent will be included in the family's Total Tenant Payment (TTP) and the housing assistance payment will be increased accordingly.

The Housing Authority will determine if the hardship is temporary or long-term. This determination will be based on the information and documentation provided by the family.

3. MINIMUM RENT HARDSHIPS

a. Temporary Hardship

If the hardship is determined to be temporary, the minimum rent will be suspended for a period of 90 days from the date of the family's request. Documentation substantiating the claim for a temporary hardship is required. At the end of the 90-day period, the minimum rent will be reinstated retroactively to the date of the suspension and the amount of overpaid assistance, based on the minimum rent amount, shall be reimbursed by the family. The Housing Authority will offer a reasonable repayment agreement to cover the minimum rent charges accumulated during the suspension period.

b. Long-term Hardship

If the hardship is determined to be long-term, that will extend beyond a 90-day period, documentation regarding the reasons to substantiate the long-term hardship will be

required. A statement from either a medical provider or other documentation that the Housing Authority considers to be sufficient will be required. If The Housing Authority determines that there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists. Repayment of the minimum rent is not required as long as the family has complied with the Family Obligations of reporting information. At each annual reexamination, the family's eligibility for financial hardship exemption will be reviewed.

c. No Hardship

If the family has failed to provide documentation proving the hardship has occurred due to the circumstances listed or the Housing Authority has determined that there is no qualifying hardship, the minimum rent will be reinstated. A repayment agreement will be executed for any money owed to The Housing Authority during the time of the suspension. Hardship determinations are subject to the Housing Authority's informal hearing process and will be reviewed. If the Housing Authority determines hardship does not exist, the family has the right to request an informal hearing on the decision.

E. FAMILY MOVES DURING THE INITIAL YEAR OF ASSISTED TENANCY

Currently, the HA only approves leases with an initial term of one (1) year. Thus, the HA will require the family to remain in place during the initial year of an assisted tenancy, except in the following circumstances:

- 1** – The owner is in breach of the Lease Agreement and/or the HAP Contract;
- 2** – Extenuating circumstances have been brought to the attention of the HA by the family and the HA determines that it is appropriate to grant approval to allow the family to move during the initial year of the assisted tenancy. Examples include domestic violence and reasonable accommodation.

Approval will be provided in writing by the Housing Authority. In cases where written approval is not provided, the family will be in violation of this requirement.

The landlord prior to BHA approval must provide in writing to the BHA that the lease has been mutually rescinded except in case of owner breach of Lease or HAP.

F. ADMISSION OF ADDITIONAL MEMBERS TO AN EXISTING FAMILY (OR HOUSEHOLD)

1. GENERAL ADDITIONS

The HA will allow additions to the family or household in the following instances:

1. Birth, adoption, court awarded custody; or
2. The landlord has provided written approval for the addition of a new household member and to add such member will not cause for overcrowding under HUD's HQS and the Housing Authority approves the new family member as meeting the definition of family within this administrative plan.

Addition of an adult family member may require a HAP proration or change in the HAP proration.

A person with a disability may request the addition of a person or persons to the household as a reasonable accommodation.

The HA prohibits the addition of any person to the household who would normally be denied initial admission to the program in accordance with this Administrative Plan.

An additional person may not be added to the household until he or she has met all program requirements, including providing social security numbers, information on citizenship status, appropriate income release forms, and the Criminal Offender Record Information check where applicable based upon the age of the proposed new family member.

In the tenant-based program, prior to allowing the addition of the household member, the existing head of household must secure the owner's written permission to add the new member to the household.

Upon approval by the HA, which shall always have a prospective effective date, the new household member is immediately subject to all the requirements, and receives all the benefits, of the assisted housing program.

2. GUEST POLICY

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has express or implied authority to so consent. A guest can remain in the assisted unit no longer than 7 consecutive days or a total of 30 cumulative calendar days during any 12-month period. Otherwise the individual will be considered an unreported

household member and the family may be terminated from the program for failure to report an addition to the household.

A family may request an exception to this policy for valid reasons. An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

This section relates to housing authority policy. Nothing in this paragraph is intended to modify anything that the tenant has agreed to in his or her lease with the landlord. The family is still expected to comply with any legal restrictions the tenant has agreed to in his or her lease.

3. FOSTER CHILD AND ADULT

Approval of a foster child will generally be granted if:

- (1) The Department of Social Services has verified that such is an official foster care placement;
- (2) No extenuating circumstances which would lead the Housing Authority to believe the addition of the foster child would be inappropriate, and;
- (3) Documentation of the above is provided and verified by the Housing Authority.

A foster adult is usually a person with a disability, unrelated to the tenant family, who is unable to live alone. Approval of a foster adult will generally be granted if:

- (1) Certification from a Social Service Agency that the adult cannot live alone;
- (2) No extenuating circumstances which would lead the Housing Authority to believe the addition of the foster adult would be inappropriate, and;
- (3) Documentation of the above is provided and verified by the Housing Authority.

4. LIVE-IN AIDE

a. Approval of a Live-in Aide

A live-in aide is a person who resides with a person or persons who are elderly, near elderly, and/or have a disability [24 CFR 5.403].

The live-in aide:

1. Must be essential to the care and well-being of the person(s).
2. Must not be obligated for support of the person(s).
3. Would not be living in the unit except to provide necessary supportive services.

The HA may approve a live-in aide for a family upon verification of need by a qualified health care or service provider subject to b. *Refusal to Approve a Live-In Aide*, of this Administrative Plan.

A live-in aide is not required to have citizenship or eligible immigration status. The aide must, however, provide a valid (unexpired) photo identification card that at a minimum indicates the aide's name and birth date. If the photo identification is not of government issue, the aide must also provide one additional form of identification. Identification documents must be attached to any request for a criminal history check.

For information concerning the appropriate family unit size when the HA has approved a live-in aide for a family see Section addressing Subsidy Standards within this Administrative Plan.

b. Implementation of HUD PIH Notice 2008-20

The HA provides an additional bedroom to the family unit size to accommodate an approved live-in aide. In order for a family to receive a voucher with an additional bedroom for a live-in aide, the aide must:

- ☐ Personally appear at the HA offices;
- ☐ Provide a picture ID;
- ☐ Complete a certified statement indicating that the assisted unit shall be the aide's primary residence and that the individual meets the regulatory definition of a live-in aide;
- ☐ Sign a Family Obligations statement separately from the family members; And
- ☐ Undergo a criminal history check and any other procedures required by the Administrative Plan to determine whether the aide should be allowed in the household.

The HA shall not issue a voucher of a larger bedroom size to accommodate a live-in aide unless and until an aide has met the above requirements and has passed a criminal history check.

c. Refusal to Approve a Live-in Aide

The HA may refuse to approve or may withdraw its approval of a particular person as a live-in aide for the reasons indicated in 24 CFR part 982, or if the live-in aide (a member of the household) is barred from participation in assisted housing programs for any of the reasons stated (and in accordance with the time frames expressed) within the sections covering denial and termination this administrative plan. The date on which the applicant or participant requests HA approval of the person to become a live-in aide or the date the HA becomes aware that the aide was debarred, whichever is later, is used to determine whether the period of debarment has elapsed.

At any time HA can refuse to approve, or withdraw approval of, a live-in aide if:

- 1) The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; or
- 2) The person commits drug-related criminal activity or violent criminal activity; or
- 3) The person currently owes rent or other amounts to the HA or to another Public Housing Agency (PHA) in connection with Section 8 or public housing assistance under the 1937 Act; or
- 4) The person fails to comply with HA requirements for a live-in aide including the requirements contained in this Administrative Plan.

The HA may require a participant to terminate the services of a particular live-in aide as a condition of continued assistance or may require an applicant to terminate the services of a particular live-in aide as a prerequisite to issuing a voucher or to approving a tenancy.

Any refusal or withdrawal of approval will be in writing and will allow the applicant or participant a thirty day period in which to locate a replacement aide.

G. FAMILY ABSENCE FROM THE UNIT

The family may be absent from the unit for brief periods.

If a family will be absent from the unit for more than **sixty (60)** days, such family must receive advance written approval from the Housing Authority or such family will be considered absent from the unit for more than a brief period and Housing Assistance payments will be terminated.

In no instance will approval for absence from the unit of more than one hundred eighty (180) consecutive days be granted.

H. WHO REMAINS ON THE PROGRAM IF THE FAMILY BREAKS UP

The Housing Authority is bound by the court's determination if a court determines the disposition of property between members of the applicant or assisted family in a divorce or separation decree.

When no such court determination has been made, the Housing Authority shall determine which members of an applicant or assisted family will continue to receive assistance if an applicant or assisted family breaks up. In making this determination, the HA shall consider the interests of all applicant or assisted family members. The HA will then decide which family member remains on the application or receives the voucher on a case by case basis, and the following factors may be included in the Housing Authority's decision:

- (1) – the interests of any minor child/children;
- (2) – the interests of ill, elderly, or disabled family members;
- (3) – whether family members were forced to leave the unit as a result of actual or threatened physical violence, by a spouse or other member of the household, (the HA shall take this factor into consideration regardless of whether the individual(s) leaving the unit are the victim or the perpetrator).
- (4) – family members remaining in the original assisted unit;
- (5) – if the sole remaining members of the household are all minors, an adult guardian of such minor children may be added to the family composition as the new “head of household” and;
- (6) – any other factors which in the discretion of the Housing Authority will affect the fairness and reasonableness of the determination.

I. FAMILY REQUEST FOR DOCUMENTS

At any time the family may request a copy of their file or certain documents contained therein by completion of the Request for Documents Form which is available at the BHA's administrative offices located at 90 Longwood Avenue in Brookline. The family will be provided with a copy of their request and the request will be processed within five (5) business days of the request. In the event that the request is unduly burdensome the BHA reserves the right to take additional time for the provision of such documents and will notify the family of the additional time required. Further, the BHA reserves the right to charge the family for copies of documents. The BHA does not charge for copies of documents to which the client is entitled and has not received. The BHA will charge for second copies and copies which are not ordinarily provided to clients in the course of program administration. The rate for such copying charges shall be one determined reasonable based upon amounts charged by local vendors for such service on a per page basis.

VI. TERMINATION OF ASSISTANCE

A. Introduction

The Housing Authority may terminate assistance for a family because of the family's action or failure to act.

B. CONSIDERATIONS IN CERTAIN TERMINATIONS

1. *Consideration of Circumstances.* In determining whether to terminate assistance because of an action or failure to act by members of the family, the HA has discretion to 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 to act.
2. *Reasonable Accommodation.* The HA shall consider a request for Reasonable Accommodation by a Participant who has a disability or handicap, has a record of a disability or handicap, or is perceived as having a disability or handicap.

3. *Mitigating Circumstances.* The HA shall consider mitigating circumstances such as active participation in, or completion of, a supervised drug treatment program.
4. *Retention of assistance by a portion of the Family.* The HA may, in its discretion, allow only a portion or certain members of the Family to remain on the Housing Choice Voucher Program, if there is sufficient evidence that the Family member who engaged in the alleged activity will not reside in the Unit or if the Head of Household certifies that the Family Member who engaged in the alleged activity will not reside in the Unit.
5. *Minors.* If the violating member is a minor, the Housing Authority may consider individual circumstances with the advice of Juvenile Court officials.
6. *Domestic Violence.* The HA may consider an incident or incidents directly related to Domestic Violence, Dating Violence, or Stalking as mitigating circumstances when the incident or incidents of Domestic Violence, Dating Violence, or Stalking is directly related to the reason for termination. Under 24 CFR 5.2005(b), criminal activity directly related to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights, or assistance of the victim, if the tenant or immediate family member of the tenant is the victim.

C. MANDATORY TERMINATION

The Housing Authority must terminate assistance for participants under the following conditions:

- 1) If any member of the family fails to sign and submit to HUD or Housing Authority required consent forms for obtaining information [24 CFR §982.552(b)(3)].
- 2) If a member of the family has failed to submit required evidence of U.S. citizenship or eligible immigration status [24 CFR §982.552(b)(4)].
- 3) If 180 calendar days have elapsed since the Housing Authority's last housing assistance payment was made.
- 4) If any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education. [24 CFR §5.612].
- 5) If any member of the family has been evicted from federally assisted housing for a serious violation of the lease. [24 CFR §982.552 (b)(2)].

- 6) 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. [24 CFR §982.553]
- 7) Any household member, engages in criminal activity or alcohol abuse as described in 24 CFR §982.553 as a grounds for mandatory termination.

D. DISCRETIONARY GROUNDS FOR TERMINATION OF ASSISTANCE

The Housing Authority may at any time terminate program assistance to a participant, for any of the following reasons:

- 1) The family violates any family obligation under the program as listed in 24 CFR 982.551 [24 CFR §982.552(c)(1)(i)].
- 2) Any member of the family has been evicted from federally assisted housing within the past 5 years [24 CFR §982.552(c)(1)(ii)].
- 3) A PHA has terminated assistance under the program for any member of the family. [24 CFR §982.552(c)(1)(iii)].
- 4) If any member of the family has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- 5) The family currently owes rent or other amounts to the Housing Authority or to another housing agency in connection with Section 8 or public housing assistance under the 1937 Act [24 CFR §982.552(c)(1)(v)].
- 6) If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- 7) The family breaches an agreement with any housing agency to pay amounts owed to any housing agency, or amounts paid to an owner by any housing agency [24 CFR §982.552(c)(1)(vii)]. (At its discretion the HA may offer the family the opportunity to enter into an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The HA will prescribe the terms of the agreement);
- 8) A family participating in the family self-sufficiency (FSS) program fails to comply, without good cause, with the family's FSS contract of participation (COP) [24 CFR §982.552(c)(1)(viii)].

- 9) The family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel [24 CFR §982.552(c)(1)(ix)].

"Abusive or violent behavior" includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination.

"Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

- 10) If a welfare-to-work family fails, willfully and persistently, to fulfill its obligations under the Section 8 welfare-to-work voucher program. [24 CFR §982.552(c)(1)(x)]

- 11) Any household member, engages in criminal activity or alcohol abuse as described in 24 CFR §982.553 as a grounds for discretionary termination.

E. CERTAIN CRIMINAL ACTIVITY AND ALCOHOL ABUSE

The BHA may terminate assistance if:

- 1) The PHA determines that any household member is currently engaged in any illegal use of a drug 982.553 (b) (1) (i) (A)
- 2) The HA determines that pattern of illegal use of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- 3) The HA determines that any household member has violated the family's obligation under Sec. 982.551 not to engage in any violent or drug related criminal activity.
- 4) The HA determines that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

The Housing Authority maintains a zero tolerance policy regarding drug-related criminal activity and:

May terminate assistance for drug-related criminal activity that occurs on or off the premises of the assisted unit, or drug related criminal activity committed by a guest or invitee of any family member on the premises of the assisted unit. An arrest or conviction is not required to deny or terminate assistance.

May terminate assistance if the family violates the lease for drug-related criminal activity.

F. DEFINITIONS

1. DRUG-RELATED CRIMINAL ACTIVITY

(a) Drug-related criminal activity is defined in 14 CFR Part 5.100 as 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

An “illegal drug” is defined as any controlled substance, in any amount, as defined by the United States Code, Title 21, section 802, including but not limited to narcotics, amphetamines, hallucinogens, cocaine, marijuana, designer drugs, or other intoxicants. This definition also specifically includes over the counter medications used in the manufacture of illegal drugs or for the purposes of becoming intoxicated, and pharmaceutical medications which are used either without being prescribed by a licensed physician or in excess of the amount prescribed by a physician for the purposes of becoming intoxicated.

(b) Drug-related criminal activity does not include the prior use or possession of a controlled substance if the family member had an addiction to the substance and has recovered, or is recovering from the addiction and does not currently use or possess the substance and has demonstrated successful completion of a rehabilitation program [24 CFR §982.553(b)].

In such cases the HA will require a Family member who has engaged in the illegal use of a controlled substance to submit verifiable evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the Unit.

2. VIOLENT CRIMINAL ACTIVITY

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and the activity is being engaged in by any family member, their guests or invitees. Violent criminal activity also includes activity which occurs within the family, such as during domestic disputes.

3. PREPONDERANCE OF EVIDENCE

In determining whether to terminate assistance based on criminal activity, the Housing Authority may terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

The Housing Authority may consider arrests, convictions, no contest pleas, fines, city ordinance violations or other credible preponderance of evidence in determining if a violation has occurred.

“Preponderance of evidence” is 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. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

4. CURRENTLY ENGAGED IN

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

G. THE CORI HANDBOOK

The Brookline Housing Authority has adopted the Section 8 Administrators Association’s March 21, 2000 Policy on CORI (Criminal Offenders Records of Information) , “CORI Handbook” as updated in the March, 2007 manual prepared for the Section 8 Administrator’s Association as set forth in the handbook on display at the HA.

H. FAMILY OBLIGATIONS

As indicated elsewhere within this within this Plan, failure to abide by any of the family obligations is grounds for termination. Family obligations are as follows:

1. Supplying Required information [24 CFR §982.551 (b) (1)]
 - (a) The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 5). "Information" includes any requested certification, release or other documentation.
 - (b) The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.
 - (c) The family must disclose and verify social security numbers and must sign and submit consent forms for obtaining information
 - (d) Any information supplied by the family must be true and complete.
2. HQS breach caused by family. The family is responsible for an HQS breach caused by the family for
 - (a) Failure to pay for tenant-paid utilities
 - (b) Failure to furnish required stove and or refrigerator if to be provided by family; or
 - (c) Damage to the unit or grounds by the family or its guests beyond normal wear and tear.

3. Allowing PHA inspection. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.
4. Violation of lease. The family may not commit any serious or repeated violation of the lease. Under 24 CFR 5.2005(a), an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated lease violation by the victim or threatened victim of the domestic violence, dating violence, or stalking, or as good cause to terminate the tenancy, occupancy rights, or assistance of the victim.
5. Family notice of move or lease termination. The family must notify the PHA and the owner before the family moves out of the unit, or terminates the lease on notice to the owner. See Sec. 982.314(d).
6. Owner eviction notice. The family must promptly give the PHA a copy of any owner eviction notice.
7. Use and occupancy of unit—
 - (a) The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
 - (b) The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit. No other person [i.e., nobody but members of the assisted family] may reside in the unit (except for a foster child or live-in aide as provided in this section).
 - (c) The family must promptly notify the PHA if any family member no longer resides in the unit.
 - (d) If the PHA has given approval, a foster child or a live-in-aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or a live-in-aide, and defining when PHA consent may be given or denied.
 - (e) Members of the household may engage in legal profitmaking activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family.
 - (f) The family must not sublease or let the unit.

(g) The family must not assign the lease or transfer the unit.

(h) Absence from unit. The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.

(i) Interest in unit. The family must not own or have any interest in the unit.

8. Fraud and other program violation. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.

9. Crime by household members. 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 (see Sec. 982.553). Under 24 CFR 5.2005(b), criminal activity directly related to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights, or assistance of the victim, if the tenant or immediate family member of the tenant is the victim.

10. Alcohol abuse by household members. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

11. Other housing assistance. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

I. REGISTERED SEX OFFENDERS

If it is brought to the attention of the Housing Authority that a participant is on the sex offender registration list, the Housing Authority will review the matter on a case-by-case basis. The Housing Authority will consult with law enforcement and legal counsel and take appropriate actions based on findings.

J. PROCEDURES FOR NON-CITIZENS

The Housing Authority is required to terminate assistance for participant families in which no members are U.S. citizens or eligible immigrants. If a family member does not establish citizenship or eligible immigration status as required, the Housing Authority will prorate the assistance, or if there are no eligible family members remaining, the Housing Authority will propose program termination and provide the opportunity for an informal hearing as required under HUD's Restrictions on Assistance to Noncitizens Rule.

The Housing Authority will terminate assistance for misrepresentations or submission of false information.

All Noncitizen rule matters will be governed by HUD regulations covering, Restrictions on Assistance to Noncitizens as set forth within the applicable CFR sections.

K. ZERO ASSISTANCE (END OF PARTICIPATION)

The Housing Authority is required to automatically terminate the HAP contract 180 calendar days after the last housing assistance payment is made to the owner. A family receiving no assistance may remain in the unit for up to 180 calendar days after the last HAP payment. If the family is still in the unit after 180 calendar days, assistance is terminated. If within the 180-day period, an owner rent increase or a decrease in the TTP causes the family to be eligible for a housing assistance payment, the Housing Authority will resume assistance payments for the family.

In order for a family to move to another unit during the 180 calendar days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

L. RESTRICTION ON LEASING TO RELATIVES

The family must not receive housing choice voucher program housing assistance while residing in a unit owned by a spouse, parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the Housing Authority has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

M. OPTION NOT TO TERMINATE FOR MISREPRESENTATION OF INCOME

If the family has misrepresented any facts that caused Housing Authority to overpay assistance, the Housing Authority may choose not to terminate at that time and may offer to continue assistance provided that the family agrees to pay the Housing Authority the amount owed and either pays the Housing Authority in full or executes a Repayment Agreement and makes payments in accordance with the agreement as addressed in greater detail in the section entitled, Payments by Families who Owe Money to the HA in this Administrative Plan.

N. MISSED APPOINTMENTS AND DEADLINES

It is a family obligation to supply information, documentation, and certifications as needed for the Housing Authority to complete required processes. The Housing Authority schedules appointments and sets deadlines in order to obtain the required information. Failure to supply requested information can result in termination of assistance. Examples of failing to supply requested information can include: failing to sign necessary documents, failing to return documents or returning incomplete or altered documents and failing to complete all information requested on documents.

The obligations also require that the family keep all appointments and allow the Housing Authority to inspect the assisted unit. All scheduled inspections are considered “appointments.”

Appointments are scheduled and time requirements imposed for the following events and circumstances:

1. Eligibility for Admissions;
2. Verification Procedures;
3. Voucher Issuance and Briefings;
4. HQS Inspections;
5. Re-examinations; and
6. Appeals (Informal Hearing/Reviews).

Examples of good cause for missing appointments or failing to provide information by deadlines are medical and/or family emergencies. In such cases, the family may be requested to provide verification of such circumstances.

An applicant or participant who fails to keep appointments, including HQS inspection appointments, or to supply information required by a deadline without notifying the Housing Authority may be sent a notice of termination of assistance for failure to comply with program regulations.

The Housing Authority may grant exceptions to this policy as a reasonable accommodation.

O. REPORTING TERMINATED FAMILIES TO ENTERPRISE INCOME VERIFICATION SYSTEM (EIV)

If a family leaves the program owing money to the Housing Authority, the family will be reported to EIV. Additionally, if any debt is owed, the amount of the debt will be recorded in EIV.

P. PAYMENTS BY FAMILIES WHO OWE MONEY TO THE HOUSING AUTHORITY

Grounds for denial or termination of Section 8 Assistance include situations in which the family owes money to the Housing Authority. Tenants are required to reimburse the PHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the PHA will terminate the family's assistance. HUD does not authorize any HA sponsored amnesty or debt forgiveness programs.

The Housing Authority may, in its discretion, based on the facts and circumstances of the case, offer the family the opportunity to enter into a repayment agreement. The Housing Authority reserves the right to refuse to enter into a repayment agreement with a family if the HA is of the opinion that such agreement should not be offered based upon the facts and circumstances of the case.

Factors considered in determining whether a repayment agreement will be offered include, but are not limited to, the following:

- 1** – The amount of money owed;
- 2** - The reason such money is owed and the extent of culpability on the part of family members;

3 – The family’s evidence of commitment and ability to make repayment.

All repayment agreements will be in writing, dated, signed by both the tenant and the HA, and will include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements will contain the following provisions:

- 1) Reference to the paragraphs whereby the tenant is in non-compliance and may be subject to termination of assistance.
- 2) The amount of monthly retroactive rent repayment payable to the HA.
- 3) The fact that terms of the agreement may be renegotiated if there is a decrease or increase in the family’s income.
- 4) The fact that late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance.

The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed will not exceed 40 percent of the family’s monthly adjusted income. The period in which the retroactive rent balance will be repaid is based on the monthly payments and original retroactive balance. However, in making the determination as to payments due under the agreement the BHA will consider all sources of income to the family including, but not limited to, tax refunds to which the family may be entitled. The BHA reserves the right to require the family to forward any and all tax refunds to the Housing Authority as a term of the repayment agreement.

Section 8 participants will be required to repay the retroactive rent balance as follows:

1. In a lump sum payment; or
2. Monthly installment; or
3. A combination of 1 and 2, above

Generally, an increased amount such as 1/2 of the “amount due” must be provided at the time of execution of the repayment agreement. An example of an exception is in cases of fraud where a larger up front lump sum or the entire amount due will generally be required by the Housing Authority.

A family will not be permitted to relocate until their repayment agreement has been satisfied in full and there is no remaining balance.

In the event of breach of the agreement by the family (i.e. late or missed payments), the Housing Authority shall retain the right to terminate the agreement and move forward with termination of Section 8 Assistance on grounds originally available at the time of execution

of the repayment agreement and on any additional grounds which have become applicable since the execution of the repayment agreement.

In the event that a family makes one or more late payments which are accepted by the HA, this shall not stop the HA from terminating the agreement at a later date for failure of the family to again make payment within the time parameter set forth in the repayment agreement.

The Housing Authority reserves the right to refuse to enter into a repayment agreement with a family if the HA is of the opinion that such agreement should not be offered based upon the facts and circumstances of the case. In such cases the Housing Authority will proceed with collection action as no amnesty or debt forgiveness programs are authorized by HUD.

The Brookline Housing Authority will offer only one repayment agreement per family. It is the policy of the Housing Authority to proceed with termination of Section 8 assistance for the family if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income on more than one occasion (ie Second Offense). The BHA reserves the right to allow a family to remain on the Section 8 program if full payment is made immediately upon notification of a second offense.

Q. OWNERS

Nothing in this section limits or affects PHA rights and remedies against an owner under a HAP contract.

R. STATUTORY AND REGULATORY AUTHORITY AND HUD DIRECTIVES

Nothing in the plan serves to limit the Housing Authority from terminating assistance on grounds authorized by State, Federal or local law or other provisions applicable to the Section 8 program.

VII. INFORMAL REVIEW AND HEARING PROCEDURES

A. INFORMAL REVIEWS FOR APPLICANTS

1. RIGHT TO AN INFORMAL REVIEW

Applicants who are determined Ineligible for Admission, issued a Notice of Withdrawal, denied Preference(s), or denied a reasonable accommodation² by the HA will be sent a notice which:

- (a) Informs the Applicant of the reason(s) for Ineligibility, withdrawal or denial of Priority status or Preference(s);
- (b) Advises the Applicant of his/her right to contest the decision in an informal review provided a written request for a review is received within twenty (20) calendar days of the date the Notice of Denial is issued. The request must be in writing and must be sent to the address provided on the notice;
- (c) Advises the Applicant of his/her right to contest the CORI information in accordance with Federal and/or State law if that is the basis for determination of Ineligibility
- (d) Advises the Applicant that if s/he has a disability, that the disclosure of such condition may lead to the consideration of Mitigating Circumstances and/or that s/he may request a Reasonable Accommodation. (If s/he requests a Reasonable Accommodation at the time of or after requesting an informal review, the hearing officer will make the decision regarding the accommodation);
- (e) Advises the Applicant that if s/he has been the victim of Domestic Violence, Dating Violence, or Stalking, that such situations could be considered as Mitigating Circumstances. (If s/he requests consideration of Mitigating Circumstances at the time of or after requesting an informal review, the hearing officer at the review will make the decision regarding the circumstances);
- (f) Provides a description of the HA's informal review process and advises Applicants that they have the right to be represented by an attorney or other individual at the informal review, review the contents of their file in advance of the hearing, and the right to submit additional documents and evidence and to testify at the review.

² In cases where the underlying matter involving the request for a reasonable accommodation warrants an informal hearing such as termination of Section 8 assistance, the manner of appeal for the denial of a reasonable accommodation request will be an informal hearing on the matter.

2. WHEN INFORMAL REVIEW IS NOT REQUIRED

An informal review is not required in the following instances:

- (a) – In the event of a discretionary administrative determination by the HA;
- (b) – For general policy issues or class grievances;
- (c) – A determination of family unit size under HA subsidy standards;
- (d) – An HA determination not to approve an extension or suspension of voucher term;
- (e) – An HA determination not to grant approval of the tenancy;
- (f) – An HA determination that a unit selected by the applicant is not in compliance with HQS;
- (g) – An HA determination that the unit is not in accordance with HQS because of the family size or composition.

3. TIME TO REQUEST AN INFORMAL REVIEW

The time to request an informal review shall be twenty (20) days from the date of notice of withdrawal, denial of assistance to the Family, denial of Preference, denial of a place on the appropriate waiting list, or denial of issuance of a Voucher, except in Non-Citizen Rule cases where the time period shall be thirty (30) days from the date of the notice of denial of assistance for any Family member.

4. SCHEDULING THE INFORMAL REVIEW

When the HA receives the Applicant's written request HA will schedule an informal review.

- (a) Notice of Informal Review. The HA will notify the Applicant in writing of the date, time and place of the review. The HA will send the notice to the Applicant's address of record. The notice shall also state the Applicant's rights to present evidence and testify, review their file, request a Reasonable Accommodation and right to be represented by an attorney or other individual at the hearing. The review shall be held at a convenient time and at an accessible location for the Applicant and the HA.

If an Applicant requests a Reasonable Accommodation at the time of or after requesting an informal review, the individual performing the informal review will make the decision regarding the accommodation.

(b) Default. The HA will withdraw an Applicant from the waiting list if the Applicant does not attend the informal review.

5. APPLICANT RIGHTS DURING THE INFORMAL REVIEW

During the informal review, the HA will put forth its evidence in support of a determination of Ineligibility, Withdrawal, or denial of reasonable accommodation or Preference(s). The Applicant will have an opportunity to present evidence and testimony rebutting the basis for the HA's determination.

6. DUE PROCESS REQUIREMENTS

The informal review will conform to the following due process requirements:

(a) An person who did not participate in the original decision or subordinate of the person must conduct the review.

(b) The hearing officer must base the decision solely on evidence presented at the hearing as well as any evidence previously received by the HA.

(c) The Applicant and/or his/her representative has a right to inspect the file prior to the review, provided the Applicant provides the HA with written authorizations permitting the representative to have access to the contents of the Applicant's file and/or CORI.

(d) Either the Applicant or the HA may request after close of the review that the record remain open for a reasonable time for submission of new evidence. At the discretion of the hearing officer the record will remain open and if it is to be held open written notice of the record being held open, and the date the record will close will be given to the Applicant and kept in the HA case file.

7. INFORMAL REVIEW DECISIONS

After the informal review, all Applicants will be sent an "Informal Review Decision" from the HA hearing officer. This notice shall:

- (a) Provide a summary of the review;
- (b) Provide the decision of the hearing officer, together with findings and determination;
- (c) Provide an explanation of the regulations and/or other applicable provisions utilized in making the decision;

The Informal Hearing Decision will be made promptly within a reasonable time parameter. However, the time parameter for the issuance of such decision will depend in each instance upon the complexity of the case and the necessity to perform research and/or review evidence.

(i) Reversal of HA's Determination of Ineligibility

If the Hearing Officer reverses the determination to deny the Applicant assistance or Preference status, the application will return to its appropriate place on the waiting list(s) for all programs previously selected by the Applicant. The HA will restore the status or position in accordance with the determination.

(ii) Confirmation of the HA's Determination of Ineligibility

- (a) If the decision upholds the determination of Ineligibility, the Applicant will be denied participation in the Section 8 Program by the Housing Authority making the determination. The family's name will not be removed by the Housing Authority from the Centralized Section 8 Waiting List because the family may be eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Housing Authority's governed by this administrative plan unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.
- (b) If the decision upholds the determination of Ineligibility based upon a family being over income for the Section 8 Program, program, the name will be removed from the Centralized Section 8 Waiting List if the Housing Authority making the determination is in the jurisdiction with the highest income limits of those Housing Authorities participating in the Centralized Section 8 Waiting List process. Otherwise, the family's name will not be removed by the Housing Authority from the Centralized Section 8 Waiting List because the family may be income eligible under another participating Housing Authority's policies. However, the family will not be again selected by the Housing Authority in which the family was determined to be

over income unless the family has been withdrawn from the Centralized Section 8 Waiting List and a new application has been submitted.

B. INFORMAL HEARINGS FOR PARTICIPANT FAMILY

1. WHEN AN INFORMAL HEARING MUST BE OFFERED TO A FAMILY

The HA will offer a Family participating in the program an informal hearing for the following reasons:

- (a)** A determination of the Family's annual or adjusted income, and the use of such income to compute the Housing Assistance Payment;
- (b)** A determination of the appropriate Utility Allowance (if any) for tenant-paid utilities from HA allowance schedule;
- (c)** A determination of the Family Unit Size under the HA Subsidy Standards;
- (d)** An HA determination to deny a family's request for an exception to the HA's subsidy standards;
- (e)** A determination to terminate assistance for a Participant Family because of the Family's action or failure to act;
- (f)** A determination to terminate assistance because the Family has been absent from the assisted Unit for longer than maximum period permitted under HA policy and HUD rules.

2. SPECIAL CASES OF EXPLANATION IN ADVANCE OF INFORMAL HEARING

In situations a-c of Section 1, "When an Informal Hearing Must be offered to a Family." (adjusted income, utility allowances, family unit size) the HA will notify the family that the family may ask for an explanation of the basis of the HA determination and if the family does not agree with the determination, the family may request an Informal Hearing on the decision.

3. WHEN AN INFORMAL HEARING IS NOT REQUIRED

The HA is not required to provide a Participant Family an opportunity for an informal hearing for any of the following:

- (a) Discretionary administrative determinations by the HA;
- (b) General policy issues or class grievances;
- (c) Establishment of the HA schedule of Utility Allowances for families in the program;
- (d) A HA decision not to approve an extension or suspension of a Voucher term;
- (e) HA determination not to approve a Unit or **tenancy**.
- (f) A HA determination that an assisted Unit is not in compliance with HQS. However, a hearing must be granted if termination is based upon HQS breach caused by the family as described in 24 CFR 982.551 (c);
- (g) A HA determination that the Unit is not in accordance with HQS because of the Family size;
- (h) A HA determination to exercise or not to exercise any right or remedy against the Owner under a HAP Contract;

4. NOTICE TO THE FAMILY TO REQUEST AN INFORMAL HEARING

Participants will be sent a notice which:

- (a) Informs the Participant of the reason(s) for Termination;
- (b) Advises the Participant of his/her right to contest the decision in an Informal Hearing provided a written request for a Hearing is received within twenty (20) calendar days of the date the Notice of Termination is issued. The request must be in writing and must be sent to the address provided in the notice;
- (c) Advises the Participant that if s/he has a disability, that the disclosure of such condition may lead to the consideration of Mitigating Circumstances and/or that s/he may request a Reasonable Accommodation. (If s/he requests a Reasonable Accommodation at the time of or after requesting an informal hearing, the hearing officer will make the decision regarding the accommodation);
- (d) Advises the Participant that if s/he has been the victim of Domestic Violence, Dating Violence, or Stalking, that such situations could be considered as Mitigating Circumstances. (If s/he requests consideration of Mitigating Circumstances at the time of or after

requesting an informal hearing, the hearing officer will make the decision regarding the circumstances);

(e) Provides a description of the HA's informal hearing process and advises Participants that they have the right to be represented by an attorney or other individual at the informal review, review the contents of their file in advance of the hearing, and the right to submit additional documents and evidence and to testify at the hearing;

5. EXPEDITIOUS HEARING PROCESS

The HA will hold a hearing and issue a decision within sixty days (60 days) from the date of the hearing or the date the record was closed, whichever is later. The Family will continue to receive assistance while a decision is pending.

6. HEARING PROCEDURES

a. Time to request a hearing.

The Participant has twenty (20) days from the date of the proposed termination letter, except in Non- Citizen Rule cases where the time period shall be 30 days from the date of the notice of termination of assistance for any Family member.

b. Scheduling.

The HA will schedule an informal hearing upon the receipt of a Participant's written request. The Participant will be given at least fourteen (14) days notice prior to the hearing date.

c. Discovery.

(1) The HA will give the Family the opportunity to examine before the hearing, any documents in HA's possession that are directly relevant to the hearing. The HA will allow the Family to make copies of the relevant documents before the hearing at the Family's expense. The HA will also allow a representative of the Family with an authorized release

may have access to the file. If the HA does not make the document available to the Family for examination upon request, then the HA may not rely on the document at the hearing.

(2) The Family must allow the HA to examine any Family documents that are directly relevant to the hearing before the hearing upon request. The Family must allow the HA to examine the relevant documents at the HA and the Family will allow the HA to copy the relevant documents at the HA's expense. If the Family does not make the document available to the HA for examination upon request, then the Family may not rely on the document at the hearing.

d. Extension

Either party may request an extension if required to rebut documents that were not provided to the opposing party prior to the hearing. Extensions will be granted at the discretion of the hearing officer. The hearing officer may use discretion to grant an extension or continue the hearing to hear additional evidence or testimony.

e. Amendments to Proposed Terminations

If the HA wishes to amend the grounds for the proposed termination, the HA must notify the Participant of the amendment in writing, not less than fourteen (14) days prior to the hearing date. The amendment will be sent by regular and certified mail to the Participant's address of record. When sending out an amended proposed termination notice, the amended notice should contain all violations. If the Participant has already requested a hearing due to the original proposed termination, a request for a hearing due to the amended notice is not required.

f. Representation of Family

At its own expense, the Family may be represented by a lawyer or other representative of the Family's choice.

g. Evidence

The HA and the Family will each be given the opportunity to present evidence and question any witnesses. The Hearing Officer may consider evidence without regard to admissibility under the rules of evidence applicable to judicial proceedings.

h. Hearing File

The hearing file shall consist of all documents submitted by either party in relation to the subject of termination.

i. Hearing Officer

Any party so designated by the HA may conduct the informal hearing, other than a person who made the decision under review or his or her subordinate. The person who conducts the hearing will regulate the conduct of the hearing in accordance with the HA's hearing procedures.

7. ISSUANCE OF DECISION

The hearing officer shall make a factual determination relating to the individual circumstances of the Participant based on a preponderance of the evidence presented at the hearing. The hearing officer shall take into consideration all relevant circumstances and any mitigating circumstances presented by the Participant. The hearing officer shall promptly render a written decision (within sixty days of the hearing or the date the record was closed, whichever is later) stating the reasons for the decision.)

The decision will contain the following information:

(a) Parties present and location: Name of the participant; Date, time and place of the hearing; Name of the hearing officer; Name of the HA representative; Name of family representative.

(b) Background: A brief, impartial statement of the reason for the hearing.

(c) Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony that are admitted into evidence.

(d) Findings of Fact: The hearing officer will include all findings of fact.

(e) Other Considerations: The hearing officer will indicate that consideration was taken of all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure, these factors will be addressed in the decision.

(f) Conclusion: The hearing officer will render a conclusion. The conclusion will result in a determination of whether these facts uphold the HA's decision

(g) Order: The hearing report will include a statement which indicates whether the HA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct the PHA to change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct the PHA to restore the participant's program status.

8. FAILURE TO ATTEND THE HEARING

The HA may terminate the subsidy, if the Participant did not attend the hearing and did not attempt to reschedule within twenty-four (24) hours prior to hearing. The HA will reschedule hearing when a Participant submits evidence of compelling circumstances that prevented the Participant attending the hearing on the scheduled date. If the Participant does not attend the hearing because the scheduling notice was not received due to the Participant's failure to give the HA the correct and most current address the HA may terminate the subsidy.

9. EFFECT OF DECISION

If the decision to terminate the Family's assistance is upheld, the Family will no longer receive assistance under the section 8 program. The HA will promptly send the Owner and the Participant a 30-day notice of termination. There is no additional opportunity within the HA to appeal the hearing officer's decision.

If the decision to terminate the Family's subsidy is reversed, the Family will continue to receive assistance under the Section 8 program and will be considered a tenant in good standing.

The Executive Director or his/her or her designee may find that the HA is not bound by an informal hearing decision:

- (a) Concerning a matter for which the HA is not required to provide an opportunity for an informal hearing, or that exceeds the authority of the person conducting the hearing, or
- (b) Is contrary to HUD regulations or requirements, or otherwise contrary to federal, State or local law.

Under such circumstances, the Executive Director or his or her designee will make the determination to continue or terminate Participant's assistance. The HA will promptly notify the Participant of the determination, and of the reasons for the determination. There will be no further opportunity within the HA to appeal the decision.

The HA may use its discretion to overturn a hearing that was "upheld" if the reason for termination was discretionary.

10. INFORMAL HEARINGS FOR NON-CITIZEN RULE MATTERS

The Informal Hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

VIII. PROCEDURAL GUIDELINES AND PERFORMANCE STANDARDS FOR CONDUCTING REQUIRED HQS INSPECTIONS

A. Consistency with Market Practice

The guidelines and performance standards included herein are consistent with practices utilized in the private housing market. Specifically, in private market units, generally an occupancy permit will be requested by the owner. To obtain such permit, an inspector from the local code enforcement agency, usually the Inspectional Service's Department for the city or town will come out to the unit and perform an inspection to ensure that the unit is in compliance with the Massachusetts State Sanitary Code. In the event that the unit does not pass inspection, the owner is provided a written description of the code violations and a time parameter within which to make repairs.

B. WHEN INSPECTION SHALL BE PERFORMED

Inspections will be performed in the following instances:

- 1 – Initial Inspection:** Prior to the execution of a Lease or HAP, the unit in question must pass an initial inspection.

This inspection will take place and the family and owner will be notified of the results within fifteen (15) days of submission of the Request for Tenancy Approval (RTA).

- 2 – Annual Inspection: Inspections** will be performed on an annual basis to ensure that the unit is maintained in a manner, which is consistent with HUD Housing Quality Standards.

- 3 – Quality Control Inspection:** Quality Control Inspections are to ensure that all inspections are performed in accordance with HUD requirements. Reinspection sample size must meet the minimum sample size requirement. Quality Control Inspections are based on the size of the universe under HAP contract in the last complete fiscal year.

Size of Universe = 51-600

Minimum Number of Files to be sampled = 5 + 1 for each 50 (or part of 50) over 50

- 4 – Upon Request of Tenant:** The tenant or the family may request that the Housing Authority perform an inspection to the unit to ensure that the unit is maintained in a manner consistent with HUD's Housing Quality Standards.
- 5 – Upon Request of Owner:** The owner may request that the Housing Authority perform an inspection to the unit to ensure that the unit is maintained in a manner consistent with HUD's HQS. The HA will only perform such inspection if the HA determines that performance of such inspection is reasonable.

C. STANDARDS UTILIZED

This HA will contract out for inspections. Inspections will be conducted using the HUD approved Massachusetts State Sanitary Code and shall apply the standards set forth by HUD in 24 CFR 982.401 which indicate the standards for the following aspects of Housing Quality: sanitary facilities; food preparation and refuse disposal; space and security; thermal environment; illumination and electricity; structure and materials; interior air quality; water supply; lead-based paint; access; site and neighborhood; sanitary conditions; and smoke detectors.

All inspections will be completed using the HUD form 52580-A to ensure HQS is being enforced.

D. LEAD-BASED PAINT

The HA will comply with all HUD regulations and notices regarding Lead Based Paint inspection requirements and standards. All owners are expected to comply with all federal, state and local laws regarding lead based paint.

The Brookline Housing Authority requires a letter of full deleading compliance for all properties constructed before 1978 in which a child under the age of six resides. The Certificate of Compliance must be less than 10 years old upon submission.

In the event that a child under the age of six becomes part of the family such as through birth adoption or court awarded custody and the owner does not furnish the HA with the Certificate of Compliance and further comply with any requirements stated herein, the unit will be considered to be not in compliance with HUD's HQS and the Housing Authority may take appropriate actions accordingly. Nothing in this paragraph is intended to modify the owners' obligations under the law and the tenants' rights thereunder with regard to lead based paint.

E. TIME PARAMETER FOR REPAIRS AND CONSEQUENCES OF FAILURE TO REPAIR

1- Serious life threatening violations must be corrected within twenty-four (24) hours.

2- For other HQS violations, corrections must be made within thirty (30) days.

The Housing Authority will provide extensions if necessary based upon the facts and circumstances of each case.

The PHA reserves the right to accept an owner's certification, a receipt from a vendor, a photo of the repair or tenant confirmation that required repairs are complete and then verify that action at the next on-site inspection. The HA will use this verification process when appropriate in light of the severity of corrections.

In the case of initial inspections, the HA will always conduct an actual follow-up on-site inspection if the unit does not pass HQS pursuant to the initial inspection. Additionally, in

the case of project based vouchers, the HA will always conduct follow-up inspections to determine if the HQS deficiency is corrected pursuant to 24 CFR 983.103(e)(2).

For HA's breach caused by the family, the family must make repairs within the time parameter set forth above otherwise, or the HA will terminate assistance to the family. Family caused HQS breach is the following:

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

For all other HQS breaches the owner must make repairs within the time parameter set forth above or the HA will consider such failure to repair to be a breach of the HAP contract and the HA may take any of the following actions:

- 1** - Termination of HAP;
- 2** - Suspension of HAP payments; or
- 3** - Reduction of HAP payments.

Action taken by the Housing Authority will depend on the facts and circumstances of each individual case. Failure to terminate, suspend, or reduce payments to an owner or to terminate assistance to a participant in one instance shall not stop a BHA from taking such action in the future.

F. ABATEMENTS

The following policies shall apply in relation to abatements:

The BHA will abate housing assistance payments to the owner for failure to correct an HQS violation under the following circumstances:

An emergency (life-threatening) violation is not corrected within 24 hours of inspection and the BHA did not extend the time for compliance; or

A routine violation is not corrected within 30 days of the inspection and the BHA did not extend the time for compliance.

In the event that the landlord is under HAP contract for a unit and does not make the repairs and requests a reinspection stating repairs have been made, the BHA will reduce HAP payment in the amount of the cost of the inspection when said repairs have not been made or are incomplete. Nothing in this paragraph is intended to modify the Housing Authority's ability to terminate HAP, suspend HAP or further reduce HAP in addition to the amount of said inspection fee (which shall be considered a rent abatement).

Abatements will begin on the first of the month following the failure to comply. The abatement will be based upon the diminution in value of the unit taken into consideration of the required repair.

The BHA will decide how long abatement will continue prior to contract termination taking into consideration the nature of the violation, the extent of the repairs and the good faith of the landlord in attempting to make said repairs. The BHA will not terminate the contract until the family finds another unit provided the family does so in a reasonable time.

The BHA will terminate program assistance to families who fail to correct HQS deficiencies that they caused.

IX. OTHER FORMS OF ASSISTANCE

A. USE OF SPECIAL HOUSING TYPES

1. REASONABLE ACCOMMODATION

Unless so noted under the specific housing type addressed in Sections 2-7 below, special housing types shall be provided only if the provision of such serves to reasonably accommodate a person with a disability.

Special Housing types include the following:

2. SINGLE ROOM OCCUPANCY

A single room occupancy (SRO) unit provides living and sleeping space to be used exclusively by the (individual) occupant. The occupant shares sanitary and/or food preparation facilities with other individuals.

The payment standard and utility allowance utilized will be 75% of a zero bedroom unit as set forth on the Housing Authority schedules of payment standards and utility allowances.

The HA will use a separate lease and housing assistance payment contract for each assisted person residing in a SRO.

The HQS in 24 CFR 982.401 applies to SRO housing units, except where there are special regulations for SRO units in 24 CFR 982.605. In addition, sanitary facilities and space and security features must meet local code standards for SRO housing. In the absence of local code standards, the regulations at 24 CFR 982.605 apply.

3. CONGREGATE HOUSING

Congregate housing is intended for use by elderly persons or persons with disabilities. The housing contains a shared central kitchen and dining area as well as a private living area for the individual household. The private living area contains at least a living room, bedroom and bathroom. Food service for residents of congregate housing must be provided by the facility.

The PHA may approve a family member or live-in aide to reside with the elderly person or person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

The payment standard utilized will be that of a zero bedroom unit, unless there are two or more rooms (excluding kitchen and bathroom) in such case the one bedroom payment standard will be utilized.

For congregate housing, there must be a separate lease and HAP contract executed for each assisted family.

The PHA will ensure that all congregate housing units approved for the program are in compliance with all of the housing quality standards for congregate housing. The HQS in 24 CFR 982.401 applies to congregate housing, except for the areas of food preparation and refuse disposal. The HQS standards specific to congregate housing are set forth at 24 CFR 982.609.

4. GROUP HOMES

A Group Home is a dwelling unit that is licensed by the State as a Group Home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities.

A group home shall be licensed or certified by the Commonwealth of Massachusetts. It shall house no more than twelve (12) persons. Approval to reside in a group home will be withheld if continuous medical care is required for the individual.

The group home will have residents' bedrooms, which can be shared by no more than two people; living room; kitchen; dining area; bathroom; and other appropriate social, recreational, or community space that may be shared with other residents.

If approved by the PHA, a live-in aide may reside with a person with disabilities. The PHA must approve live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities

Rental calculations for a group home are set forth in 24 CFR 982.613 and indicate that a person's "pro-rata portion" is derived by dividing the number of assisted persons in the household (including live-in-aides of such assisted persons), by the total number of residents.

Rent reasonableness will be determined according to 24 CFR 982.507 and whether sanitary facilities or food preparation services are common or private, the rent to the owner will not exceed the pro-rata portion of the reasonable rent for the group home.

A zero or one-bedroom payment standard will be utilized unless a live-in-aide is present. The utility allowance will be the pro-rata portion for the group sized home.

24 CFR 982.614 and 982.401 (b) govern Housing Quality Standards for group homes.

5. SHARED HOUSING

The HA may approve "shared housing" in which other persons who are assisted or not assisted under the tenant-based program may reside in the "shared housing unit." While the owner of a shared housing unit may reside in the unit, he/she may not be related to the Section 8 participant. Further, housing assistance will not be paid on behalf of an owner.

There will be a separate HAP Contract and lease for each assisted family residing in a shared housing unit.

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on the PHA payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the PHA payment standard for the shared housing unit size.

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

24 CFR 982.618 and 982.401 governs HQS for “Shared Housing” unit.

6. COOPERATIVE HOUSING

Cooperative housing is a special housing type owned by a nonprofit corporation or association, where a member of the corporation or association has a right to reside in a particular unit. That member also has the right to participate in the management of the housing.

The HA may approve a family living in cooperative housing if it determines that assistance under the Section 8 program will help maintain affordability of the cooperative unit for low-income families.

The HA will not approve assistance for a family in cooperative housing until the HA has determined that the cooperative has adopted affordability requirements to maintain continued affordability for low-income families.

The HA may approve a live-in aide to reside with the family to care for a person with disabilities. The HA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

The rent to owner for this form of housing is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative. The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperative's debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include down-payments or other payments to purchase the cooperative unit. Gross rent is the carrying charge plus any utility costs.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to limitations on rent to owner.

HQS for cooperative housing are governed by 24 CFR 982.401. HUD regulations at 24 CFR 982.619(d) specify family obligations relating to HQS maintenance for this housing type.

7. MANUFACTURED HOMES

A Manufactured Home is a manufactured structure that is built on a permanent chassis. It must be designed to be used as a principle place of residence and must meet HUD HQS.

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage. A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

The FMR for a manufactured home space is determined by HUD. The FMR for rental of a manufactured home space is generally 30 percent of the published FMR for a two-bedroom unit. The payment standard is used to calculate the monthly housing assistance payment for a family.

During the term of a Voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

- The payment standard minus the total payment; or
- The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the HA:

Rent to owner for the manufactured home space;

Owner maintenance and management charges for the space;

The utility allowance for tenant paid utilities.

Utility Allowance Schedule for Manufactured Home Space Rental

If necessary, the HA will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges are not provided, however, utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

B. SPECIAL RULES FOR USE OF SPECIAL PURPOSE VOUCHERS

HUD has provided funding to the Housing Authority for Enhanced Vouchers. The use of such subsidies, including determination of the total tenant payment rent for the unit (etc.), are governed by Federal Statutes which are interpreted and further defined in HUD Notices, which are published by HUD on a regular basis. The rules for the use of these vouchers may be found in the HUD Notices governing the Preservation or the Enhanced Voucher Program. These notices are available at the Housing Authority upon request.

X ADMINISTRATIVE MATTERS

A. BOARD APPROVAL OF ADMINISTRATIVE FEE RESERVES

The Housing Authority must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for a HA fiscal year. If funds in the administrative fee reserve are not needed to cover HA administrative expenses (to the end of the last expiring funding increment under the Consolidated ACC), the HA may use these funds for other housing purposes permitted by state and local law. However, HUD may prohibit use of the funds for certain purposes.

The Housing Authority Board of Officials, or other authorized officials has determined that \$5,000 may be charged against the administrative fee reserve without specific approval. All monies in excess of this sum will require approval of the HA Board of Officials or other authorized officials.

B. THE SECTION 8 MANAGEMENT ASSESSMENT PROGRAM

1. *OVERVIEW*

The Section 8 Management Assessment Program (SEMAP) is a tool that allows HUD to measure PHA performance in key areas to ensure program integrity and accountability. The

BHA will submit the HUD-required SEMAP certification form within the prescribed time to HUD.

2. THE INDICATORS

The SEMAP indicators and the manner of HA review for certification is set forth below:

Indicator 1: Selection from the waiting list

This indicator shows whether the PHA has written policies in its administrative plan for selecting applicants from the waiting list and whether the PHA follows these policies when selecting applicants for admission from the waiting list.

This Administrative Plan sets for the policies for section from the waiting list.

To ensure that the BHA follows these policies, quality control samples, drawn separately for applicants and for admissions, will be reviewed annually to determine that families in both samples of applicants and admissions were selected from the waiting list for admission in accordance with BHA Administrative Plan policies and met the selection criteria that determined their places on the waiting list and their order of selection.

Indicator 2: Rent reasonableness

This indicator shows whether the PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units.

Points are based on the percent of units for which the PHA follows its written method to determine reasonable rent and has documented its determination that the rent to owner is reasonable, according to the PHA's quality control sample.

This Administrative Plan sets for the BHAs rent reasonableness method.

To ensure that the BHA follows these policies quality control samples will be reviewed annually to determine that files are documented properly with a determination that the rent to owner is reasonable utilizing the BHA's written policy.

Indicator 3: Determination of adjusted income

This indicator measures whether the BHA verifies and correctly determines adjusted income for each assisted family, and where applicable, uses the appropriate utility allowances for the unit leased in determining the gross rent.

Points are based on the percent of files that are calculated and verified correctly, according to the PHA's quality control sample.

To ensure that the BHA follows these policies, quality control samples, will be reviewed annually to determine that files demonstrate that adjusted income for each assisted family is computed properly, and where applicable, the staff used the appropriate utility allowances for the unit leased in determining the gross rent.

Indicator 4: Utility allowance schedule

This indicator shows whether the PHA maintains an up-to-date utility allowance schedule. To ensure that the maximum point value for this indicator is received, the BHA will review the Utility Allowance Schedule on an annual basis and make adjustments when there has been a change of 10 percent or more in a utility rate since the last time the utility allowance schedule was revised.

Indicator 5: HQS Quality Control Inspections

This indicator shows whether a PHA supervisor or other qualified person re-inspects a sample of units under contract during the PHA fiscal year, which meets the minimum sample size requirements for quality control of HQS inspections.

To ensure that the PHA meets maximum point value, a PHA supervisor or other qualified person performs quality control HQS re-inspections during the PHA fiscal year for a sample of units under contract which meets the minimum sample size requirements under PHA's quality control sample. The re-inspected sample is drawn from recently completed HQS inspections (i.e., performed during the 3 months preceding the quality control re-inspection) and represents a cross section of neighborhoods and the work of a cross section of inspectors.

Indicator 6: HQS enforcement

This indicator shows whether, following each HQS inspection of a unit under contract where the unit fails to meet HQS, any cited life-threatening HQS deficiencies are corrected within 24 hours from the inspection and all other deficiencies are corrected within no more than 30 calendar days from the inspection or any PHA-approved extension.

In addition this indicator shows that if HQS deficiencies are not corrected in a timely manner than the HA abates HAP payment beginning no later than the first month following the specified correction period or terminates the HAP contract, or for family caused defects, takes prompt and vigorous action to enforce the family obligations.

To ensure that the BHA follows these policies, quality control samples will be reviewed annually to determine that files in both samples of applicants and admissions demonstrate that following each HQS inspection of a unit under contract where the unit fails to meet HQS, any cited life-threatening deficiencies are corrected within 24 hours from the inspection and all other deficiencies are corrected within no more than 30 calendar days from the inspection or any PHA-approved extension and that if the corrections were not made as stated herein that the HA stopped (abated) housing assistance payments no later than the first of the month following the correction period or took prompt and vigorous action to enforce family obligations.

Indicator 7: Expanding housing opportunities

This indicator shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration; informs voucher holders of the full range of areas where they may lease units both inside and outside the PHA's jurisdiction; and supplies a list of landlords or other parties who are willing to lease units or help families find units, including units outside areas of poverty or minority concentration.

Indicator 8: Payment Standards

This indicator shows whether the PHA has adopted a payment standard schedule that establishes voucher payment standard amounts by unit size for each FMR area in the PHA's jurisdiction, that are within the basic range of 90 to 110 percent of the published FMR (unless a higher or lower amount are approved by HUD).

As is set forth previously within the Plan the BHA reviews the Payment Standards on an annual basis to ensure compliance with this SEMAP requirement.

Indicator 9: Annual reexaminations

This indicator shows whether the PHA completes a reexamination for each participating family at least every 12 months. This data is verified with 50058 data in PIC.

Indicator 10: Correct Tenant Rent Calculations

This indicator shows whether the PHA correctly calculates the family's share of the rent to owner. Points are based on the percent of correct calculations of family share of the rent, according to data from PIC.

Indicator 11: Pre-contract HQS inspections

This indicator shows whether newly leased units pass HQS inspection on or before the effective date of the assisted lease and HAP contract. Points are based on the percent of newly leased units that passed HQS inspection prior to the effective date of the lease and HAP contract according to data from PIC.

Indicator 12: Annual HQS inspections

This indicator shows whether the PHA inspects each unit under contract at least annually . This is verified with data in PIC.

Indicator 13: Lease-up

This indicator shows whether the PHA enters HAP contracts for the number of units or funding reserved under ACC for at least one year. Points are based on the percent of units leased during the last completed PHA fiscal year, or the percent of allocated budget

authority that has been expended by the PHA, according to data from the PHA's last year-end operating statement that is recorded in HUD's accounting system.

Indicator 14: Family self-sufficiency (FSS) enrollment and escrow account balances

This indicator applies only to PHAs with mandatory FSS programs. This indicator shows whether the PHA has enrolled families in the FSS program as required, and measures the percent of current FSS participants that have had increases in earned income which resulted in escrow account balances. Points are based on the percent of mandatory FSS slots that are filled and the percent of families with escrow account balances, according to data from PIC.

Bonus Indicators:

Bonus indicators will be reviewed periodically by the HA to determine if points may be available thereunder.

3. SEMAP SCORING VERIFICATION METHOD

Several of the SEMAP indicators are scored based on a review of a quality control sample selected for this purpose. The PHA or the Independent Auditor must select an unbiased sample that provides an adequate representation of the types of information to be assessed, in accordance with SEMAP requirements [24 CFR 985.2].

If the HUD verification method for the indicator relies on data in the Form-50058 module (formerly known as MTCS) in the PIH Information Center (PIC), and HUD determines that those data are insufficient to verify the PHA's certification on the indicator due to the PHA's failure to adequately report family data, HUD will assign a zero rating for the indicator [24 CFR 985.3].

For other SEMAP Indicators the HUD rating will be based on the scoring and certification that each PHA must certify annually.

4. FILE SELECTION AND TESTING

On an annual basis the BHA will randomly select a “quality control sample” of files in which method of Selection from the Waiting List, Reasonable Rent, Determination of Adjusted Income and HQS Enforcement will be reviewed for compliance in accordance with the HUD SEMAP indicator descriptions.

The minimum size of the BHA's quality control sample is as follows:

<u>Universe</u>	<u>Minimum number of files or records to be sampled</u>
50 or less	5
51-600	5 plus 1 for each 50 (or part of 50) over 50
601-2000	16 plus 1 for each 100 (or part of 100) over 600
Over 2000	30 plus 1 for each 200 (or part of 200) over 2000

The universe is:

- The number of admissions in the last year for each of the two quality control samples under the SEMAP indicator at 985.3(a) Selection from the Waiting List;
- The number of families assisted for the SEMAP indicators at 985.3(b) Reasonable Rent, and 985.3(c) Determination of Adjusted Income;
- The number of units under HAP contract during the last completed PHA fiscal year for the SEMAP indicator at 985.3(e) HQS Quality Control Inspections; and
- The number of failed HQS inspections in the last year for the SEMAP indicator at 985.3(f) HQS Enforcement.

This file review will be performed by an individual who was not the person who originally performed the work. The reviewer will document the results of the calculation and scoring for each of the indicators being reviewed in the file. The BHA will then maintain these results for use in providing the annual certification to HUD.

C. SIGNIFICANT AMENDMENT

The BHA defines Significant Amendment to the Section 8 Administrative Plan as a change related to tenant selection, rent calculation or occupancy issues. Discretionary or administrative amendments consistent with the Authorities stated mission and basic objectives will not be considered substantial deviations a significant modification.

EXHIBIT A SELECTION POLICIES

I. INTRODUCTION

Applicants are selected by date and time of application within Priority Category. When all applicants within one Priority Category have been selected, the HA will move to the next Priority Category.

II. PRIORITY ONE

(A) Transfers from Federal and State Housing in Certain Circumstances

Specifically, the Applicant resides in BHA federal or state public housing, AND;

- The Applicant or a member of the Applicant Household is in imminent danger of life threatening injuries due to providing testimony or information regarding criminal activity to a local law enforcement agency; or
- The Applicant or a member of the Applicant Household is a victim of physical harassment, extreme or repeated vandalism to personal property and/or extreme and/or repeated verbal harassment, intimidation or coercion which places them in imminent danger and that cannot be expeditiously remedied in any other way; or
- The Applicant or a member of the Applicant Household has been or is currently a victim of Domestic Violence, Dating Violence, or Stalking, and has a reasonable belief of risk of imminent harm if he or she remains in the current Unit and no other BHA public housing sites are an appropriate alternative, or
- The BHA cannot approve the Applicant's request for Reasonable Accommodation at any of the BHA's public housing sites because the request would be unreasonable, an undue financial burden, or a fundamental alteration of the program and the Applicant's Request for Reasonable Accommodation could be resolved by being assisted under the HCVP.

(B) Verification Requirements:

Applicants will be asked to provide reliable documentation to show that their Family qualifies for this Priority. Such verification may include the following items:

- A letter(s) from a Qualified Healthcare Provider describing specifying housing conditions required of by Applicant based upon special conditions without disclosing any information which is prohibited by law;

- For Reasonable Accommodation requests, reliable documentation from a Qualified Healthcare Provider or professional non-medical service agency, whose function it is to provide services to the disabled. Documentation should verify that the Applicant or a member of his/her Household is disabled under the applicable definitions for reasonable accommodation under Federal and State law and describe the limitations attributable to the disability. Documentation must also describe how the accommodation being requested will overcome or alleviate those limitations;
- Police reports;
- Civil Rights incident reports;
- Copies of restraining orders
- Information on maintenance conditions;
- Letter from law enforcement agencies indicating the immediate need to relocate based upon the factors set forth in the criteria for the Super Priority.

Any other documentation that provides the BHA with acceptable evidence of this Priority criteria.

(C) 25 Vouchers under the BHA Designated Housing Plan

A preference will be provided for twenty five (25) Nonelderly Disabled Households in accordance with the terms and conditions of the Designated Housing Plan, otherwise known as Elderly Disabled Waiting List Procedures approved November 21, 2005 and Section 8 Program Allocation Set Aside Administrative Addendum adopted November 21, 2005 (attached as Exhibit D to the Section 8 Administrative Plan).

III. PRIORITY TWO

(A) Priority Two is defined as a Local Resident with documented Fire, Flood or other Natural Disaster, Board of Health Condemnation, or Victim of Domestic Violence.

(B) Definitions and Verification Requirements:

Applicants will be asked to provide reliable documentation to show that their Family qualifies for the Priority. Such verification may include the following items:

For Fire, Flood or other Natural Disaster

Definition: A family has been displaced due to flood or fire or other natural disaster that renders the Applicant's dwelling unit uninhabitable. The fire, flood, or other natural disaster cannot be due to the fault of the Applicant and/or a Household Member.

The Housing Authority will verify this information as follows:

- Verification from the appropriate agency who is responsible to work with disasters stated above; and
- A copy of the Applicant's Lease or other documentation, verifying that the Applicant was the tenant of record at the address of the disaster; and
- Verification from the Fire department, the Inspectional Services Department, the Health Department or other appropriate agency that the dwelling Unit is now uninhabitable; and
- The cause of the disaster. The BHA acknowledges that certain causes may be unknown.

Any other documentation that provides the BHA with acceptable evidence of this Priority criteria.

For Board of Health Condemnation

Definition: Applicant's dwelling unit has been declared unfit for habitation by the Board of Health.

The Housing Authority will verify this information as follows:

Copy of Certificate of Condemnation from the Board of Health;

A copy of the Applicant's Lease or other documentation, verifying that the applicant was the tenant of record at the address of the condemned unit; and

The cause of the unit being unfit. The BHA acknowledges that certain causes may be unknown.

Any other documentation that provides the BHA with acceptable evidence of this Priority criteria.

For Victim of Domestic Violence

Definition: An Applicant has been displaced due to actual or threatened physical violence by a member of the Applicant's household or is currently the victim of domestic violence at his/her dwelling unit by a member of the Applicant's household.

The Housing Authority will verify this information as follows:

- Copies of police reports, or
- Copies of court orders, or
- Copies of active restraining orders, or
- Verification by social services agency, or
- Verification by clergy member, or
- Verification by physician, or
- Verification by facility that provides assistance to victims of domestic violence, and
- Lease or statement from the owner that certifies that the applicant and abuser are/were residents of the dwelling unit at the time the alleged abuse occurred or other proof of Tenancy.

The verification must list the name of the threatening or abusive household member or legal occupant, indicate that the abuser is residing with the occupant, or if the applicant has relocated that he/she is still in imminent danger where he/she now resides.

Any other documentation that provides the BHA with acceptable evidence of this Priority criteria.

For Local Resident

See Section IX where Local Resident is defined and verification samples set forth.

IV. PRIORITY THREE

(A) Priority Three is defined as a Local Resident who is about to be displaced by Landlord Non-Renewal through No Fault of their Own.

(B) Definitions and Verification Requirements:

Definition: the Applicant is about to be displaced within the next 6 months due to landlord non-renewal of lease or termination of tenancy due to no fault of the tenant.

Applicants will be asked to provide reliable documentation to show that their Family qualifies for this Priority. Such verification may include the following items:

The Housing Authority will verify this information as follows:

- Copies of any notices from the landlord to the Applicant regarding the termination of the tenancy,
- Copies of Notice to Quit,
- Copies of Summons and Complaint in Summary Process Action,
- Copies of Judgment or Agreement for Judgment in Summary Process Action,
- Copies of Discovery Requests and Responses in Summary Process Action, and/or
- Copy of any Execution Served upon Applicant.
- The cause of the Non-Renewal.

Any other documentation that provides the BHA with acceptable evidence of this Priority criteria.

For Local Resident

See Section IX where Local Resident is defined and verification samples set forth.

V. PRIORITY FOUR

(A) Priority Four is defined as a Non-Local Resident with documented Fire, Flood or other Natural Disaster, Board of Health Condemnation, or Victim of Domestic Violence.

(B) Definitions and Verification Requirements:

Applicants will be asked to provide reliable documentation to show that their Family qualifies for this Priority. Such verification may include the following items:

For Fire, Flood or other Natural Disaster

Definition: A family has been displaced due to flood or fire or other natural disaster that renders the Applicant's dwelling unit uninhabitable. The fire, flood, or other natural disaster cannot be due to the fault of the Applicant and/or a Household Member.

The Housing Authority will verify this information as follows:

- Verification from the appropriate agency who is responsible to work with disasters stated above; and
- A copy of the Applicant's Lease or other documentation, verifying that the Applicant was the tenant of record at the address of the disaster; and
- Verification from the Fire department, the Inspectional Services Department, the Health Department or other appropriate agency that the dwelling Unit is now uninhabitable; and
- The cause of the disaster. The BHA acknowledges that certain causes may be unknown.

Any other documentation that provides the BHA with acceptable evidence of this Priority criteria.

For Board of Health Condemnation

Applicant's dwelling unit has been declared unfit for habitation by the Board of Health.

The Housing Authority will verify this information as follows:

Copy of Certificate of Condemnation from the Board of Health;

A copy of the Applicant's Lease or other documentation, verifying that the applicant was the tenant of record at the address of the condemned unit; and

The cause of the unit being unfit. The BHA acknowledges that certain causes may be unknown.

Any other documentation that provides the BHA with acceptable evidence of this Priority criteria.

For Victim of Domestic Violence

An Applicant has been displaced due to actual or threatened physical violence by a member of the Applicant's household or is currently the victim of domestic violence at his/her dwelling unit by a member of the Applicant's household.

The Housing Authority will verify this information as follows:

- Copies of police reports, or
- Copies of court orders, or

- Copies of active restraining orders, or
- Verification by social services agency, or
- Verification by clergy member, or
- Verification by physician, or
- Verification by facility that provides assistance to victims of domestic violence, and
- Lease or statement from the owner that certifies that the applicant and abuser are/were residents of the dwelling unit at the time the alleged abuse occurred or other proof of Tenancy.

The verification must list the name of the threatening or abusive household member or legal occupant, indicate that the abuser is residing with the occupant, or if the applicant has relocated that he/she is still in imminent danger where he/she now resides.

Any other documentation that provides the BHA with acceptable evidence of this Priority criteria.

VI. PRIORITY FIVE

(A) Priority Five is defined as a Local Resident who is a single veteran or single persons with disabilities (over other single persons);

(B) Definitions and Verification Requirements:

Applicants will be asked to provide reliable documentation to show that their Family qualifies for this Priority. Such verification may include the following items:

For Veteran

A veteran is defined as a person who currently serves in the active military service of the United States in the Army, Navy, Air Force, Marine Corps or Coast Guard and/or a person who has been released from such active military service under conditions other than dishonorable.

The preference, shall also apply to the spouse of a deceased veteran provided the spouse has not remarried.

Applicants claiming a Veteran's Preference must provide a copy of the discharge documents of the Veteran for whom the Preference is claimed.

For Disabled

The BHA may and has adopted a preference for admission of families (a family may be an individual) that includes a person with disabilities. However, the BHA may not adopt a preference for admission of persons with a specific disability and has not done so.

For Local Resident

See Section IX where Local Resident is defined and verification samples set forth.

VII. PRIORITY SIX

(A) Priority Six is defined as a Local Resident

(B) Definitions and Verification Requirements:

Applicants will be asked to provide reliable documentation to show that their Family qualifies for this Priority. See the definition of Local Resident and verification thereof in Section IX.

VIII. STANDARD APPLICANT

Standard Applicants: All applicants not meeting one of the Priority Categories listed above.

IX. LOCAL RESIDENT DEFINED

Local residents are defined as families living or working in Brookline or with a child attending a Brookline school in grades K- 12. For working families a household member must have been hired to work or be employed or in a job training program for employment in Brookline. Such employment must be for at least twenty (20) hours per week.

The Housing Authority will verify this information as follows:

- Verification of employment demonstrating that the applicant or family member works 20 hours or more per week or is part of a job training program for employment (which would be in Brookline) or has been hired to work more than 20 hours per week; or

- School record; or
- Copy of a current residential lease with the eligible household member's name listed on it; or
- Valid driver's license or state ID card; or
- Medical card with current address; or
- Utility bill (electricity or gas) with eligible household member's name on it; or
- Social Security printout; or
- Voter's registration card; or
- Credit report.

Any other documentation that provides the BHA with acceptable evidence of this Preference criteria.

The use of this residency preference will not have the purpose or effect of delaying or otherwise denying member of an applicant family.

X. THE 75% RULE IN RELATION TO PRIORITIES

Of the families initially provided tenant based assistance under the section 8 program by the Housing Authority in any fiscal year, not less than 75% shall be families whose incomes do not exceed 30% of the area median income as determined by the Secretary. The local preference policy is subordinate to this provision, and admissions to the program will be monitored to assure compliance. To ensure compliance with this mandatory requirement the Housing Authority monitors income level of admissions as required by HUD and will admit the next otherwise qualified extremely low income applicant on the waiting list before a low or very low income applicant if necessary for compliance with this 75% Extremely Low Income requirement.

EXHIBIT B: VAWA POLICY

BROOKLINE HOUSING AUTHORITY VIOLENCE AGAINST WOMEN ACT POLICY

I. Purpose and Applicability

The purpose of this policy (herein called “Policy”) is to implement the applicable provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162) (VAWA) and more generally to set forth Brookline Housing Authority’s (BHA) policies and procedures regarding domestic violence, dating violence, and stalking, as hereinafter defined.

This Policy shall be applicable to the administration by BHA of all federally subsidized public housing and Section 8 rental assistance under the United States Housing Act of 1937 (42 U.S.C. §1437 *et seq.*). Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence.

II. Goals and Objectives

This Policy has the following principal goals and objectives:

Maintaining compliance with all applicable legal requirements imposed by VAWA;

Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, or stalking who are assisted by BHA;

Providing and maintaining housing opportunities for victims of domestic violence dating violence, or stalking;

Creating and maintaining collaborative arrangements between BHA, law enforcement

authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence and stalking, who are assisted by BHA; and

Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, or stalking, affecting individuals assisted by BHA.

III. Other BHA Policies and Procedures

This Policy shall be referenced in and attached to BHA's Five-Year Public Housing Agency Plan and shall be incorporated in and made a part of BHA's Admissions and Continued Occupancy Policy and BHA's Section 8 Administrative Plan. BHA's annual public housing agency plan shall also contain information concerning BHA's activities, services or programs relating to domestic violence, dating violence, and stalking.

To the extent any provision of this policy shall vary or contradict any previously adopted policy or procedure of BHA, the provisions of this Policy shall prevail.

IV. Definitions

As used in this Policy:

A. *Domestic Violence* – The term '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 cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

B. *Dating Violence* – means violence committed by a person—

who is or has been in a social relationship of a romantic or intimate nature with the victim;
and

where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

C. Stalking – means –

(A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass or intimidate another person; and

(B) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to –

(i) that person;

(ii) a member of the immediate family of that person; or

(iii) the spouse or intimate partner of that person;

D. Immediate Family Member - means, with respect to a person –

a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or

any other person living in the household of that person and related to that person by blood or marriage.

E. Perpetrator – means person who commits an act of domestic violence, dating violence or stalking against a victim.

V. Admissions and Screening

Non-Denial of Assistance. BHA will not deny admission to public housing or to the Section 8 rental assistance program to any person because that person is or has been a victim of domestic violence, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

Where the BHA receives adverse information about an applicant/household member and is aware that domestic violence might be involved, the BHA shall determine whether there is a

substantial connection between the adverse information and the fact that the applicant/household member is a victim of domestic violence. If the BHA determines that there is such a connection, then the BHA shall disregard the adverse information (provided that the perpetrator will not be part of the applicant's household).

A substantial connection includes, but is not limited to, where a victim loses financial support (e.g. victim's job or perpetrator's wages) due to domestic violence and is evicted (or receives a negative landlord reference) for late or nonpayment of rent; where a victim is evicted or receives a negative landlord reference due to property damage and/or noise or other interference with neighbors caused by the perpetrator; and where a victim receives a negative landlord reference for breaking a lease prior to its expiration due to domestic violence.

VI. Termination of Tenancy or Assistance

A. *VAWA Protections.* Under VAWA, public housing residents and persons assisted under the Section 8 rental assistance program have the following specific protections, which will be observed by BHA:

1. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.

In addition to the foregoing, tenancy or assistance will not be terminated by BHA as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of the assisted household, a guest or another person under the tenant's control, and the tenant or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:

Nothing contained in this paragraph shall limit any otherwise available authority of BHA' or a Section 8 owner or manager to terminate tenancy, evict, or to terminate assistance, as the case may be, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, or stalking in question against the tenant or a member of the tenant's household. However, in taking any such action, neither BHA nor a Section 8 manager or owner may apply a more demanding standard to the victim of domestic violence dating violence or stalking than that applied to other tenants.

Nothing contained in this paragraph shall be construed to limit the authority

of BHA or a Section 8 owner or manager to evict or terminate from assistance any tenant or lawful applicant if the owner, manager or BHA, as the case may be, can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.

For public housing tenancies, where property damage is caused by a perpetrator, the BHA shall not terminate the Section 8 subsidy or evict from public housing the victim of domestic violence, dating violence, or stalking because of such property damage.

Where nonpayment of rent or other charges due the BHA is caused by the perpetrator, and where the victim of domestic violence, dating violence or stalking removes said perpetrator from the lease, the BHA shall offer the remaining household members a reasonable repayment plan (without charging late fees but may recover costs) and shall not evict the remaining members for such nonpayment so long as they substantially comply with said plan.

B. Removal of Perpetrator. Further, notwithstanding anything in paragraph VI.A.2. or Federal, State or local law to the contrary, BHA or a Section 8 owner or manager, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by BHA. Leases used for all public housing operated by BHA and, at the option of Section 8 owners or managers, leases for dwelling units occupied by families assisted with Section 8 rental assistance administered by BHA, may contain provisions setting forth the substance of this paragraph.

VII. Verification of Domestic Violence, Dating Violence or Stalking

A. Requirement for Verification. The law allows, but does not require, BHA or a section 8 owner or manager to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. Subject only to waiver as provided in paragraph VII. C., BHA shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by BHA. Section 8 owners or managers receiving rental assistance administered

by BHA may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence or stalking may be accomplished in one of the following three ways:

1. *HUD-approved form* - by providing to BHA or to the requesting Section 8 owner or manager a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator.
2. *Other documentation* - by providing to BHA or to the requesting Section 8 owner or manager 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 the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
3. *Police or court record* – by providing to BHA or to the requesting Section 8 owner or manager a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.

B. Time allowed to provide verification/ failure to provide. An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence or stalking, and who is requested by BHA, or a Section 8 owner or manager to provide verification, must provide such verification within 14 business days (*i.e.*, 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. Extensions may be granted for good cause.

Waiver of verification requirement. The Executive Director of BHA, or a Section 8

owner or manager, may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director, owner or manager. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

VIII. Confidentiality

A. Right of confidentiality. All information (including the fact that an individual is a victim of domestic violence, dating violence or stalking) provided to BHA or to a Section 8 owner or manager in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in confidence and shall neither be entered in any BHARED database nor provided to any related entity, except where disclosure is:

1. requested or consented to by the individual in writing, or
2. required for use in a public housing eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA, or
3. otherwise required by applicable law.

Notification of rights. All tenants of public housing and tenants participating in the Section 8 rental assistance program administered by BHA shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

IX. Portability

Notwithstanding the foregoing, a Section 8-assisted tenant will not be denied portability to a unit located in another jurisdiction (notwithstanding the term of the tenant's existing lease has not expired, the tenant has not provided the required notice of vacating to the BHA or the family has not occupied the unit for 12 months) so long as the tenant has complied with all other requirements of the Section 8 program and has moved from the unit in order to protect a health or safety of an individual member of the household who is or has been the victim of domestic violence dating violence or stalking and who reasonably

believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

X. Relationships with Service Providers

It is the policy of BHA to cooperate with organizations and entities, both private and governmental, that provide shelter and/or services to victims of domestic violence. If BHA staff become aware that an individual assisted by BHA is a victim of domestic violence, dating violence or stalking, BHA will refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring BHA either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence or to make a referral in any particular case. BHA's annual public housing agency plan shall describe providers of shelter or services to victims of domestic violence with which BHA has referral or other cooperative relationships.

XI. Notification

BHA shall provide written notification to applicants, tenants, and Section 8 owners and managers, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and, termination of tenancy or assistance.

XII. Relationship with Other Applicable Laws

Neither VAWA nor this Policy implementing it shall preempt or supersede any provision of Federal, State or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence or stalking.

XIII. Amendment

This policy may be amended from time to time by BHA as approved by the BHA Board of Commissioners after consultation with the Resident Advisory Board.

Drafted: 6.12.07

EXHIBIT C : PROJECT BASED ASSISTANCE ADMINISTRATIVE PLAN

Brookline Housing Authority

Section 8 Administrative Plan

Project-Based Assistance (PBV)

Under the Project Based Voucher (PBV) program, the BHA may enter into contracts with private owners to use up to 20 percent of Housing Choice Voucher subsidy funds in particular buildings. This is known as “project-basing” what are otherwise tenant-based vouchers. The BHA can project-base Section 8 Housing Choice Voucher program vouchers without requiring owners to invest other funds in their property. Thus, the BHA can decide whether to project-base vouchers to encourage new construction or rehabilitation or to attach assistance to existing units to promote voucher utilization, expand housing choices and deconcentrate poverty.

The proposed location of any project-based units must comply with the goals of deconcentrating poverty, expanding housing opportunities, and affirmatively furthering fair housing. The BHA’s project selection criteria are provided here and will be made available for public viewing.

The regulations at 24 Code of Federal Regulations part 983 published 10-13-05 and (HUD PIH Notice 2011-54) apply to Section 8 project-based assistance units.

A. PBV TENANT SELECTION AND OCCUPANCY

The Brookline Housing Authority (BHA) participates in the Massachusetts NAHRO Centralized waiting list and will select families to be referred from this list to vacant PBV units.

In general, the BHA’s tenant selection procedures for its tenant-based programs apply for units assisted under the PBV Program. Except for units which are occupied by eligible tenants upon the commencement of the project based contract term, when a vacancy exists at a PBV site, the BHA will notify the next families on the BHA Section 8 Centralized Waiting List.

All applicants indicating interest in the PBV units will be prescreened by the BHA for Section 8 eligibility and referred to the owner in chronological order by priority placement

on the BHA's Section 8 Centralized Waiting list. The owner may refer individuals to the BHA Centralized Waiting List.

Eligible in place families will be given an absolute preference on the waiting list for units that become available. In- place families must be eligible on the proposals selection date. In-place families must be determined eligible by the BHA and referred to the owner by the BHA.

The owner chooses a tenant for occupancy based on the screening process described in their BHA approved Tenant Selection Plan PBV (submitted prior to HAP execution). When a family is approved by the owner, a lease with the owner will be executed and the PBV addendum included.

1. AFFIRMATIVE MARKETING

It is the policy of the BHA to conduct advertising and outreach as needed to maintain an adequate application pool. The BHA will undertake marketing efforts whenever there is a need to do so in order to address: changes required as a result of legislative or regulatory requirements; fair housing needs; deconcentration; an insufficient pool of Applicants; or any other factor which may require marketing efforts to further HCVP and BHA goals. The BHA shall assess these factors at least annually as part of its Agency Plan in order to determine the need and scope of the marketing effort.

The BHA shall undertake appropriate affirmative fair marketing efforts whenever the Authority identifies a need to augment the number of Applicants on any of its waiting lists. As necessary, the BHA will utilize regional publications to conduct outreach to accomplish goals and to facilitate outreach.

2. CENTRALIZED WAITLIST APPLICATION FORMS

Preliminary application forms are available at the BHA's Central Office. Applications shall also be available by mail and may be downloaded from the BHA's web-site. A preliminary application will be accepted from anyone who wishes to apply, if the waiting list for the program they want to apply to is open. The BHA will only accept applications by mail or hand delivery. The BHA will not accept applications by fax or email.

3. WAITING LIST

The BHA maintains separate waiting lists for its various PBV projects within the BHA system. There is a check box on the centralized waiting list application for Project Based Voucher assistance.

4. REFERRALS TO THE OWNER

The law governing the PBV program requires that families be selected from the PHA's waiting list and allows the PHA to place on its waiting list families referred by an owner.

The BHA will refer the next applicant on its PBA waiting list for the particular project to assure that the units are filled as quickly as possible. This applicant will have been determined Section 8 eligible by the BHA.

5. OWNER'S WRITTEN TENANT SELECTION PLAN

Prior to AHAP or HAP execution each owner must submit a tenant selection plan for approval by the BHA. Failure to present an acceptable selection plan will result in BHA's withdrawal of the offer to provide PBV assistance to the project.

Each tenant selection plan should address, at a minimum, the following criteria:

- I. The screening criteria and methods used to screen.
- II. The owner/project sponsor's certification that both assisted and unassisted tenants will be screened using the same screening criteria and methods.
- III. A statement that the owner/project sponsor will return to the BHA a copy of the applicant referral list that shows the date and time that each referred applicant contacted the owner/project sponsor and the final status of the contact.
- IV. A statement that owner/project sponsor's denials will be in writing to the applicant listing the reason(s) for the denial with a copy to the BHA.

6. BHA NOTIFICATION TO APPLICANTS

The BHA sends an outreach letter to potentially eligible applicants on the tenant based waiting list which provides the applicants with the contact information for the individual sites so that applicants may obtain additional information about the specific site.

The owner is encouraged to offer additional information about the project.

7. BHA BRIEFING OF APPLICANTS SELECTED TO OCCUPY A PBV UNIT

All applicants selected to occupy the PBV units must be briefed on program benefits and responsibilities. The oral briefing must include a description of how the PBV program works and family and owner responsibilities. Each briefed family must receive a packet that contains: 1) Information on how the BHA determines the total tenant payment for the family; 2) family obligations under the program; 3) applicable fair housing information; and, 4) information about continued program eligibility if household composition changes and unit size is no longer suitable. The BHA will modify the manner of the briefing as necessary to accommodate an individual with a disability.

8. FILLING ACCESSIBLE UNITS

The owner/project sponsor must make every effort to fill accessible units with eligible households that would benefit from the unit's accessibility features. Owners must list accessible units with the Mass Accessible Housing Registry. Both the owner and the BHA should also notify all local and regional disability organizations of accessible PBV unit availability.

9. DETERMINATION OF ELIGIBILITY FOR PROJECTS WITH SUPPORTIVE SERVICES FOR THE DISABLED

The owner/project sponsor must identify which professional organization and/or independent individual(s) will make the assessment that a disabled applicant meets the HUD criteria listed above. Professionals could include licensed medical, psychological or allied mental health and/or human services professionals.

Applicant eligibility determination will be made by the owner/project sponsor. The BHA will periodically monitor the project sponsor's applicant selection determinations for compliance with their BHA-approved Owner Tenant Selection plan.

A disabled Applicant has the right to appeal denial of a PBV unit based on failure to demonstrate need for services offered. Any applicant denied preference consideration for a project providing services must be offered the right to appeal the decision made by the owner/project sponsor. The BHA may opt to terminate the HAP contracts of any project sponsor with a history of routinely rejecting otherwise qualified applicants in order to serve a client population with a specific disability and/or a required affiliation with a particular provider agency.

10. IN-PLACE FAMILIES

a. Owner/Project Sponsor Responsibility

The owner sponsor must send all in-place tenants a letter explaining that the owner's units have been selected for PBV assistance and that if the tenants are determined program eligible (including being appropriately housed according to BHA's occupancy standards, they will be eligible to receive PBV assistance. The owner's letter must emphasize that any tenant found ineligible will not be displaced. The BHA will provide the owner with the details about program eligibility and relocation requirements.

b. BHA responsibility

Once the owner's in-place tenant letter has been sent, the BHA will send to these tenants a HCVP pre-application that seeks information about each tenant's household composition. This information will assist the BHA in determining whether or not the household is occupying the appropriate number of bedrooms. Once the information is received, the BHA will advise the owner about its unit size determinations.

Because of time delays in getting the various HUD approvals (when required), the BHA will not perform the final tenant eligibility determination for any in-place tenant until the unit(s) has been otherwise approved for PBV assistance (e.g. passed HQS, met all other HUD requirements). Final eligibility includes the determination that the in-place household is appropriately housed with the correct number of bedrooms.

c. Over-Housed and Under-Housed In-Place Households

Where there is an in-place non-eligible, (over- or under-housed) household, that occupied unit cannot be brought onto the program unless the owner, at his expense, finds a suitable replacement unit acceptable to that household.

11. EXCEPTIONS TO LIMIT ON NUMBER OF UNITS ASSISTED PER BUILDING

Project based assistance may be attached to up to 25% of the total number of units in a building. Units occupied by the disabled, elderly, or families receiving supportive services are exempt from this cap. The types of services that the BHA will deem eligible to qualify a project to meet HUD's definition of families receiving supportive services include, but are not limited to:

- 1) Household Training (e.g.: homemaking, parenting skills, money management);
- 2) Job Training (preparation and counseling, job development and placement, follow-up assistance after job placement, completion of FSS "Contract of Family Participation");
- 3) Self Sufficiency Services and Resources (appropriate to assist families to achieve economic independence and self-sufficiency);
- 4) Remedial Education (education for the completion of Secondary or post-secondary education);
- 5) Substance Abuse Treatment (counseling and treatment for substance abuse)

a. Extent to Which Services Must be Provided

A family must have at least one member receiving at least one "qualifying" supportive service. Every participating family occupying an "excepted" unit in a PBV supportive services project must sign a "PBV Contract of Family Participation." This contract will establish a minimum period of time of no less than one year in which the family is expected to participate in one or more services and achieve certain goals during the term of the contract.

A household occupying an "excepted" unit cannot be required to participate in medical or disability-related services other than drug and alcohol treatment in the case of abusers as a condition of occupancy, although such services may be offered. The family may continue in occupancy in the "excepted" unit after they have successfully completed their supportive services contractual obligations. In this instance, the units will continue to count as "excepted" units for as long as the family eligibly resides in the unit.

b. Monitoring Family Receipt of Services by the BHA

The BHA will monitor the tenants' continued receipt of supportive services on an annual basis. As part of the PBV project selection process, each owner/project sponsor must explain their program goals performance indicators in their PBV application. The owner/project sponsor will be required to describe how participant households will be monitored for compliance with their PBV Contract of Family Participation. During each 12-month cycle of the family's contract, the owner/project sponsor will be expected to maintain on-going evidence of the family's participation in their service program and maintain agreed upon data for inclusion in an annual performance report (PBV-APR) to be submitted to the BHA.

c. Termination of Family for Failure to Fulfill Supportive Service Requirement

Failure by the family residing in an "excepted" unit to fulfill its service obligation, without good cause, will result in termination of the tenant from the PBV program and termination of the unit from the PBV program unless it is leased by another "qualifying family." The owner/project sponsor will be required to provide documentation supporting the owner's determination that the tenant failed to comply with their PBV Contract of Family Participation.

It is not necessary that the services be provided at or by the project, if they are approved services. Units where the family is receiving qualified supportive services are exempt from the 25% cap. The BHA will require owners of such projects to submit an Annual Progress Report to ensure compliance with the supportive service exemption on the number of units per building. Failure to submit Annual Progress Reports may result in abatement of the HAP payment.

Prior to contracting, unit owners are responsible for selecting tenants that the BHA refers from its waiting list. When selected from the Section 8 waiting list, applicants must satisfy all BHA and HUD income limits and eligibility requirements. PBV tenants generally pay 30% percent of their adjusted income for rent and utilities.

12. OVERCROWDED, UNDER-OCCUPIED, AND ACCESSIBLE UNITS

a. Under-Housed

Should a change in family size or composition cause a family to become under-housed to the point of causing the unit to be non-compliant with HQS requirements and there is either an available appropriately sized PBV unit or a tenant-based voucher available for the family, it must relocate with assistance or be terminated from the program. If there is no voucher available to issue to the family or an available comparable PBV unit to which the family may relocate, the family will remain in place without penalty to the owner until the family can relocate with assistance.

b. Over-Housed

If a family becomes over-housed due to a change of family size or composition after the first year of tenancy, the family must relocate at their expense to a smaller PBV unit or accept a voucher to relocate. If there is no appropriately sized comparable PBV unit or voucher available for the family, it may remain in place with no reduction in the contract rent until such time as there is either a voucher or unit available. If the project is partially assisted, the owner may request to substitute another comparable unit for the one that is ineligibly occupied.

c. Inappropriately Housed in an Accessible Unit

In order to minimize loss of income to a project, an accessible unit may be leased to a family that does not require the unit's special features under the following circumstances: 1) it has been vacant for at least 45 days, and, 2) both the BHA and the owner/project sponsor have exhausted their respective outreach sources to identify a family that would benefit from the unit's accessible features. Because such a family is inappropriately housed, they must be required to sign a lease addendum prior to initial occupancy agreeing to move from the unit. If there is a suitable PBV unit available within the project, the inappropriately housed family must be offered the opportunity to move to that unit. If there is no PBV unit available, the BHA will issue an available tenant-based voucher to the family. If there is no unit or voucher available, the family will remain in the accessible unit without penalty until such time as one or the other becomes available to the family.

13. REQUIREMENT FOR REMAINING MEMBER(S) OF AN "EXCEPTED UNIT"

a. Issuance of Voucher

Three household types that can qualify a unit as an “excepted” unit include: 1) elderly, 2) disabled, and 3) households where one or more members participate in a program of supportive services under the terms of a PBV Contract of Family Participation.

In each instance, any remaining family member(s) of “excepted” units that no longer qualifies for “excepted unit” status must vacate the unit within a reasonable period of time in order that the PBV unit can be used for the intended “qualifying” household type. The BHA will issue a tenant-based voucher to the remaining family member(s) (exclusive of any live-in aide), provided they continue to be program eligible. They must vacate the unit at their expense within the established voucher term and any approved extensions. Exceptions may be permitted for reasonable accommodation or mitigating circumstances.

b. Termination of PBV contract in certain circumstances

If the remaining family fails to vacate the PBV unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to be amended to substitute a different unit of the same bedroom size in the project, or the owner terminates the lease and evicts the family.

14. FAMILY RIGHT TO MOVE (OPT OUT) WITH TENANT-BASED ASSISTANCE

At the end of one full year of assisted tenancy in a PBV unit, a participant in good standing may request a tenant-based HCVP voucher and move to a unit of their choice with continued assistance. The participant must give the owner advance written notice of intent to vacate with a copy to the BHA in accordance with the lease. If the BHA does not have available voucher and budget authority the tenant may request placement on the BHA’s PBV “opt out” waiting list. The participant may not be placed on this list until they have been in the unit for a full year as a tenant in good standing. When a voucher becomes available, names will be selected from this list in chronological order after any inappropriately housed or wrong-size unit families have been provided with the first the opportunity to move with assistance. Opt-out families must be given the next available HCVP vouchers before any other HCVP waiting list applicants.

This right shall not be limited to the end of the initial year. After the first year, at any time that the tenant meets the criteria listed above he/she may request the mobile voucher according to the terms and conditions as set forth above.

B. CERTAIN BHA CONSIDERATIONS

1. SITE SELECTION /DECONCENTRATION GOALS

The housing site must be located in Brookline and be consistent with the deconcentration goals already established in the BHA's PHA plan and with civil rights laws and regulations, including HUD's rules on accessibility at 24 CFR 8.4 (b) 950.

The BHA will consider the following:

- (i) Whether the census tract in which the proposed PBV development will be located is in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community;
- (ii) Whether a PBV development will be located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition;
- (iii) Whether the census tract in which the proposed PBV development will be located is undergoing significant revitalization;
- (iv) Whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement;
- (v) Whether new market rate units are being developed in the same census tract where the proposed PBV development will be located and the likelihood that such market rate units will positively impact the poverty rate in the area;
- (vi) If the poverty rate in the area where the proposed PBV development will be located is greater than 20 percent, the PHA should consider whether in the past five years there has been an overall decline in the poverty rate;
- (vii) Whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed PBV development will be located.

The BHA will evaluate PBV project proposals according to whether they satisfy the twin goals of deconcentrating poverty and expanding housing and economic opportunity regardless of the project's poverty rate as defined by the most recent census data. The BHA will evaluate this based on the totality of the applicant's response, taking into consideration the target population to be served (i.e. family, elderly, disabled, populations needing supportive services). The BHA will also further assess each proposal to determine if it achieves the following BHA objectives:

- Increases the supply of safe, decent housing that is affordable and accessible to residents with a range of income levels and household needs;
- Enables elderly and families with supportive service needs have access to appropriate services and accessible community housing options;
- Allows for fair access to housing for all.

Sites for all proposals will be evaluated for compliance with 24 CFR 983, section 983.57. These conditions include adequacy of unit site and neighborhood standards. Units must provide greater choice and opportunity and avoid concentration of low income persons, and site must be sufficient to accommodate number and types of units in proposal. Newly constructed units must in addition to other listed conditions avoid minority concentration and be consistent with section 983.57 (3)(e) through (7) in regards to housing opportunities for minorities. An inspections shall be made on all existing units as part of review.

The BHA may restrict proposals to those that have a certain number of bedrooms based on waiting list or community need.

The BHA may submit an application to attach project-based assistance to an existing structure which it owns. HUD will review the selection process in this case to determine that the HA-owned units were appropriately selected based on the selection procedures specified herein. The BHA must determine that the proposed site meets all HUD “Site and Neighborhood” standards as defined at 983.57

2. PREFERENCE FOR DISABLED HOUSEHOLDS NEEDING SERVICES

The BHA may support projects that require preference be given to disabled households that need services offered at a particular project in accordance with the following HUD conditions and criteria:

- I. Preference cannot be granted to persons with a specific disability.
- II. The project sponsor must document that the applicant has a disability that significantly interferes with their ability to obtain and maintain themselves in housing; and,

- III. Who, without appropriate services, will not be able to obtain or maintain themselves in housing; and,
- IV. For whom such services cannot be provided in a non-segregated setting (i.e. a tenant-based voucher for an independently selected unit would not meet the needs of the applicant).
- V. Disabled residents shall not be required to accept the particular services offered at the project.
- VI. In advertising the project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from the services provided.

To the extent that the BHA support a project that requires a preference to disabled households needing services the BHA will comply with the requirements as stated above. .

C. PROCEDURES FOR OWNER SUBMISSION OF PROPOSALS

The BHA will select PBV proposals based on a public competition. The BHA will issue a broad public notice in media of general circulation (including on the Town webpage) of the opportunity for developer/owners to apply/respond to the Request for Proposals to attach project based assistance. Once selected for award, the BHA will promptly notify the owner and publish a public notice of the award in media of general circulation.

The selection criteria will be available at the Housing Authority for public viewing. The BHA may opt not to conduct a separate competition if proposals presented to the BHA were accepted as part of a different competition for federal funds (e.g. HOME, HOPE VI, and Tax Credit) within 3 years of the PBV proposal selection date. The original competition however cannot have considered the possibility of future PBV assistance, but the selection must be based on the project's merits at the time of the competition. The BHA may give a preference to Community Housing Development organizations or projects with Low Income Housing Tax Credits.

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Owner proposals will be requested in an advertisement with a reasonable deadline. Owners will be sent an RFP application and information packet, which will contain the following:

- A description of the PBV program at 24 CFR 983;
- Project selection criteria;
- Sample program documents including payment standard schedule, utility allowance schedule and sample HAP agreement;
- An application / proposal form; and
- Information about application due date and date and time of bidders conference

A Bidders Conference may be provided for owners who would like additional information about the program or who need assistance in completing the proposal form.

D. PROCEDURES FOR SELECTION OF PROPOSALS

The Chair shall appoint a member of the Commission to review the proposals with BHA administrative staff. This review committee will review all proposals submitted prior to the deadline and rank each proposal based on criteria established in the Administrative Plan. All proposals received by the deadline and reviewed shall be considered confidential unless funded. Funded proposals will be classified as public documents with the exception of personal financial data. Unfunded proposals shall be entitled to review and appeal to the Executive Director of the BHA who shall respond in writing within 45 days of notification of appeal. Further appeal to the Board if dissatisfaction remains shall be scheduled as soon as practicable or the next regular meeting of the Authority. Proposals received after the deadline shall not be reviewed and considered and shall be returned to the submitter. Proposals received that are deemed prohibitive under HUD regulation shall be deemed denied and appealable as outlined above. The liaison Commissioner shall make recommendation (s) to the full Board for their consideration, deliberation and approval. The ultimate approval based upon this process shall be vested in the BHA.

1. INITIAL REVIEW AND SCREENING OF PROPOSALS

The BHA shall review proposals for completeness and compliance with RFP requirements. Proposals must include the following information (threshold requirements):

- Property description, including unit sizes, number of vacancies, eligible occupants.
- Evidence that property is “eligible” housing as defined by HUD regulations at 24 CFR 983.53 and 983.54,
- Evidence that property complies with the cap on the number of PBV units per building (24 CFR 983.56) or is exempt from cap due to qualifying exemptions.
- Evidence that property meets the site selection standards (24 CFR 983.57).
- Owner certification indicating understanding and agreement to abide by all BHA and HUD rules and regulations governing the PBV program.
- Description of previous management experience and participation in HUD subsidized housing programs.
- Written tenant selection policy and procedures.
- Proposed rent levels accompanied by rent comparables for similar unassisted units in the area.
- Information on how the site is consistent with the deconcentration goals already established in the BHA’s PHA plan and with civil rights laws and regulations, including HUD’s rules on accessibility at 24 CFR 8.4 (b) 950.
- Owner's agreement to select tenants from the BHA waiting list.

Also for New Construction:

- Description of project including work plans.
- Zoning permits and evidence of site control.
- Disclosure of Low Income Tax Credit use or lien.
- Statement-of Sources and Uses for Funds to develop the project.
- Operating proforma.

- Descriptions of historic and environmental review status.
- Owner's plan to manage and maintain property.

2. *FURTHER ACTION*

After this initial threshold review, the following action will be taken:

- Incomplete proposals will not be processed. If the owner fails to provide the needed information within a reasonable time, the proposal will be rejected. Proposals, which would require permanent displacement of tenants, will be rejected. Proposals where the property has liens attached and these liens are a result of the current owner's negligence will be rejected.
- Owners of rejected proposals will be notified in writing of the reasons for rejection and will be offered an opportunity to discuss the rejection in person with BHA proposal evaluators.
- The BHA will schedule initial inspections of all projects which meet the threshold requirements described above.
- Based on this inspection, the BHA will review the general work and cost estimate and determine that the project qualifies as a New Construction, Rehabilitation or Existing housing project. In the case of an existing project, the BHA will ensure that the minimum HQS standards are met using Article II of the State Sanitary Code and the Federal Housing Quality Standards. Included in this report will be a statement on the need for temporary relocation of tenants and an estimate of the time needed to complete construction.
- Upon receipt of the above review, the BHA will conduct a feasibility analysis for each project. The BHA will review the requested rents and supporting rent reasonableness information to determine if the rents are permissible under the PBV program. The BHA will determine that the rents approved are reasonable and comparable to private unassisted units.
- Feasible proposals will be ranked according to the following:
 - Scope of Work: (New Construction and Rehabilitation projects only) points will be awarded for project feasibility based on scope of work and proposed period of completion. Consideration of occupancy timeline and likelihood of meeting timeline (secured financial loans if needed, local building permit likelihood), assessments will be made from documents provided, with changes reviewed and approvable by the BHA.

- **Location:** points will be awarded for projects located in low poverty areas with few affordable housing opportunities and which have easy access to community services, such as markets, schools, and public transportation. Greater point value will be awarded to projects which meet more of the following deconcentration and accessibility goals: The BHA will evaluate each proposal based on whether the site is in an Enterprise Zone, Economic Community or Renewal Community (EZ/EC/RC); whether the concentration of assisted units will or has decreased as a result of public housing demolition; whether the census tract is undergoing significant revitalization; whether government funding has been invested in the area; whether new market rate units are being developed in the area which are likely to positively impact the poverty rate in the area; if the poverty rate in the area is greater than 20% whether in the past five years there has been an overall decline in the poverty rate and whether there are meaningful opportunities for educational and economic advancement in the area.

The BHA will only award PBV assistance to projects consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The BHA will not limit proposals to a single site or impose restrictions that explicitly or practically exclude owners from submitting project-based proposals.

- **Readiness to proceed:** points will be awarded to projects where there are no legal encumbrances; in-place tenants have indicated their willingness to proceed with renovations; proposed rehab is consistent with existing zoning; owner/developer has already completed development activities such as work write-ups, specifications, cost estimates, bids, financing commitments, Historic Commission approval, and 21 (e) hazardous waste approval.
- **Owner Experience and Written Tenant Selection Policy and Procedures:** points will be awarded for projects where owner / development team has previous experience doing similar work; owner has demonstrated capability to self-manage or has professional management.
- **Project Location and amenities;** part of this consideration shall be a review of services offered for PBV participants and modification of units for persons with disabilities. Points will be awarded for staffed residences with in-house services, services, management plan, staffing, and other amenities. Points will be provided for service provider experience with clientele and familiarity with the area and health and security providers.
- **CHDOs or projects with LIHTCs.**

The BHA will establish the point values and they will be placed on a scoring sheet in a manner that takes into consideration the specific items and priorities set forth in the RFP.

E. NOTIFICATION OF OWNERS

The BHA shall make every effort to complete the review process within 60 days.

Those proposals selected are informed that HUD regulations require making the award of the number and dollar estimate of vouchers is public information and a legal announcement shall be made by the BHA in the local newspaper.

Owners whose proposals have been approved will be promptly notified in writing of their acceptance and the number and size of the units which will be assisted.

In each selection phase, letters to owners whose proposals have been selected will state that they have 30 days in which to complete any incomplete or deficient aspects of the proposal. For New Construction and Rehabilitation projects, the owners will within a reasonable time:

- Submit final specifications for construction/rehab
- Determine a contractor
- Secure general financial commitment letters
- Sign an agreement with the BHA stating willingness to participate in program and to agree to long-term leasing covenants.

F. AGREEMENT TO ENTER INTO A HOUSING ASSISTANCE PAYMENTS (AHAP) CONTRACT EXECUTION

All New Construction / Rehab PBV units require the owner/project sponsor to enter into an AHAP contract with the BHA prior to any demolition and/or construction. An AHAP contract will not be necessary for an Existing project. An AHAP contract cannot be executed until the following actions are completed and approved by HUD, where applicable:

- A subsidy layering review (SLR) for any project that has any other government assistance from federal, state or local agencies, including tax concessions and tax credits. The SLR must

be performed by HUD, or an agency designated by HUD. Although an AHAP contract is not necessary, a SLR will be required of an Existing project.

- An environmental review (ER) performed by the “responsible entity” (RE) designated by the city/town or state, or, a certification by the RE that a review is not required.

G. HOUSING ASSISTANCE PAYMENTS (HAP) CONTRACT EXECUTION

The BHA may enter into a Housing Assistance Payments (HAP) Contract for a maximum of ten years contingent upon annual appropriations. Further, the BHA can extend contract periods to achieve long-term housing affordability or increased housing opportunities up to an aggregate total term of 15 years. Extensions will be granted within one year before HAP expiration. The BHA will pay the difference between the tenant rent (roughly 30% of gross income) and the approved rent for the unit directly to the owner on a monthly basis. The Section 8 project based contract rent may not exceed rents charged for comparable units in the private unassisted market, and *shall be consistent with HUD regulations found at 24 CFR 983, subpart G, Rent to Owner*, and shall be approved by the BHA.

H. OTHER IMPORTANT PROJECT-BASED ASSISTANCE PROGRAM REGULATIONS

Inspections: Inspections for the entire building may be scheduled to occur at the same time annually.

Rent Increases: Rent Increases during the term of the contract may be approved by the BHA so long as the increased rents do not exceed the maximum rents and are reasonable.

Vacancy Payments: The BHA does not pay the owner vacancy payments.

Davis Bacon Wage Rates: If PBV assistance will be attached to nine or more units in a project the Davis-Bacon (D-B) Wage Rate Schedule, available online at <http://www.access.gpo.gov/davisbacon> will apply.

EXHIBIT D: SECTION 8 ALLOCATION PLAN FOR DESIGNATED
HOUSING SET ASIDE

SECTION 8 PROGRAM
ALLOCATION PLAN SET-
ASIDE
ADMINISTRATIVE
ADDENDUM

Adopted

November 21, 2005

Section 8 Program

Allocation Plan Set-aside:

Administrative Procedures

A. Definitions

Allocation Plan for Designated Housing means the request submitted to the U.S. Department of Housing and Urban Development (HUD) and approved April 29, 2005 to designate 80% of the non-wheelchair housing units in the BHA's federal elderly disabled portfolio for elders. See the table in Attachment A for a summary of wheelchair, elderly and mixed units. Attachment A is provided for informational purposes only.

Federal Elderly/Disabled Waiting List means the waiting list established by the BHA that pertain to the four federal elderly/disabled public housing developments and the low-rise portion of Walnut Street Apartments.

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

Near-elderly family means a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. UNDER CURRENT BHA POLICY, THIS CATEGORY OF HOUSEHOLDS ALTHOUGH DEFINED AT 24 CFR 5.403 IS NOT ELIGIBLE TO APPLY FOR BHA FEDERAL PUBLIC HOUSING. ONLY NEAR ELDERLY "DISABLED" HOUSEHOLDS ARE RECOGNIZED BY BHA POLICY FOR SELECTION AHEAD OF NON-ELDERLY (<50) DISABLED HOUSEHOLD.

Near-elderly “Disabled” Household means a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides. The Head of Household or household member must also be disabled within the definition found at 24 CFR 5.403 and 24 CFR 945.105 to fall under this category.

Non-elderly Household means a household headed by an individual under 50 years of age and possesses a disability as defined as follows:

Person with disabilities means a person who:

- (i) Has a disability, as defined in 42 U.S.C. 423;
- (ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

- (A) Is expected to be of long-continued and indefinite duration;

- (B) Substantially impedes his or her ability to live independently, and

- (C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

- (iii) Has a developmental disability as defined in 42 U.S.C. 6001.

(2) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;

(3) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence.

For purposes of this addendum, the definition of “individual with a disability” under 24 CFR 8.3 does not apply in terms of eligible status for offers of assistance.

Section 8 Set-aside in Support of the Allocation Plan means any Section 8 Housing Choice Vouchers either awarded by HUD for the specific purpose of mitigating the fair housing impact of the approved Allocation Plan or any Section 8 Housing Choice Vouchers set-aside by vote of the Board of Commissioners of the BHA for the same purpose. See Attachment A for the current number of Vouchers in the set-aside.

Set-aside Waiting List means the list of households eligible for access to the set-aside as described in this addendum, who have indicated an interest in obtaining one of the set-aside Vouchers, and for whom no Vouchers are currently available.

Single Member Household means a household that has one member who is less than 50 years of age who is income eligible for the program but does not possess a disability as defined under HUD regulation for purposes of admission to housing programs. Single member households will be housed only when no other applicant household in any of three other categories defined herein are willing to accept a unit and the unit has been vacant for 30 days.

A **wheelchair accessible unit** is a dwelling unit that complies with the physical accessibility standards for mobility impairment as defined in the Uniform Federal Accessibility Standards (UFAS) or any more stringent standard that is required by law, regulation or local code. "More Stringent standard" is one in which the level of physical design promotes greater ease of use by a mobility-impaired individual.

B. Consistency with Section 8 Administrative Plan

Unless specifically modified by this addendum, all Section 8 administrative procedures described in the Brookline Housing Authority's (BHA) Section 8 Housing Choice Voucher Administrative Plan are in effect and apply to households using Section 8 subsidies available through the set-aside in support of the HUD Approved Allocation Plan for Designated Housing.

C. Section 8 Subsidy Set-aside Offer Sequence

The **first priority for an offer** will be:

Non-elderly households and near elderly disabled households on the federal elderly/disabled waiting list will be granted priority status at the time that they are by-passed on the federal elderly/disabled waiting list so that an elderly household located after them on the waiting list is given an offer.

Date and time of application will be the only other factor. No other preferences will apply. Being granted the priority status still requires that the household notify the BHA and complete an application. The date and time of the completed application determines the placement on the set-aside waiting list.

No other households other than those defined above are eligible for access to this set-aside.

D. Waiting List Management

Once all Section 8 Vouchers in the set-aside are issued, the BHA will establish a waiting list for the households eligible for the set-aside.

None of the BHA preferences used for the Section 8 Housing Choice Voucher (HCV) Program apply to waiting list administration for the Section 8 Program Allocation Plan Set-aside.

This waiting list will be organized as follows:

Non-elderly households or “Near Elderly” Disabled households on the federal public housing waiting list that have been **by-passed** to permit the admission of an elderly or near elderly household will be given **2 points**.

Non-elderly households or “Near Elderly” disabled households on the waiting lists who are by-passed will be notified at the time of their household being skipped over that they are now eligible for a Section 8 Voucher from the set-aside.

If there is no Voucher available at that time, they will be informed of their right to be added to a waiting list for Vouchers available under the set-aside. They may elect to be added to the waiting list for the set-aside

at any time after they have been by-passed, but will be placed in the list based on date and time of their application for the set-aside and not on the date that they were by-passed.

If a household otherwise considered eligible for a Voucher from the set-side is housed in the federal conventional program, then they lose their eligibility for a Section 8 Voucher from the set-aside and will be notified that they no longer have the preference status and that the prior letter granting them the preferential status is rescinded. They will be removed from the set-aside waiting list if they had applied. These actions do not prevent the household from applying to the tenant-based Section 8 waiting list nor will it result in their removal from the tenant-based waiting list if they are already listed.

E. Under Utilization

In the event that the full set-aside cannot be issued and households placed under lease in a timely manner, the BHA may use the budget authority for the set-aside as regular tenant-based subsidies. However, any household that is eligible for the set-aside will be provided with the next available voucher until the number of households served equals the full allotment in the set-aside. In other words, budget authority for the set-aside is not to be held back from use by awaiting eligible households, but the Authority will only dedicate the next available Voucher to a household eligible under the set-aside up to the full number of Vouchers in the set-aside.

F. Increases in the number of Vouchers in the Set-aside

If the Executive Director determines that the turnover of subsidies under the set-aside is too infrequent to address the goal of the set-aside to mitigate the increased waiting time for access to affordable, or he or she estimates that the future need for Vouchers in the set-aside merits an increase, the BHA will either increase the set-aside out of the existing BHA program by vote of the Board of Commissioners or apply under a HUD NOFA or other mechanism to obtain more Vouchers appropriated by Congress for this purpose.

The Authority may increase the size of the set-aside temporarily out of its existing program prior to obtaining incremental Vouchers in support of the Allocation Plan.

Attachment A

Summary of Allocation Plan Designation Strategy

		Total Units	Wheelchai r Units	Mixed Units	Elderly Only Units
Walnut Street Apts	MA 33-1	38	2	7	29
Sussman House	MA 33-2	100	2	20	78
O'SHea House	MA 33-3	100	5	19	76
Morse Apts	MA 33-5	99	5	19	75
Kickham Apts.	MA 33-7	39	4	7	28
TOTALS		376	18 (4.7%)	72 (19.1%)	286 (76.0%*)

* The Allocation Plan calls for 80% of the non-wheelchair units to be set-aside. These calculations result in less than a strict 80% set-aside against the total unit count.

Current Size of Section 8 Set-aside in support of the BHA's Allocation Plan for Designated Housing: **25**

