



Lynn Housing Authority & Neighborhood Development
174 South Common Street
Lynn, Massachusetts 01905

Section 8 Administrative Plan

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Executive Director

2013

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INTRODUCTION

MISSION AND FUNCTION

The Lynn Housing Authority and Neighborhood Development (LHAND) is organized under the statutes of the Commonwealth of Massachusetts (MGL 121B) with the express mission of providing safe, sanitary and decent housing to families & individuals of low income. The primary jurisdictional area of the LHAND is the City of Lynn. The LHAND will occasionally administer Section 8 subsidy in adjoining communities that do not possess a local Section 8 Program.

The LHAND is committed to providing affordable housing opportunities to low-income persons who qualify under the rules and regulations that govern eligibility for federally subsidized housing programs. The LHAND administers Section 8 Housing Choice Vouchers, Section 8 Moderate Rehabs, as well as incoming Section 8 Housing Choice Vouchers through the Massachusetts Section 8 Administrators Mobility/Portability Program. The Authority also administers a Shelter + Care Program in coordination with Lynn-based supportive service providers.

The Housing Choice Voucher Program, which began on October 1, 1999, is the new program that merged the Section 8 Certificates & Vouchers. Any new subsidies being issued after October 1, 1999 will be Housing Choice Vouchers. Existing Certificates and Pre-Merger Vouchers will continue until the family moves to a new unit or at the time of their second recertification after October 1, 1999.

The LHAND has notified its local governing body, civic groups, landlords and realtors about the subsidized housing programs being administered by the Authority. Most importantly, LHAND has explained the types of subsidy each program provides, each program's eligibility requirements, and how these programs have been designed for the benefit of the community.

The LHAND has worked closely with the City of Lynn, social service agencies and community organizations to assure the overall well being of its program participants and to promote an overall housing strategy for the future benefit of the residents of Lynn and the greater community. The Section 8 Programs will afford stability to families and elderly in the City of Lynn and offer mobility/portability to those who may wish to seek affordable housing opportunities in other communities.

The Lynn Housing Authority and Neighborhood Development does not discriminate on the basis of race, color, religion, national origin, gender, sexual orientation, age, ancestry, disability, marital status, veteran status, membership in the armed forces, presence of children, or political beliefs.

Individuals with a qualified disability may make requests for a reasonable accommodation consistent with the LHAND's Reasonable Accommodation Policy. (See Exhibits)

The LHAND Section 8 Administrative Plan complies with 24 CFR Part 982.54.

GENERAL POLICIES

TERMINOLOGY

- The Lynn Housing Authority & Neighborhood Development is referred to as "LHAND" or "LHA" or "Housing Authority" throughout this document.
- "Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person family.
- "Tenant" is used to refer to participants in terms of their relation to landlords.
- "Landlord" and "owner" are used interchangeably.
- "Non-citizens Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.
- The Section 8 program is also known as the Housing Choice Voucher Program
- See Acronyms for other terminology.

USE OF SECTION 8 PROGRAM ADMINISTRATIVE RESERVES

Administrative reserves from the Section 8 Program may be used for any other housing program related purpose or activity.

The Lynn Housing Authority & Neighborhood Development Board of Commissioners have determined that a threshold of up to \$2,500.00 may be authorized by the Executive Director for use of funds from the administrative reserve for other housing purposes without prior approval of the Board.

For operating reserve expenditures that exceed the threshold, the Lynn Housing Authority & Neighborhood Development Board, as part of its approval, will make an affirmative determination that the expenditures are necessary and reasonable for other housing purposes consistent with federal, state and local law.

COMMITMENT TO AFFIRMATIVELY FURTHER FAIR HOUSING

The City of Lynn, Massachusetts and the Lynn Housing Authority & Neighborhood Development (LHAND) are committed to the goals of eliminating discrimination in housing and affirmatively promoting fair housing choice for all citizens regardless of race, color, religion, sex, disability, familial status or national origin. Further, the City and LHAND, which administers all CDBG, HOME, McKinney-Vento Homeless Assistance, Public Housing and Section 8 housing-related programs in Lynn, are committed to the goal of integrating fair housing planning efforts into the City's overall housing and community development Consolidated Planning process. In the implementation of all activities covered under the Consolidated Plan for Housing and Community Development, the City and LHAND intend to affirmatively promote housing choice and to comply with all legal and statutory responsibilities with respect to fair housing including the provisions of the Fair Housing Act, the Housing and Community Development Act of 1974, the National Affordable Housing Act of 1990, HUD Consolidated Planning and other pertinent regulations.

LHAND has experience with creating affirmative marketing procedures and requirements for rental and homebuyer projects and understands that the jurisdiction is responsible for developing procedures for any HOME funded projects containing 5 or more units.

The project specific affirmative marketing requirements and procedures will include:

- Methods for informing the public, owners and potential tenants about Federal Fair Housing Laws and LHAND's affirmative marketing policy such as the use of Equal Housing Opportunity logotype or slogan in press releases and solicitations for owners as well as written communication to fair housing and other groups;
- Requirements and practices each owner must adhere to in order to carry out LHAND's affirmative marketing procedures and requirements such as the use of commercial media, use of community contacts, use of Equal Housing Opportunity logotype or slogan and display of fair housing poster;
- Procedures to be used by owners to inform and solicit applications from persons in the housing market area who are not likely to apply for the housing without special outreach such as the use of community organizations, places of worship, employment centers, fair housing groups or housing counseling agencies;
- Records will be kept describing actions taken by LHAND and by owners to affirmatively market units and records to assess the results of these actions; and,
- A description of how LHAND will annually assess the success of affirmative marketing actions and what corrective actions will be taken where affirmative marketing requirements are not met.

Based on the information summarized above, LHAND has not identified any City law, regulation, administrative policy, procedure or practices that has created a significant demonstrated impediment to fair housing choice within the City of Lynn. Although there continues to be challenges the City and LHAND continue to make progress, striving to overcome housing discrimination through continuing efforts to reduce or eliminate impediments to fair housing within the City. These impediments and the actions to be undertaken by the City and/or LHAND to address them are summarized below:

- *Housing Discrimination* – The City and LHAND will continue to implement policies and procedures to respond quickly to fair housing related complaints. As part of its ongoing reporting, the City will provide a summary of complaints received and their resolution, as well as report on ongoing and new activities during the reporting period;
Action Steps – Please note that the LHAND has established a **Grievance Procedure** which is included in the Housing Choice Voucher Administrative Plan.
- *Disparate Homeownership Rates by Minorities* – The City and LHAND will continue to work to increase homeownership among low and moderate income households, especially minority households. As noted above, the rate of minority homeownership has been increasing in Lynn. As part of its ongoing reporting, the City will provide updated information on overall minority homeownership trends as well as minority composition of participants in City-sponsored homeownership programs. The City will also report on actions taken to address this impediment during the reporting period;
Action Steps – As a specific example, LHAND offers its First Time Homebuyers Class in other languages as needed to serve various minority groups (i.e. Hispanic, Southeast Asians). Additionally, LHAND offers all program related literature in several languages. Another result of these steps taken is the fact that LHAND's Family Self-Sufficiency

(FSS) and other homeownership programs have produced 109 First Time Homebuyers, over 65% of whom are minorities.

- *Disparate Levels of Participation in Housing Programs by Minority Groups* – Ongoing reporting will identify the level of participation in City and LHAND funded housing programs by minority group category. The City will also report on actions taken to address this impediment during the reporting period;
Action Steps – Specifically, LHAND will outreach to all minority groups, especially the Asian Community, to ensure participation in city funded housing and related programs. This may involved attending community meetings in Lynn’s neighborhoods, advertising in minority newspapers, and/or postings in cultural centers. In addition, the Neighborhood Services reception position is staffed by a bi-lingual employee – which facilitates the promoting of the programs to the minority community.
- *Economic Inequality* – The City will continue to promote the economic empowerment of low and moderate income residents by bringing new jobs into the City and by supporting job readiness, job training and job placement efforts. Ongoing reporting will identify the income status of residents served by City funded program activities as well as report on actions taken to address this impediment during the reporting period.;
Action Steps – LHAND also applies for resident initiative grants that help support public housing residents with job training, life skills training, case management and other services with the ultimate goal of becoming economically self-sufficient. As previously noted, 109 FSS families have completed the program by becoming homeowners.
- *Homelessness and Special Needs* – The City and LHAND will continue to support the McKinney/PACT collaborative and local community-based development organizations to promote a full range of housing options for special needs and homeless persons. Ongoing reporting will provide information on the persons served by category as well as persons provided with permanent and other housing types;
- **Action Steps** - LHAND has taken specific steps to alleviate the issues of homelessness by a) continuing to apply for NEW McKinney funds to provide housing for chronically homeless individuals; b) applying for renewal funds for the Shelter Plus Care program and several SHP Permanent & Transitional Housing Programs; and c) has either put on-line or preserved over 600 units of housing for the special needs population. Please note that LHAND acts as the LEAD agency for all McKinney funds in the city of Lynn – LHAND sub-contracts with service agencies for the provision of housing and services for the homeless population.

These efforts are vital to LHAND’s mission to eliminate housing discrimination, remove impediments to fair housing choice, and respond to discrimination complaints. In addition, LHAND intends to review this report and all relevant documents with the public at large through the Consolidated Plan hearing and meeting process. Public input regarding policies and procedures designed to eliminate impediments and improve fair housing choice will continue to be solicited and considered.

MINORITY OUTREACH PROGRAM

LHAND is committed to establishing a minority outreach program to ensure the inclusion, to the maximum extent possible, of minorities and women, and entities owned by minorities and

women, in order to facilitate the activities of LHAND to provide affordable housing authorized under the HOME or any other federal housing law applicable.

LHAND's minority outreach program includes:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprise;
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprise;
- Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and,
- Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.

ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

LHAND will provide information to families on how to fill out and file a HUD housing discrimination complaint form (HUD Form 903.1) when a family claims that there has been illegal discrimination because of race, color, religion, sex, national origin, age, familial status or disability that prevents the family from finding or leasing a suitable unit with assistance under the HCV program. In addition, LHAND will direct the family to report claims of suspected discrimination to HUD.

TRANSLATION OF DOCUMENTS

In accordance with Limited English Proficiency (LEP) regulations, LHAND will determine the feasibility of translating documents into other languages by evaluating the number of applicants/participants who require translation, the cost of translation and the availability of LHAND staff and/or outside organization resources to translate and explain documents, letters and forms to non-English speaking families.

In addition, HUD's website has many Section 8 Housing Choice Voucher Program documents translated and available in at least 10 languages, such as: Arabic, Cambodian, Chinese, Creole, French, Hmong, Korean, Russian, Spanish and Vietnamese. Forms such as the Housing Choice Voucher, Request for Tenancy Approval, HAP Contract, and Authorization for Release of Information are all available in these languages.

PRIVACY

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and

income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law. LHAND's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or the PHA may release the information collected.

Information that is obtained directly from applicants/participants or from those persons authorized by the applicant/participant will be used or disclosed only for purposes relating directly to the administration of the Housing Choice Voucher program.

PROGRAM ACCOUNTS AND RECORDS

LHAND will maintain complete and accurate accounts and other records for the program in accordance with HUD and State requirements, in a manner that permits quick and effective audit. Records will be in the form required by the State of Massachusetts and HUD, including requirements governing computerized or electronic forms of record keeping. In the case where the State and HUD requirements differ, LHAND will adhere to the most stringent policy. During the term of each assisted lease and for six years thereafter, LHAND will keep:

- A copy of the executed lease and HAP contracts
- The application from the family;
- HUD-required reports; unit inspection reports;
- Lead-based paint records as required by part 35, subpart B of this title;
- Accounts and other records supporting LHAND budget and financial statements for the program;
- Records to document the basis for LHAND determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract);
- Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;
- Other records specified by HUD;

LHAND will keep the following records for at least three years:

- Records from applicants who were denied admission including but not limited to, the application from each ineligible family and notice that the applicant is not eligible.

APPLICATION INTAKE & WAITING LIST

The waiting list will remain closed if the list has an adequate pool of applicants to maintain an optimal leasing rate. When Section 8 Applications are available they may be obtained from:

Office of Application Intake and Screening
Lynn Housing Authority
& Neighborhood Development
174 South Common Street
Lynn, Massachusetts 01905

Applications will be available for pick-up in person. Single copies of applications may be mailed upon request.

A Control Number will be assigned once the applicant household is added to the Waiting List. They will be notified by mail of their Control Number with an estimated date that their name will reach the top of the list.

An applicant household may consist of married or unmarried heads of household and their legal dependents. Unmarried heads of household must establish the stability of their relationship, which may be done by documentation of joint financial relationships or documentation of cohabitation of two years or longer. Adults who are related by blood or marriage may reside in the same household (e.g. an Uncle or Aunt, cousin or nephew). A single individual is considered a family under HUD regulations.

When assigned a control number, all households will be listed sequentially by preference category in a bound, pre-numbered book. The listing will include applicant name, date and time of application, control number, and the preferences declared at the time of application. Applicants will not be required to fully verify information submitted on or with their application until they are within an estimated ninety (90) days of being issued a Housing Choice Voucher.

In addition to the bound pre-numbered book, the Waiting List itself is contained on a database on the LHA's computer system and assignment is made based on the position of the household by preference categories.

ADVERTISING AND OUTREACH

In an effort to reach as broad a spectrum of applicants as possible, the LHAND will place advertisements in local, minority, and neighborhood newspapers. The LHAND may also submit press releases or feature articles describing the program to local media to generate public interest and awareness of its programs.

Advertisements announcing that LHAND will be accepting applications for Section 8 subsidy will include the dates and times applications will be accepted, the location and directions to the location at which applications will be accepted, and a brief description of the program and the income requirements for participation. The Equal Housing Opportunity logo will be displayed in all advertisements. Newspapers and local cable that may carry LHAND advertisements are:

- Daily Item

- Comcast

In addition to placing advertisements in newspapers, the LHAND may send notices and informational packets to agencies such as:

- Bridgewell (formerly Greater Lynn Mental Health & Retardation Association, Inc.)
- Catholic Charities North
- Community Minority Cultural Center
- Convent at Sacred Heart Church
- Department of Mental Health
- Greater Lynn Senior Services
- Helping Abused Women & Children
- Independent Living Center of the North Shore & Cape Ann, Inc.
- Lynn City Hall
- Lynn YMCA
- Lynn Shelter Association
- Lynn Community Health Center
- Lynn Economic Opportunity
- MA Rehab Commission
- Neighborhood Legal Services, Inc.
- Project Cope
- ROCA
- Serving People In Need
- St. Mary's Church
- St Stephen's Episcopal Church
- St. Pius Church
- Tri-City Mental Health & Retardation Center
- Visiting Nurses Association of Greater Lynn

NOTICES ARE POSTED IN ALL LHAND DEPARTMENTS.

Households that are least likely to apply for assistance, such as frail elderly, handicapped/disabled, and the working poor, will be contacted through special outreach efforts. Outreach to handicapped and disabled applicants who may benefit from dwelling units with special physical features may be done by accessing the listing of such units with the Massachusetts Rehabilitation Commission's Housing Registry.

To reach frail elders who may be unable to travel outside of their homes, the LHAND may send notices to the Council on Aging, the Visiting Nurses or other entities better suited for referring such households to the LHAND. Public agencies that serve a high percentage of minorities may be informed of the LHAND's Section 8 Programs so that they can refer their clients to the LHAND. Copies of the LHAND's advertisements and flyers will be sent to major local businesses so that they may post the LHAND advertisements and flyers in the workplace.

Outreach to owners and real estate agents to inform them of the Section 8 Programs may also be made. Extensive efforts will be undertaken to assure that owners and brokers of rental housing have a working knowledge of LHAND's Section 8 Programs, including dissemination of written information about the programs and offering periodic briefings to interested owners.

In addition, the LHAND will encourage participation by owners of suitable units located outside areas of low income or minority concentration through aggressive marketing and by conducting

landlord briefings and training programs with landlords, realtors, housing associations, and community organizations that deal with low income families. Program requirements will be explained at these briefings and questions will be encouraged. Program materials and information packets are always available upon request

Modifications will be made in the outreach procedures when statistics on application intake indicate that broader outreach or specific targeting is appropriate to meet Fair Housing or other program objectives.

When the Section 8 Waiting List is opened, staffing adjustments or hiring of temporary staff may be made if additional personnel are required to handle a large influx of applicants.

The Director of Rental Assistance Programs will compile a list of available dwelling units for rent and post this list at both the Rental Assistance and Admissions Offices. The list will include the location of the unit, the number of bedrooms, contact person, and a phone number. Special efforts will be made to recruit and encourage owners with handicap-accessible units to participate in LHAND's Section 8 Programs.

Bilingual materials or translation services will be made available upon request. Advance notice may be required when third party translation services are needed.

ACCEPTING APPLICATIONS / WAITING LIST CLOSING AND REOPENING

When an insufficient number of applicants are on the waiting list, the LHAND will advertise that it will be accepting applications for Section 8 assistance. It will conduct the activities as detailed in the Advertising and Outreach section of this Plan at least one month (30 calendar days) prior to opening the Section 8 Waiting List.

The notice of a re-opening will usually be combined as both a reopening and closing as the application period is generally one calendar month or less.

Upon re-opening the Section 8 Waiting List, LHAND will take new applications for a specified period of time of not less than five (5) working days. The Authority requires an applicant to complete a full application. Each application will be date and time stamped upon receipt. An application will require sufficient information so that a household can be placed on the Section 8 Waiting List. This minimum information must include but is not limited to the following:

- The name(s) of the Head of Household and all family members;
- An accurate residential and mailing address;
- All income and assets of household members

If an applicant requests and requires special assistance to complete the application because of a disability and the Authority's staff is unable to provide such assistance prior to the end of the application period, the LHAND will permit the applicant to be included in the Lottery on the basis of a reasonable accommodation as long as the application is complete within the allowed amount of time.

Applicants will be informed of the Waiting List process, the approximate length of the list, and the preferences governing the issuance of Housing Choice Vouchers. The LHAND will inform the family of the eligibility criteria, including applicable income limits, and other facts that may

affect the household's eligibility. In addition, the family may be provided with additional general information relative to the LHAND's administrative requirements for its Section 8 Program.

Applications made during a Section 8 Waiting List reopening which is 30 days or less in duration will be placed on the Section 8 Waiting List by use of a lottery and not by date and time of application submission. For Section 8 Waiting List re-openings of more than 30 days in duration, applicants will be placed on the list based on date and time of application submission.

Section 8 Waiting List re-openings will occur on an as needed basis. The Authority reserves the right to more frequently open the Waiting List or not at all, based on administrative necessity. This Administrative Plan places no obligation on the Authority to open its list at any point in time as long as a sufficient number of households are carried on the list to whom an offer of a Housing Choice Voucher can be made given annual turn-over.

For Waiting List re-openings of less than 30 days, the lottery to assign permanent control numbers will be held after the Waiting List has been closed. The lottery will be conducted by the Admissions Office with the Director of Admissions, or designee, and the LHAND Director of Operations or designee, in attendance. Applications returned and completed by the closing date will be organized by preference or standard category. Within each preference and standard category the LHAND will conduct a Lottery.

Once the new Waiting List has been finalized, all eligible applicants will be notified by letter of their control number and current place on the list.

Any applicant household on the remaining Waiting List prior to the re-opening of the Waiting List will retain its original control number. The new applicants will not be assisted until the existing applicants have been. In other words, the existing waiting list must be depleted of all applicants prior to issuing new Vouchers to applicants on the new waiting list. Control numbers used by the LHAND have been developed to indicate a program, a year of application as well as a unique numeric sequence.

Applications received after the time period specified for the Waiting List opening will not be added to the Waiting List Lottery.

Applicants cannot be members, officers, or LHAND employees who hold administrative positions overseeing the Section 8 program, or public officials or members of local governing bodies whose functions or responsibilities relate to the Section 8 program.

At least once every two years, the Waiting List will be updated. A Waiting List Update Notice will be mailed by first class mail to each household on the Waiting List. The notice will clearly explain that the update form must be completed and returned to LHAND within the specified time period, and will notify the applicant that failure to respond to the update request will result in withdrawal of their household's application for subsidy from the Waiting List.

During the application intake process, applicants are informed that it is their responsibility to inform the authority of any change of address and that any notification mailed to an applicant and returned undeliverable will cause the application to be withdrawn from the Waiting List. Applicants who have been withdrawn from the Waiting List because notifications have been returned undeliverable, or because of failure to respond to the update, must wait for the next Waiting List reopening to reapply.

WAITING LIST CHANGES IN STATUS

A household's status may change while on the Waiting List. Changes to the household's status may result in the family's application for rental subsidy being moved up or down on the Waiting List, depending on specific preference category changes.

If an applicant certifies the household is eligible for a specific preference, but at the time when verifications are completed (just prior to issuance of a Housing Choice Voucher) the family is determined to be ineligible for the preference, the LHAND will determine if the family is eligible for a preference in any other category.

If the family is still eligible for a preference, but in a different category than the one initially chosen, the family will continue to be eligible for program assistance but the application's control number, with an asterisk, will be placed at the bottom of their new preference category. However, if LHAND determines the family is not eligible for a preference in any category, the family's application will be placed at the bottom of the standard Waiting List for the year in which they applied and an asterisk next to their control number. Any control number with an asterisk will indicate that an explanation is detailed in the appropriate section of the hand-written waiting list.

REMOVAL FROM THE WAITING LIST

Applications of households who are determined to be ineligible for initial program participation will be removed from the Waiting List. Consistent with the requirements of 24 CFR 982.554, the LHAND will give an applicant written notice of any decision denying assistance to the applicant as soon as the final determination of eligibility is completed. The notice will include the reason for the denial of eligibility.

The notice will allow the family to request an informal review of the decision if it is requested in writing within 20 working days of receipt of the notice of ineligibility. Any such request must be delivered in person or via U.S. mail to the Authority. In addition, applicants who do not respond to periodic waiting list updates will be removed from the Waiting List.

LOCAL PREFERENCES

For the Section 8 Program, the local preferences are:

- FUP Youth
- Lynn Resident
- Working Family
- Victim of Domestic Abuse

Family Unification Program (FUP) preference will be given to FUP Youth participants who are approaching their 18 month time limit on FUP Voucher Assistance. This preference will be given in an effort to permit the FUP Youth to retain rental assistance under the regular HCV Program.

Lynn Residency preference will require proof that the applicant lives, works, or has been hired to work in Lynn. The applicant must present verification demonstrating residence in Lynn by providing a lease, a driver's license, or a utility bill with the applicant's name and address; or due to involuntary placement in a homeless shelter or medical facility, must present verification demonstrating last permanent address was Lynn. The applicant must present verification

demonstrating the applicant works or has been notified that they are hired to work in Lynn by providing proof of employment in Lynn or the notification that they are hired to work in Lynn at the time the applicant is called from the Waiting List. The LHAND will provide accommodation to persons with disabilities and allow them to provide other forms of verification.

Working Family preference will require verification from an employer that at least the Head of Household, Spouse or Co-Head is employed in a permanent position. A permanent position is defined as one anticipated to exist for at least twelve months. Working households will be permitted to certify to their status pending third party verification. The applicant household shall be given the benefit of this preference if the head, spouse, co-head or sole member, are age 62 or older or are receiving Social Security Disability, Supplemental Security Income, disability benefits, unemployment benefits or any other payments based on an individual's inability to work, or who are enrolled in an educational or job training program.

Obtaining a domestic abuse preference will require third party documentation of the situation (e.g. police reports) and demonstration that efforts to prevent the abuse have occurred (e.g. restraining orders). Domestic abuse means actual or threatened physical violence directed against 1 or more members of the applicant family by a spouse or other member of the applicant household. Victims of Domestic Abuse will be required to fully verify their status at the time the applicant is called from the Waiting List.

For purposes of Waiting List Management, a FUP Youth will be given seventeen (17) points, a Lynn Resident will be given ten (10) points, a household which is a Working Family will be given five (5) points, and a Victim of Domestic Abuse will be given one (1) point.

SUBSIDY STANDARDS & PAYMENT STANDARDS

PROGRAM SUBSIDY STANDARDS

According to 24 CFR 982.402 - The subsidy standards must provide for the smallest numbers of bedrooms needed to house a family without overcrowding.

The subsidy standards must be consistent with space requirements under the Housing Quality Standards and MA State Sanitary Code.

Families will be assigned vouchers in accordance with the following table:

Number of Bedrooms	Minimum Persons	Maximum Persons
0	1	2
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10
6	6	12

For purposes of determining subsidy standards, an adult is a person who is 18 years of age or older.

Adults will be allocated one bedroom per adult. If two adults consider themselves partners they will be allocated one bedroom.

A single parent head of household will not be required to share a bedroom with their child, although they may do so at the request of the family. However a single parent minor member of the household will be required to share a bedroom with their child.

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

A single pregnant woman with no other children in the household will be allocated two bedrooms. Pregnant women with other family members will be allocated sufficient bedrooms to accommodate the new baby if the birth would result in the family being under housed.

Children of the opposite gender who are six or older will be allocated one bedroom each. Although they may share a room at the request of the family.

Two children of the same gender, regardless of age differential, will share one bedroom. This includes children of blended families, who may have different parents.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size. If the placement is not temporary and the goal of foster care placement is eventually adoption by another family and the child does not rejoin the household within the first twelve months of program participation, the LHAND will notify the household that they may be over housed.

Children specified in joint custody agreement will be considered family members if the agreement specifies that they live with the parent at least 183 days a year.

Any live in aide approved by the LHAND to reside in the unit to care for a family member who is elderly, near-elderly or disabled will be counted in determining the family unit size.

Unless a live-in aide resides with the family, the family voucher size for any family consisting of a single person must be either a zero or one bedroom unit.

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

A household member who is required by employment to be away from the household for long periods of time but whose income is included in the determination of income eligibility will be counted for purposes of determining the maximum FMR applicable.

EXCEPTION SUBSIDY STANDARDS

A family holding a Housing Choice Voucher may rent a unit of any size that meets space requirements of the Housing Quality Standards and the State Sanitary Code and maximum initial rent burden requirements. The utility allowance used will be for the actual size of the dwelling unit. LHAND will apply the lower of the payment standard for the actual unit size or authorized voucher size.

LHAND may grant an exception to its established Subsidy Standards if LHAND determines that the exception is justified by the age, sex, health, disability or relationship of family members or other personal circumstances. Requests for exceptions to the Subsidy Standards must be submitted in writing. At the request of the participant, LHAND will consider exceptions to the Subsidy Standards. Such a request may be approved if LHAND determines that the proposed exception:

- Is necessary to provide additional space needed by the household that is not provided for in the LHAND's Subsidy Standards and Policies. This may include a request for a larger size unit due to the need for reasonable accommodations. It is the applicant's/participant's responsibility to provide third party verification documenting the need for an exception to the Subsidy Standards to the satisfaction of LHAND.

UNDER-HOUSED PROGRAM PARTICIPANTS

When a unit is over-crowded, according to 24 CFR 982.403, it is not considered decent, safe & sanitary and the LHAND will then issue a larger bedroom size Housing Choice Voucher. For households in the program for less than twelve months, the Housing Choice Voucher for the larger size unit will be issued in conjunction with the annual eligibility re-exam.

When issued a Housing Choice Voucher for a larger unit, the household must move if an appropriate unit is available. If the household chooses not to move and a unit of the appropriate size and housing quality is available, then the LHAND will suspend and terminate assistance.

OVER-HOUSED PROGRAM PARTICIPANTS

When a household is over-housed, LHAND will notify the household of the need for LHAND to lower the Payment Standard for the Housing Choice Voucher or issue a voucher for the tenant to move to a smaller unit.

VOUCHER PAYMENT STANDARDS

The LHAND Payment Standard has been established at 100% of the published FMR. The LHAND will automatically update the Payment Standard to 100% of new FMRs when they change or unless otherwise mandated by HUD. The effective date of the change will be consistent with the published effective date of the FMRs, generally October 1st.

The LHAND was mandated by DHCD to establish the Payment Standard at 110% for the DHCD programs we administer in the City of Lynn. This Payment Standard determination was made to help enable the extremely low-income families to secure and pay for decent affordable housing in competitive rental market neighborhoods as well as increase their housing choices and opportunities in areas with low concentrations of poverty.

The LHAND will monitor these Payment Standards to ensure that they are serving their purpose efficiently and accurately.

The Payment Standard that applies to a household when their initial lease is approved is the Payment Standard in effect when the lease is approved and executed by the tenant and owner. The Payment Standard that applies to a household when a scheduled recertification occurs is the Payment Standard in effect when all reexamination documents have been received and the recertification information is entered into the computer system. The Payment Standard that applies to a household during an interim recertification is the Payment Standard which was in effect at the last regular recertification. (See section below for application of Payment Standards when the Payment Standard has decreased).

The Payment Standard will be the lower of:

- The Payment Standard amount for the family voucher size; or
- The Payment Standard amount for the size of the dwelling unit rented by the family.

LHAND may seek HUD approval on Payment Standard amounts that are higher than the basic range for a designated part of the fair market rent area (exception area). LHAND will establish exception Payment Standards in accordance with the regulation at 24 CFR 982.503.

Decreases in Payment Standards

If the amount on the Payment Standard schedule is decreased during the term of the HAP contract, the lower Payment Standard generally will be used beginning at the effective date of the family's second regular reexamination following the effective date of the decrease in the Payment Standard. LHAND will determine the Payment Standard for the family as follows:

Step 1: At the first regular reexamination following the decrease in the Payment Standard, LHAND will determine the Payment Standard for the family using the lower of the Payment Standard for the family voucher size or the size of the dwelling unit rented by the family.

Step 2: LHAND will compare the Payment Standard from step 1 to the Payment Standard last used to calculate the monthly housing assistance payment for the family. The Payment Standard used by LHAND at the first regular reexamination following the decrease in the Payment Standard will be the higher of these two Payment Standards. LHAND will advise the family that the application of the lower Payment Standard will be deferred until the second regular reexamination following the effective date of the decrease in the Payment Standard.

Step 3: At the second regular reexamination following the decrease in the Payment Standard, the lower Payment Standard will be used to calculate the monthly housing assistance payment for the family unless LHAND has subsequently increased the Payment Standard, in which case the Payment Standard will be determined in accordance with procedures for increases in Payment Standards described below.

Increases in Payment Standards

If the Payment Standard is increased during the term of the HAP contract, the increased Payment Standard will be used to calculate the monthly housing assistance payment for the family beginning on the effective date of the family's first regular reexamination on or after the effective date of the increase in the Payment Standard. Families requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher Payment Standard until their next scheduled reexamination.

Changes in Family Voucher size

Irrespective of any increase or decrease in the Payment Standard, if the family voucher size increases or decreases during the HAP contract term, the new family voucher size must be used to determine the Payment Standard for the family beginning at the family's first regular reexamination following the change in family voucher size.

Reasonable Accommodation

If a family requires a higher Payment Standard as a reasonable accommodation for a family member who is a person with disabilities, LHAND is allowed to establish a higher Payment Standard for the family within the basic range.

ELIGIBILITY

DETERMINATION OF ELIGIBILITY

The LHAND will inform the family of the eligibility criteria, including applicable income limits, and other facts, such as the family size and type which may affect the family's eligibility. In addition, the family will be provided with general information about the Section 8 program.

At the time of initial application, households who are determined to be eligible or properly certify to their eligibility will be placed on the Waiting List according to the procedures for Waiting List Openings.

As the household nears the top of the Waiting List, LHAND staff will schedule the family for an interview at which time the family will be required to provide documentation verifying their eligibility for any preferences, as well as provide LHAND with verification of income, assets, deductions, disability status, elderly status, social security numbers, citizenship or immigration status, and family composition, as applicable.

After the interview and when the Authority has received all documentation, the staff will determine whether the family is eligible to participate in the program in accordance with current Section 8 regulations and administrative guidelines. A determination will be made of the applicant's family composition, appropriate bedroom size, anticipated income, and the family's approximate share of rent or Total Tenant Payment (TTP) and estimated amount of subsidy.

All determinations of income eligibility will be made in conformance with the appropriate regulations listed in Title 24 CFR. All determinations of eligibility based on household composition will be made in conformance with the appropriate regulations listed in Title 24 CFR.

LHAND will only admit eligible families to the Section 8 program. To be eligible, the applicant must be a family as defined in the regulations, must be income eligible as defined in the regulations and must meet any LHAND requirements regarding history of drug activities or money owed for participation in a housing program.

The LHAND will utilize the Criminal Offender Record Information (CORI) System which is maintained by the Criminal History Systems Board as allowed under 803 Code of Massachusetts Regulations. The applicant will be informed of this verification step. CORI will only be used as part of the final review of the application in order to determine if the household is program qualified. Requesting, reviewing and retaining of all CORI records are done in a confidential manner (a locked file). The LHAND will share any CORI record used as a basis for denial of program qualification with the applicant as part of any meeting to discuss a finding of not program qualified. (See LHAND CORI/SORI Policy)

The LHAND will also utilize the Sex Offender Registry Board as allowed under 803 Code of Massachusetts Regulations. (See LHAND CORI/SORI Policy)

ELIGIBLE IMMIGRANT STATUS

Effective June 19, 1995, access to all federal housing subsidy (Section 8 and Public Housing) is contingent on possession of U.S. Citizenship or Eligible Immigrant Status by all household

members. This requirement was established by Section 214 of the Housing and Community Development Act of 1980 and is in 24 CFR Part 5, Subpart E.

This means that in order to be eligible for housing subsidy each member of a household will need to sign a declaration for the Authority under pains and penalty of perjury that he or she is either a U.S. Citizen or possesses and can document Eligible Immigrant Status. This includes all children under 18 years of age for whom an adult guardian will be requested to sign the declaration.

For U.S. citizens and Nationals (those born in a U.S. Territory or Possession) and eligible immigrants over 62 years of age, execution of the certification is the end of the process as no further verification is required by regulation.

Eligible Immigrants are those who fall into one of the following immigration categories:

- Permanent Resident Alien;
- Refugee pursuant to Section 207 of the INA;
- Section 208 of the INA or "asylum";
- Section 243(h) of the INA or "deportation stayed by the Attorney General";
- Paroled pursuant to Section 212(d)(5) of the INA;
- a final court decision granting asylum which is not under appeal by the INS;
- a Letter of Asylum;
- a court decision on INS letter withholding deportation;
- temporary resident status under Section 245A or 210; or
- employment authorization under Section 2741.12(11) or Section 274a.12.

Individuals who are eligible immigrants will be required to sign a declaration of Eligible Immigrant Status and, if they are under 62 years of age, provide evidence of the declared status in the form of an original Immigration and Naturalization Service (INS) document or legal correspondence. Each individual in the household will need to sign a consent form authorizing the Housing Authority to verify each individual's status with the INS. Guardians will need to certify for minors. Failure or refusal to execute the declaration will lead to loss of that individual's right to housing subsidy.

Primary verification of the immigration status of the person is conducted through the INS automated system SAVE (Systematic Alien Verification for Entitlements).

Assistance will not be delayed or denied during the verification process provided that the cause of the delay is not the applicant household.

If the INS cannot verify the Eligible Immigrant Status, the household will be notified of its right to appeal. This notification of the right to appeal will occur if the computer search and manual document search of INS records have been completed without a declaration being verified.

FAMILY STATUS

A "Family" includes but is not limited to:

- Two or more persons who maintain an interdependent relationship and whose income and resources are available to meet the family's needs and who have a history as a family unit or show evidence of a stable family relationship; or
- A group of persons consisting of two or more elderly persons or disabled persons living together; or
- One or more elderly or disabled persons living with one or more live-in aides.
- An elderly or disabled single person with one or more live-in aides, or
- An elderly single person (62 years of age or older), or
- A disabled single person, or
- A displaced single person, or
- Any other single person.

CHANGES IN HEAD OF HOUSEHOLD

For existing families on the Waiting List, if the Head of Household (applicant) at the time of pre-application, is no longer present when the family is called from the Waiting List, LHAND will service remaining family members who can verify their relationship to the applicant.

FAMILY MEMBERS

Family member shall mean:

- A member of the immediate family;
- A person for whom the head of household can prove legal guardianship;
- A person for whom the head of household can prove a relationship based on dependency, blood or marriage; (dependency and blood will only be applicable at eligibility, not for continued occupancy)
- A child who is temporarily away from home due to placement in foster care or other non-permanent situation may be considered a member of the family.

ADULT HEAD OF HOUSEHOLD

The Head of Household must be age eighteen (18) or older or an emancipated minor, who is income eligible and has a social security number. The Head of Household is designated by the family as head, is wholly or partly responsible for paying the rent and has the legal capacity to enter into a lease under State and local law.

SPOUSE HEAD OF HOUSEHOLD

Spouse means the husband or wife of the head. For proper application of the Non-Citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

CO-HEAD OF HOUSEHOLD

An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

LIVE-IN AIDES

A health care provider must document the need for a live-in aide (which would result in the issuance of an additional bedroom size voucher), and the live-in aide must be identified by the family and approved by the LHAND first. The live-in aide must first meet the definition outlined in the CFR.

The definition of a live-in aide is recorded in 24 CFR Section 5.403 which states that a live-in aide is a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is:

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

It should be noted that the definition applies to a specific person. In accordance with this definition, a live-in aide is not a member of the assisted family, is not entitled to the HCV as a remaining member of the tenant family and their income will not be counted for purposes of determining eligibility or level of benefits.

In accordance with 24 CFR Section 982.316, the PHA must approve the person identified as the live-in aide. The PHA may disapprove such a person if s/he has: (1) committed fraud, bribery or any other corrupt criminal act in connection with any federal housing program; (2) committed drug-related criminal activity or violent criminal activity; or (3) currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

The live-in aide must provide verification of citizenship or eligible immigration status and social security number.

They must pass a Criminal Offender Record Inquiry (CORI) and a Sex Offender Record Inquiry (SORI).

SPLIT HOUSEHOLDS PRIOR TO VOUCHER ISSUANCE

When a family on the Waiting List splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the Waiting List, and there is no court determination, LHAND will make the decision taking into consideration the following factors:

- Which family member applied as Head of Household.
- Which family unit retains the children or any disabled or elderly members.
- Restrictions that were in place at the time the family applied.
- Role of domestic violence in the split.

- Recommendations of social service agencies or qualified professionals such as children's protective services.

MULTIPLE FAMILIES IN THE SAME HOUSEHOLD

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children) if they apply as a family unit, they will be treated as a family unit.

JOINT CUSTODY OF THE SAME CHILDREN

Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

- There will be a self-certification required of families who claim joint custody or temporary guardianship.
- When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

OWNER OCCUPANT RESTRICTIONS

LHAND cannot assist applicants/participants who own or have a financial interest in the dwelling unit they intend to rent. (Exception provision is when a unit owned as a cooperative, an applicant/participant who is a member of the cooperative may receive HCV Rental Assistance, provided they meet all other eligibility requirements.) LHAND will not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the Voucher holder's family, unless LHAND determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This restriction only applies at the time a family initially receives tenant-based assistance for occupancy of a particular unit, but does not apply to LHAND's approval of a new tenancy with continued tenant-based assistance in the same unit. "Owner" includes a principal or other interested party.

INCOME TARGETING REQUIREMENTS

The LHAND is required by federal regulations to have at least 75 percent of the families selected from the HCV waiting list, to be admitted to the LHAND's HCV Programs during the fiscal year, must be extremely low income. Extremely low income families are those whose annual gross incomes are at or below 30 percent of the area median income as determined by HUD.

VOUCHERS

ISSUANCE OF HOUSING CHOICE VOUCHER

A Housing Choice Voucher is issued in conjunction with attendance at a Section 8 Program Briefing Session. Vouchers will no longer be issued when LHAND has made a determination that there is insufficient funding to support new leasing.

VOUCHER TERM

The initial term of the voucher is 60 days. The date of issuance and expiration is documented.

EXTENSION OF VOUCHER TERM

An applicant who cannot find a suitable unit within 60 days after a Voucher is issued, but who intends to continue to look for one must make a written request for a sixty-day extension. Requests for extensions must include a written justification for the extension. Recipients may be asked to maintain a record of their housing searches with comments as to why particular units were not selected. All requests for extensions must be made prior to the sixty-day expiration date of the initial Voucher term. LHAND will provide written notification to applicants as to the outcome of their extension request. In making a determination on the approval of an extension request, LHAND will review the applicant's justification and analyze Voucher utilization data, ensuring at all times that leasing goals and requirements are considered. LHAND may approve Voucher extensions beyond one hundred and twenty days at its discretion based upon review.

If the family needs and requests an extension of the initial Voucher term as a reasonable accommodation, in accordance with HUD regulations, to make the program accessible to a family member who is a person with disabilities, LHAND will extend the Voucher term up to the term reasonably required for that purpose. LHAND may also grant extensions to assist families whose size or special requirements make finding a unit difficult.

SUSPENSION OF THE VOUCHER TERM

Suspension of the voucher or stopping the clock on the term of the voucher occurs after the family submits a Request for Tenancy Approval. The period of time for the suspension will be the time between the date the RFTA is submitted and the date of the final inspection. Suspension of the voucher will not exceed 120 days.

For units located in Lynn, a request for a freeze in the housing search period must be followed by the submission of a Request for Tenancy Approval. The RFTA must be accompanied by all required documentation from the owner by the end of the second full business day. For units located in other communities, the household must both notify the LHAND and the local Section 8 Program administrator to whom the RFTA is to be submitted. Failure to submit the RFTA within the period stated or other delays in asking for lease approval will keep the clock tolling for housing search, and no retroactive freeze will be implemented.

Suspensions for other reasons are as follows:

- A family member becomes temporarily confined to a hospital or nursing home.
- A family member is admitted to a rehabilitation program.
- Other situations beyond the family's control that prevent them from searching.

A household may submit only one Request for Tenancy Approval at a time. Failure to submit the RFTA within the period stated or other delays in asking for lease approval will keep the clock tolling for housing search, and no retroactive freeze will be implemented.

GENERAL ASSISTANCE DURING HOUSING SEARCH

General assistance to families during the period between issuance of the Housing Choice Voucher and the approval and execution of the lease includes maintaining listings of available rentals provided by landlords, and the availability of Case Representative for personal or telephone conferences to clarify any questions that may have developed since issuance of the Voucher. Where possible and effective, additional assistance will be provided to large families and minorities.

BRIEFING OF FAMILIES AND ISSUING OF HOUSING CHOICE VOUCHERS

Upon selection, the Head(s) of Household will be scheduled for a mandatory Briefing Session. A household may bring an individual who is not a household member to assist in translation or interpretation of the information provided. Individuals with a disability may have another individual attend the Briefing Session on their behalf if and only if the individual provides documentation of their inability to attend and provides the name in writing of the individual who will attend the session in their place.

Briefings will cover such areas as general program information, family allowances and rent calculations, apartment search, responsibilities of both owner and tenant, discrimination, mobility and portability, lead paint laws, housing quality standards and the incentive under the housing voucher program for selecting a unit renting for less than the Applicable Payment Standard. Lease negotiations, family obligations, requirements and responsibilities will also be addressed in the briefing session.

Families will be briefed of their rights under the Housing Choice Voucher Programs to move anywhere in the Country with the following exception:

- Families who received the Lynn Residency Preference for either living or working in Lynn must reside in Lynn's jurisdictional area for the first twelve months of subsidy.
- Families who did not receive the Lynn Residency Preference for either living or working in Lynn and who do not reside in Lynn at the time they receive their voucher will not have to relocate to Lynn.

Voucher holders will receive information on Equal Opportunity and Fair Housing Laws. This will be provided by handout material and discussion. Procedures to be taken when housing discrimination is encountered will be discussed during these sessions. Families will be given information on where and how to file a discrimination complaint and will be encouraged to immediately notify the LHAND if they encounter discrimination.

The following materials will be included in the briefing packet given to each applicant:

- Summary of the Housing Choice Voucher (HCV) Program
- Initial Term of a HCV and extensions and suspensions
- Grounds for denial of assistance; screening for eligibility
- Procedure for Informal Review for applicants
- Reasonable accommodations
- Agency list for disabled/handicapped families
- Subsidy standards and exceptions
- Determination of Payment Standards
- Explanation of calculation of Total Tenant Payment
- Determination of Housing Assistance Payments
- Rent Reasonableness policy
- Where a family may lease a unit; Portability
- Family Self-Sufficiency Program
- Think about this – is fraud worth it? form HUD-1141
- A Good Place to Live – form HUD-593-PIH
- Fair Housing – form HUD-1686-1FHCO
- Advisory on Discrimination Against Tenants Receiving Subsidies
- Housing Discrimination – form HUD 903.1
- Protect your family from lead in your home
- Family Obligations under the HCV Program
- Information on applicant households available to owner
- What to do when you find a place to live
- Landlord list of available units and a housing search log
- Tenancy Addendum – form HUD 52641-A
- Request for Tenancy Approval – form HUD 52517
- Violence Against Women Act (VAWA) brochure

VERIFICATION

VERIFICATION OF INCOME

LHAND is required to obtain and document, in the family files, verification of the preferences claimed for admission to the program, social security numbers, immigration status, reported family income, the value of assets, expenses related to deductions from annual income and other factors that affect the determination of adjusted income, rent and eligibility.

GENERAL VERIFICATION REQUIREMENTS

It is required that all adult applicants and participants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and LHAND may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. If any family member who is required to sign a consent form fails to do so, LHAND will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with LHAND procedures.

LEVELS OF VERIFICATION

LHAND will verify information through the five methods of verification acceptable to HUD in the following order (see Desk Guide/Verification Section for procedures):

- Enterprise Income Verification (EIV) (may include electronic verification from the following sources, but is not limited to these sources: HUD's TASS system, Department of Labor, Information on TANF benefits from the State)
- Third-Party Written Verification
- Third Party Oral Verification may be used provided the same verification form (third party written verification form) is used and completed in accordance with LHAND procedures
- Review of Documents
- Tenant Declaration

REQUIREMENTS FOR ACCEPTABLE DOCUMENTS

- Any documents supplied by the tenant/applicant used for verification must be the original (not photocopies) and generally must be dated within 60 calendar days for admissions and 120 calendar days for recertifications of the date they are provided to LHAND. The documents supplied by the tenant/applicant must not be damaged, altered or in any way illegible.

- If a tenant/applicant supplied document represents the most recent scheduled report, LHAND will accept those documents dated up to 6 months before the effective date of the admission/reexamination. For example, if the holder of a pension annuity provides semi-annual reports, LHAND would accept the most recent report.
- For verification of wages using review of tenant provided documents LHAND requires 4 pays stubs for weekly pay, 2 pay stubs for bi-weekly pay and 1 pay stub for monthly pay. The pay stubs should be consecutive and no more than 60 days old for applicants and 120 days old for current participants.
- LHAND staff members who view the original documents supplied by the tenant/applicant must make a photocopy and time/date stamp the document to reflect the time period the original was reviewed by LHAND.
- Any tenant declaration must be made in a format acceptable to LHAND and must be signed in the presence of a notary public and include a perjury statement.

VERIFICATION REQUIREMENTS

- LHAND will have applicants sign and date the release statement on each third party verification form or will attach the LHAND Release of Information to the Third Party Form.
- Each applicant will be required to bring in birth records of family members to verify family relationship.
- The timing of verification is critical; if more than 60 days elapse between the date of verification and the issuance of a voucher for initial admission, the item must be re-verified.
- If the family does not report any changes from the originally submitted information, LHAND will not re-verify information before signing the HAP contract, even if verification is more than 60 days old.
- LHAND will maintain the validity of verification for 90 days from the date of receipt
- LHAND may mail or fax third-party written verification requests and will accept third-party responses using any of these methods.
- LHAND will utilize Enterprise Income Verification when available prior to seeking written third party verification.
- LHAND will make two attempts to obtain any/all forms of third party verification before relying on another method. A record of each attempt to contact the third-party source (including no-answer calls) and all contacts with the source will be documented in the file.
- The first attempt for third party verification will be a written request. LHAND will allow ten business days from the date of the written verification request before making the second request for third party verification. If a response has not been received by the 11th business day from the date of the first request, LHAND will make a second request for third party verification, which may be written or oral.

- LHAND will allow ten business days from the date of the second request for third party verification before using the next method of verification (document review). If a response has not been received by the eleventh business day from the date of the second request, LHAND will use tenant provided documents for verification.
- If tenant provided documents are not already on file, LHAND will request that the tenant provide the appropriate verification documents. LHAND will allow five business days from the date of the tenant request for document review before using the next method of verification (tenant declaration). If a response has not been received by the sixth business day from the date of the request, LHAND will request a tenant declaration for verification.
- Tenant declaration may be made in the form of a notarized statement or affidavit from the tenant which includes a perjury statement.
- LHAND will diligently seek third-party verification using a combination of written and oral requests to verification sources. Information received orally from third parties may be used either to clarify information provided in writing by the third party or as independent verification when written third-party verification is not received in a timely fashion.
- If third party verification is not used, LHAND will document the file with the reasons that third party verification was not available
- If third party verification significantly differs from tenant provided documents, LHAND will use the higher of the two. Resolution will be documented in the file to leave a clear audit trail. Substantial difference is defined as a difference of \$200 or more per month or more between tenant-provided documents and third party documents.
- Regarding third-party oral verification, LHAND will record the telephone number used, and the facts provided on the appropriate oral verification forms. The third party verification form is completed orally and attached to the Oral Verification form. In addition, the oral verification form is documented with all attempts to obtain oral verification.
- When third-party verification has been requested and the timeframes for submission have been exceeded, LHAND will use the information from tenant provided documents on a provisional basis. If LHAND later receives third-party verification that significantly differs (\$200 or more per month) from the amounts used in income and rent determinations and it is past the deadline for processing the reexamination, LHAND will conduct an interim reexamination to adjust the figures used for the most recently completed reexamination.
- LHAND will determine that third party verification is not available when there is a service charge for verifying income, an asset or expense *and* the family has original documents that provide the necessary information.
- LHAND will determine that third party verification is not available where an agency refuses to respond to requests for third party verification, i.e. Social Security Administration.
- Tenant declaration may be used when attempts to obtain third party verification have failed and/or if there are not appropriate documents available to verify applicant income information. If the family cannot provide original documents, a tenant declaration will be acceptable as the only means of verification.

MISREPRESENTATION

Any material misrepresentation on the part of an applicant/tenant revealed through the application/recertification process or otherwise, will result in a determination of ineligibility or termination from the program in the case of existing tenants. The applicant/tenant shall be notified in writing of such determination by LHAND and will be given the opportunity for an informal review of the matter.

INCOME AND RENT

CALCULATION OF THE TOTAL TENANT PAYMENT

Determination of TTP will be made using the requirements of 24 CFR Part 5. The TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30% of the family's monthly adjusted income
- 10% of the family's monthly income
- If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is designated for housing; or
- Minimum rent, in accordance with applicable provisions of 24 CFR Part 5.

MINIMUM RENT

The establishment of a minimum rent provides a mechanism for families to make some rental contribution toward their housing. LHAND will address any hardship issues for Section 8 families on minimum rent. Minimum Rent established for the Section 8 Programs is \$50. This minimum rent includes tenant rent plus any utility allowances.

Minimum Rent guidelines include the following:

- Participants will continue to provide verification of annual income;
- Families claiming zero income may be required to substantiate that claim every 90 days;
- LHAND will retain the current system of utility allowances for Section 8 participants who are responsible for utility payments.

FINANCIAL HARDSHIP EXEMPTION FROM MINIMUM RENT

The Executive Director, or his designee, is authorized to address any hardship issues that may result. Such issues may be addressed by permitting the review board to grant exceptions due to unique or extraordinary circumstances or to foster family self-sufficiency goals, changing the transition period or implementation of other administrative measures necessary to address issues of equity or fairness.

To address hardship issues LHAND will:

- Establish a review board for the Section 8 program to examine any claim of hardship that results from the minimum rent. The review board will take into consideration the prospect of eviction, family circumstances such as loss of employment, death, etc. and HUD Financial Hardship exemptions when considering exemptions from minimum rent.

- If a family requests a financial hardship exemption, LHAND will suspend the minimum rent requirement beginning the month following the family's request for a hardship exemption until LHAND determines whether there is a qualifying financial hardship, and whether such hardship is temporary or long term. LHAND will render a decision on the hardship exemption from minimum rent within thirty days from the family's request. Upon review of the family's request for a financial hardship exemption, LHAND will determine whether to reinstate the minimum rent requirement, suspend the minimum requirement for a temporary period or exempt the family from the minimum rent requirement. Further, LHAND will make a determination on the effective date of the reinstatement of the minimum rent requirement and the amount of back rent owed, if applicable. LHAND will follow HUD guidelines for financial hardship exemptions from minimum rent.

ANNUAL INCOME

As listed in the Code of Federal Regulations, annual income will include the gross amount of all income, which is anticipated to be received for 12 months following the effective date of certification or recertification. This includes head, spouse, and all family members including full-time students 18 years of age or older. It also includes unearned income of family members less than 18 years of age.

A full list of income inclusions and exclusions are in Exhibit 5-2 of the Guidebook 7420.1G and should be reviewed carefully by LHAND staff.

Annualize anticipated annual income using the following:

- Multiply hourly wages by the number of hours worked per year.
- Multiply weekly wages by 52.
- Multiply bi-weekly wages (paid every other week) by 26.
- Multiply semi-monthly wages (paid twice each month) by 24.
- Multiply monthly wages by 12.

Two acceptable methods of calculating anticipated annual income are:

- Calculating projected annual income by annualizing current income; or
- Using information available to average anticipated income from all known sources when the sources are expected to change during the year.

ASSETS

- If net family assets are \$5,000 or less, the LHA will count as income the actual income earned from all assets.
- If net family assets exceed \$5,000, the LHA will count as income the greater of the actual income from assets or the amount the family would have received if all assets had been invested at the current passbook rate.

Third party verification of savings and/or checking accounts must show where the money is held, what type of account, and the interest rate – if any. Use the current balance in savings accounts, average monthly balance in checking accounts for last 6 months.

In determining net family assets, the LHAND will include the value of any assets disposed of by an applicant for less than fair market value during the two years preceding the date of certification or recertification in excess of the consideration received therefore. This will include disposition in trust, but not in a foreclosure or bankruptcy sale. If disposition of assets is part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if other important, although non-monetary, consideration is received.

DEDUCTIONS

The following will apply:

- \$480 for each dependent who is under 18 years of age; or is a full-time student of any age at traditional educational institutions or vocational training; or is a disabled or handicapped person. Neither the head of household nor the spouse nor foster children may qualify as dependents under any circumstances.
- \$400 for each elderly household. Only one deduction is permitted for each household in which the head, the spouse or the sole member is a person who is 62 years of age or older, or disabled or handicapped.
- Unreimbursed medical expenses in excess of 3 percent of annual income for any elderly or disabled household. Medical expenses for every member of the elderly household may be included. Medical expenses are those medical expenses including medical insurance premiums that are anticipated during the period for which annual income is computed and that are not covered by insurance. (A household is considered to be an elderly household only if the head or spouse of the sole member is elderly, handicapped, or disabled.)
- Unreimbursed handicapped assistance expenses for care attendants or auxiliary apparatus in excess of 3% of annual income when such expenses are necessary to enable a family member (including the handicapped member) to be gainfully employed. The amount deducted will not exceed the amount of income from such employment. If a family has both medical expenses and handicap assistance expenses, 3 percent of annual income must be deducted from the handicapped assistance expenses first.
- Childcare expenses anticipated to be paid for the care of children age 12 or under, where the care is necessary for a family member to be gainfully employed, to seek employment actively or to further his/her education. The amount deducted will be reasonable and will not exceed the amount of income from such employment.
- The amount of any earned income of a family member (other than the family head or spouse) who is not 18 years of age or older.

ALLOWANCES FOR UTILITIES

The LHAND has established utility allowance schedules. The LHAND reviews the allowance schedule at least annually to determine if there has been a change of 10% or more in the cost of utilities to warrant an adjustment in the schedule. The LHAND maintains records of the data and results for each review.

ROUNDING OF INCOME AND DEDUCTIONS

Generally LHAND will round to the nearest whole dollar at the final calculation for each income/deduction source.

LHAND will round as follows for the following income and deductions:

- Social Security Income: When the SS benefit letter states that the monthly benefit is rounded down to the whole dollar, LHAND will calculate income by rounding down the full monthly benefit before any deductions and then annualizing that monthly benefit. This methodology will be applied to all SS benefits whether or not there are any deductions applied. For example if the full monthly benefit is \$547.90, the annual income is: $\$547.00 \times 12 = \6564 . Income is entered into the computer after rounding.
- Other Income/Deduction Sources **which include direction on rounding:** Where the income/deduction verification document has direction on rounding of income/deductions, LHAND will follow the direction on the verification document to calculate annual income and/or deductions.
- Income/Deduction Sources with **NO direction on rounding:** If the income/benefit/deduction verification document does not include any direction concerning rounding, LHAND will calculate income/benefit/deductions by annualizing the entire weekly, bi-weekly or monthly income/benefit/deduction. Once the annual amount is calculated, LHAND will enter the complete income information into the computer. Rounding will be accomplished through LHAND's computer software. For example, if the weekly income is \$300.10, annual income is $\$300.10 \times 52 = \$15,605.20$. LHAND staff enter \$15,605.20 into the computer

SEASONAL INCOME HOUSEHOLDS

Households with a pattern of seasonal income will have their income based on a yearly average.

EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES

The annual income for qualified disabled families may not be increase as a result of increases in earned income of a family member who is a person with disabilities beginning on the date on which the increase in earned income begins and continuing for accumulative 12-month period. After the disabled family receives 12 cumulative months of the full exclusions, annual income will phase-in of half the earned income excluded from annual income.

This disallowance applies only to individuals in families already participating in the Housing Choice Voucher Program (not at initial eligibility determination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
- Annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self sufficiency or other job training program; or

- Annual income increase as a result of new employment or increased earnings for a family member who is a person with disabilities during or within six months after receiving assistance, benefits or services under any state program or TANF provided that the total amount over a six-month period is at least \$500.00.

During the first 12 months after a qualified family member starts working, 100 percent of the incremental increase of that family member's income is disallowed. The incremental increase is the amount of earned income that exceeds that family member's income prior to starting date.

In the second 12 month period after the date of first employment, 50 percent of the incremental increase in income is disallowed. Total time of benefit is limited to a lifetime 48 month period.

INSPECTIONS

INSPECTIONS

Any unit occupied by a family assisted through the Section 8 program must comply with the HUD issued Housing Quality Standards (HQS) and with provisions of the State Sanitary Code. These standards will be the minimum requirements for housing conditions. The LHAND may request or negotiate for conditions which exceed those standards provided such requests are reasonable and commensurate with the contract rent set for the unit.

Supervisory personnel who have not been involved in routine inspections will monitor the quality of LHAND inspections including rent reasonableness determinations by re-inspecting five (5%) percent of all initial and annual inspections performed each year. Each unit leased under the Section 8 Program will be re-inspected at least annually.

INITIAL INSPECTIONS

As a condition of the Authority executing a HAP Agreement with a landlord, the unit must be inspected by a LHAND Inspector prior to lease approval. The landlord must request this inspection and have submitted the following information.

When submitting a request for an inspection by an LHAND Housing Inspector, the landlord must submit a Request for Tenancy Approval and a copy of the proposed lease, a Certificate of Occupancy, a copy of an insurance policy, a completed W-9, the rent comparison sheet, and the de-leading certificate (if applicable), at which time an appointment will be made for an inspection by an LHAND Housing Inspector.

The landlord will be responsible for arranging an inspection by the Lynn Board of Health and for forwarding a copy of the city's Certificate of Occupancy to the Authority before the LHA will inspect.

If a unit fails inspection at initial move-in, the owner has 15 days from the date of the failed inspection to correct the deficiencies. LHAND may grant an extension to the 15 day requirement.

ANNUAL INSPECTIONS

Annual renewal inspections will be performed approximately 90 days prior to the lease anniversary date. The owner of the property must complete the necessary repairs to correct the cited violations of program requirements within 30 days of notification from LHAND. It is the owner's responsibility to contact the LHAND inspectors directly to schedule re-inspections.

If violations have not been repaired by the owner within the 30 days deadline, the inspector will assess the situation and will either grant an extension of time without subsidy payments being interrupted, or will immediately suspend HAP subsidy payments to the owner, with no resumption of payment until the repairs are satisfactorily completed. Any owner requesting an extension must have a legitimate need for more time and the extension must be requested in writing. If the required work is not completed satisfactorily after a no penalty extension has

been given, the HAP subsidy will be suspended effective immediately and will resume only when repairs have been satisfactorily completed. No retroactive payments will be made for any period of time in which the HAP subsidy has been suspended.

Retroactive payments may be made only as of the date the unit passes inspection by the Lynn Housing Authority & Neighborhood Development.

Any serious deficiencies that present an immediate threat to the health or safety of the household must be corrected within twenty-four hours. In these instances, the owner or agent will be contacted by phone and informed of the 24-hour deadline. This will also be followed-up in writing (certified mail). The unit will then be re-inspected by LHAND inspection staff on the day following the 24-hour correction period.

If the deficiencies have not been corrected, both owner and tenant will be informed that HAP subsidy will be suspended immediately and HAP subsidy will not be paid again until repairs have been completed. If repairs are not completed within 10 days after owner has been notified of 24-hour violations, LHAND will then take the necessary steps to begin termination of the HAP Contract.

INTERIM INSPECTIONS

LHAND may conduct an inspection of any unit upon the request of a tenant to ensure that the dwelling unit is in full compliance with all codes and housing quality standards, and to determine whether the owner is complying with all lease and HAP contract obligations. If a determination is made that the owner is not in compliance with the lease or HAP contract, the LHAND may suspend rental subsidy payments to the owner, abate rent, terminate the HAP contract, or seek legal remedies. If the LHAND terminates the HAP contract with the owner, the LHAND may issue the family another Certificate or Voucher.

LEAD PAINT NON-COMPLIANCE

When an assisted family includes a child under six years old, the landlord is responsible for providing the LHAND with a Certificate of Compliance with state and federal lead-based paint removal laws. The Certificate of Compliance can be obtained from a certified de-leader or from the Board of Health. Assistance cannot be paid for units occupied by children under six years of age unless there is a certificate of lead paint compliance on file at the Authority.

If a unit already in the program which had not previously housed a child under six years old and the owner is now requesting lease approval for a family with a child of that age or younger on the lease, the owner must submit a Certificate of Compliance within 90 days or by the contract renewal date, whichever comes first. If the owner does not provide the required Certificate of Compliance within this prescribed time frame, LHAND may choose to hold or abate rent, or to suspend or terminate the HAP contract.

HQS & MARGINAL UNIT INSPECTION POLICY

The marginal unit inspection policy is a mechanism to address the problem of maintaining marginal units on the Section 8 Program. Marginal units comply with Housing Quality Standards but still remain undesirable units because of how quickly they fall out of compliance due to inadequate attention on the part of a landlord or management company (i.e. absentee

landlords), excess or undue wear and tear on the part of the tenant, or neighborhood conditions which have an adverse impact on the tenant household.

No new lease-up can occur if the unit does not obtain at least a C grade under the criteria listed below.

Units currently on the program that receive an E grade upon inspection cannot remain on the program. The LHAND will take immediate steps to notify the tenant and landlord that the HAP Contract with the landlord will be suspended pending possible termination and the tenant will be required to secure another unit.

Units currently under lease which receive a D grade upon inspection, can remain on the program until the Section 8 program participant's next renewal date period, provided: (1) the tenant wishes to stay in the unit; (2) the LHAND has counseled the tenant on other housing options; and (3) the tenant and landlord sign a written statement of understanding which indicates that the contract rent will be continued to be paid until the next renewal date if the unit remains in compliance with all minimum inspection standards.

It is also understood that the unit with the D grade is subject to at least one additional inspection prior to the next renewal date. If upon this inspection(s) the unit is out of compliance, the LHAND will take immediate steps to suspend and terminate the HAP contract with the landlord. The tenant will be required to secure another unit. In the event that the unit remains in compliance until the next renewal date, both the tenant and landlord understand that the LHAND will not continue to make HAP payments after the renewal date (unless unit is upgraded to a C grade) and the tenant understands he/she will have to secure another unit.

SITE AND NEIGHBORHOOD STANDARDS

To limit the number of marginal units on the Section 8 Program, the site and neighborhood standards will be structured to allow for more factors to be considered when inspecting a unit than under the minimum HQS. Any unit which receives a fail on any of these additional Housing Quality Requirement items listed below constitutes a fail for the whole unit and must be corrected by the landlord prior to re-inspection and before the unit can go under lease. A reasonable effort on the part of a property owner to correct is not sufficient cause to waive any site and neighborhood item that is not met. Full compliance is required.

STORAGE OF GARBAGE AND RUBBISH

This standard applies when one or more of the factors listed below exist:

- Existence of an abandoned dwelling adjacent to or near the building that is causing or could promote infestation or other health/safety threats;
- Existence of a vacant lot(s) littered with debris that is causing or could promote infestation or other health/safety threats;
- Evidence of drug paraphernalia in or around building (i.e. needles, crack vials, glassine envelopes, etc.).

Garbage and rubbish must be stored in watertight receptacles with tight-fitting covers. Receptacles and covers will be of metal or other durable, rodent proof material. The owner must provide as many receptacles for the storage of garbage and rubbish as sufficient to contain the accumulation before final collection or ultimate disposal.

LOCKS

This standard is to be applied when there is evidence of one or more of the following:

- Evidence of forced entries into the building/unit;
- Evidence of public loitering in and/or around building;
- Inoperable intercom/doorbell; and
- Evidence of drug paraphernalia in or around building.

The main entry door of a dwelling containing more than three dwelling units should be equipped so as to close and lock automatically, including a lock with an electrically-operated striker mechanism, a properly adjusted door-closer and associated equipment. Every exterior door into the building must be self-closing and lock securely.

POSTING OF NAME OF OWNER

This standard applies when the property is not owner occupied, or when there is no management agency on site, and/or any factors regarding security such as door locks exist.

The owner of the property will have permanently and visibly posted in an area accessible by the occupants, the name of the owner/management agent, and his/her address and phone number.

AUXILIARY EMERGENCY LIGHTING SYSTEM AND EXIT SIGNS

Any multiple dwelling with ten or more dwelling units will be equipped with an auxiliary emergency lighting system independent of the conventional lighting system, and with lighted signs indicating both a primary and secondary means of egress by a diagram or signal.

TENANT MAINTENANCE / SAFETY ISSUES

While issues around site and neighborhood and landlord maintenance do contribute to the overall quality of a unit, so too can the tenant's care of the unit. It is not uncommon for a unit to fail HQS due to the impact the tenant has had on the unit which has resulted in excess wear and tear and/or unsafe living conditions.

Tenant's maintenance issues are costly to the property owner who ultimately must correct any of the failed items caused by tenant action found through an inspection. The Section 8 household is also negatively impacted because of frequent moves because their unit does not pass inspection and the landlord chooses not to make repairs. Households with HAP Contracts commencing before October 2, 1995 can also lose its Section 8 subsidy because of unpaid damage claims against it.

From the tenant's perspective, the lack of proper care by the household of a unit may be attributed to many factors, including lack of knowledge of his/her responsibilities and those of the landlord, limited experience in caring for him/herself and possessions, personal/medical problems (e.g. substance addiction, mental health concerns), and in some instances, cultural and ethnic characteristics that are reflected in a tenant's general lifestyle.

The Lynn Housing Authority & Neighborhood Development believes it is important to address tenant maintenance issues both to ensure that units on the Section 8 Program continue to meet

an acceptable standard of quality and to ensure a stability of our tenants. To this end, LHAND unit inspections will include two additional steps:

- The identification of any fail item relating to tenant maintenance issues on the inspection information form; and
- The completion of a Tenant Maintenance/Safety Checklist which is to be used as a tool by the inspector to develop an overall tenant maintenance assessment statement which will be written in on the comment section of the inspection form. The Checklist is a tool for the inspector and is not to be given to the landlord.

Copies of the completed inspection report will be sent to the landlord and to the Section 8 Program Representative assigned to the household. The landlord can use the observations in the comment section of the report not only to identify necessary repairs but also as a means of addressing specific action the tenant must take in order to properly maintain the unit (e.g. correct cleaning methods, correct use of electrical outlets, etc.).

For the LHAND, the identification and assessment of tenant maintenance issues will trigger the need to monitor the tenant on home care issues. The Section 8 Program Representative will be required to meet with the household if the assessment reflects some problems that could lead to or are presently causing unsafe/unsanitary conditions in the unit. The Section 8 Program Representative's responsibilities will include informing the tenant of the specific maintenance items cited, why they need to be addressed and corrected, what the tenant can do to address these problems, and provide assistance in directing the household to possible resources and services that can help the household, such as mediation services, tenant advocacy groups/organizations, and services provided by DSS, DPW, DPH and other state agencies.

UNIT GRADING CRITERIA

UNIT SCORE OF "A"

- Unit is in excellent condition, newly constructed or recently totally rehabbed. Quality workmanship and materials used.
- Appliances are new and of good quality.
- Has numerous extras which add to the desirability of the unit such as:
 - parking
 - extra bathrooms
 - enclosed patio/deck
 - large rooms
 - washer/dryer hook-up
 - security personnel/devices
- Evidence of on-going maintenance of unit/building by landlord.
- No evidence of site and neighborhood conditions which would cause the unit or tenant to be unsafe.

UNIT SCORE OF "B"

- Unit is in good condition. Appliances and other unit features are modern.

- Recent renovation including common areas/interior/exterior. Quality of material - average. Doesn't substantially increase the overall value of the unit/building.
- Overall condition of unit/building is above average.
- Has at least 1 extra feature that adds to its desirability (porch, yard, security system, near park/recreational area, extra large rooms).
- Would otherwise be an A unit except for quality of renovation work, and lack of evidence of aggressive preventive maintenance efforts on the part of the landlord.
- Some site and neighborhood problems exist but do not pose an immediate or imminent risk to the tenant.

UNIT SCORE OF "C"

- Unit is in average condition but with normal occupancy conditions will result in 2 or more fail items in the next year.
- Appliances and unit features are dated but functional.
- No extras that enhance the overall desirability of the unit, i.e. porch, yard, security system.
- Unit has adequate closet and storage space and room sizes.
- Maintenance efforts appear to be on an as needed basis. No evidence of preventive maintenance.
- Negative site and neighborhood conditions are present but do not directly impact on the unit/building or tenant because of safety measures taken by the property owner.
- Unit would ordinarily be scored as a D unit, but because it is handicapped accessible/equipped (including first floor units), it is a desirable unit. Landlord can make necessary repairs to insure tenant's health and safety. (Units that fall into this category are subject to additional inspections throughout the course of the program participant's tenancy. Should at any time as a result of these inspections, there be evidence that the tenant's health and safety is in jeopardy, the LHAND will take immediate steps to terminate the HAP contract with the landlord and provide the tenant with 120 days to secure a new unit.)

UNIT SCORE OF "D"

- Unit is in unsatisfactory condition. The unit is in need of renovation (new paint, updating appliances, bathroom/kitchen).
- Little on-going maintenance effort by landlord. Clear neglect of unit/building. Evidence that property will soon have major structural, electrical, maintenance problems.
- Site and neighborhood conditions present a clear risk to the tenant but attempts have been made by landlord to correct conditions on an on-going basis.

UNIT SCORE OF "E"

- Unit is in poor condition. Building/unit is run-down and would require major renovation to meet minimal HQS/DHCD standards.
- No maintenance efforts by landlord.
- Major appliances, heating systems, windows, plumbing in need of repair.
- Site and neighborhood condition are such that any efforts on the part of landlord or tenant could not or will not insure overall safety of unit and/or tenant.

LEASING

LEASE APPROVAL AND CONTRACT EXECUTION

The applicant and owner must submit a Request for Tenancy Approval form and a copy of the lease to the LHAND prior to approval of a rental subsidy. If the Authority determines that all applicable program requirements have been met with respect to the Request for Tenancy Approval and the lease, the Authority will notify the owner and the applicant, compute the share payable by the Authority, complete HAP Contract, prepare the addendum to the lease.

The tenant and owner must enter into a lease. If the owner uses a standard lease form for unassisted tenants, the owner may use this same lease in such standard form. If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease, such as a LHAND model lease which is consistent with all HUD requirements.

An owner provided lease must specify the name and addresses of owner and tenant; the term of the lease, amount of monthly rent to the owner, specification of what utilities and appliances are to be supplied by the owner and the family, all provisions required by HUD in applicable sections of 24 CFR.

If the Authority determines that the Lease cannot be approved for any reason, including the condition of the unit, the Authority will notify the owner and the household (1) of the reasons that the lease was disapproved and (2) that if conditions requiring disapproval are corrected by the owner, another Request for Tenancy Approval may be submitted by the owner and household within sixty (60) days. The Authority may approve the subsequent Request for Tenancy Approval if the conditions have been satisfactorily corrected.

At the time the LHAND approves a tenancy for initial occupancy of a dwelling unit by a family with tenant-based assistance under the program, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family's share must not exceed 40 percent of the family's adjusted monthly income.

RENT REASONABLENESS

In order to comply with the Section 8 Management Assessment Program (SEMAP) indicators and Code of Federal Regulations, the following describes the LHA's procedures for determining Rent Reasonableness for:

- initial rent to an owner at the beginning of a HAP contract period;
- the increase in rent to an owner following a proper offer of a new lease term with a voucher;
 - when at the HAP contract anniversary there is a 5% or greater decrease in the published FMR in effect 60 days prior to the HAP anniversary date.

The LHAND Rent Comparability Survey is done on an annual basis. In-house staff maintain updated rent roll listings from landlords, as well as leases, showing rent for comparable unassisted units. The in-house staff are familiar with the location, quality, size, unit type, and

age of the unit; and any amenities, proximity to services and utilities to be provided by the owner.

As stated in PIH Notice 2003-12 concerning Determination of Rent Reasonableness, "...the determination of rent reasonableness for Section 8 tenant-based assistance does not call for a special or unusual valuation in accordance with detailed procedures prescribed by HUD...PHA's have extensive experience in determining rent reasonableness and each PHA should use appropriate and practical procedures for determining rental values in the local market."

The following information will be used in determining the comparability of the unit:

- Location of the unit within the community; and availability and accessibility of public transportation to schools, stores and medical facilities.
- Unit Size, including number of bedrooms, bathrooms, and square feet of living space.
- Unit Type, such as garden apartment, elevator building, townhouse, single family house.
- Quality, the extent to which the unit meets or exceeds the Housing Quality Standards and State Sanitary Code.
- Age of the unit.
- Amenities, including air conditioning, dishwasher, washer/dryer connections, etc.
- Housing Services, including accessibility to transportation, schools & medical facilities.
- Management and Maintenance Services provided such as frequency unit and grounds upkeep, availability of on-site resident manager and services, etc.
- Utilities included in rent or estimated utility allowance for tenant paid utilities and appliances (i.e. range and refrigerator)

Prior to the inspector approving a unit, the landlord is required to fill out the Request for Tenancy package which contains a landlord certification form with information about rent for the Owner's other unassisted units in the same or comparable building. This is called the Landlord Rent Certification form and a rent roll must also be provided or the Request for Tenancy will not be accepted. This required form enables the LHAND to determine if the rent requested is in excess or is reasonable in comparison to the rent currently being charged by the Owner. This information is to be used in conjunction with the Rent Comparability Survey.

Once the unit has been inspected and the condition of the unit and area have been assessed by LHAND staff, the Inspector will obtain rent comparables and fill-in the LHAND Summary for Rent Reasonableness which is LHAND certification that the rent approved is reasonable. This form is where all of the information is weighed, the unit is graded and the rent is determined as a result of combination of grade and amenities listed above.

In determining Rent Reasonableness, the LHAND rent range is based on the unit grade, however this range is intended to be used as a guide by the staff when determining rents. The unit grade and rent range are used in conjunction with the Landlord Rent Certification and rent roll; the rent comparables and the information gathered on the unit itself.

The LHAND will certify and document for each unit for which it approves a lease that the Contract Rent for such unit is reasonable in relation to rents currently being charged for comparable units in the private unassisted market, and not in excess of rents currently being charged by the Owner for comparable unassisted units.

SECURITY DEPOSIT

The owner may accept a security deposit in the amount charged to market rate tenants. In all cases, the amount collected by the owner for security deposit must be collected, held, and disposed of in full compliance with Massachusetts State Law.

When the tenant moves out of the dwelling unit, the owner may use the as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.

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

INFORMATION ON APPLICANT HOUSEHOLDS AVAILABLE TO OWNER

Owners are responsible for screening applicants for their units as to their suitability. Common factors considered by owners include:

- rent and utility payment history
- housekeeping in the unit and upkeep of resident controlled areas
- ability to respect the rights of other tenants to quiet and peaceful enjoyment of their units
- no history of criminal activity involving drugs or violent crimes

To assist the landlord in the conduct of applicant screening, the LHAND will provide the following information:

- the household's current and prior residential address
- the name and address, if known, of the landlord at the household's current and prior address

The Lynn Housing Authority & Neighborhood Development will give the same types of information to all families and to all owners, when requested. The Authority will not provide any additional information from its confidential records regarding the applicant household. However, the LHAND will assist owners, when requested, in determining where to obtain public information which helps the owner investigate the household in light of the four criteria listed above.

PAYMENTS TO OWNERS

The Housing Assistance Payments Register is maintained on the computer by the Case Representative. The register contains information regarding bedroom size, identification of household composition, landlord name and lease dates, as well as contract rents, housing assistance payments and utility allowances.

Checks are prepared by computer under the direction of the Director of Rental Assistance. Checks are mailed on the last business day of the month. The Director of Fiscal Affairs and the Authority's fee accountant monitor all Section 8 Programs accounts and ledgers. The owner or agent's endorsement on a check is taken as certification that the assisted unit is occupied according to the Lease and HAP Contract provisions.

In instances where an owner has failed within the required time to respond to notification of any HQS or sanitary code violations within a unit the LHAND will suspend all HAP payments due the owner until the unit passes inspection. No retroactive payments will be made covering the time the unit was in non-compliance. The HAP payments will commence only from the date it passes inspection. There is no appeal process for owners when the Authority exercises its right under the contract to abate payments or cancel a contract. If a HAP Payment is not issued for six (6) months the HAP Contract is automatically terminated.

DISAPPROVAL OF OWNERS

Owners wishing to participate in the LHAND Section 8 program must be approved by the LHAND. The term owner is not merely the nominal entity that holds legal title to the property to be rented, but also covers all other persons with an actual interest in the property.

Owners are responsible for those whom they employ, such as agents and management companies, therefore, the LHAND may also consider the practices and past performance of agents and management companies in its decision to approve or deny owner participation in the LHAND Section 8 program.

Owners are ineligible to participate in LHAND's Section 8 program if:

- the federal government has instituted an administrative or judicial action against the owner for violations of the Fair Housing Act or other federal equal opportunity requirements, and such action is pending;
- a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements;
- the LHAND has been notified by HUD or some other source that the owner is subject to federal sanctions;
- the owner has been the subject of equal opportunity enforcement proceedings and LHAND has been directed by HUD to deny approval;
- the owner owes real estate taxes, fines, or assessments for the property to be leased or any properties held by the ownership entity (e.g., real estate trust, LLP or other corporate entity);
- the owner has engaged in drug-related criminal activity or any violent criminal activity;
- the owner has a history or practice of renting units that fail to meet HUD housing quality standards, State housing codes, or local housing codes; or
- committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

SPECIAL CLAIMS

HAP Contracts commencing after October 2, 1995 are NOT eligible for special claims reimbursements. LHAND assumes no liability for any charges relative to tenant caused damages, vacancy loss claims or unpaid rent for all HAP contract commencing October 2, 1995 and thereafter.

Effective October 1, 2001 special claims will be inapplicable as a result of all Section 8 Certificate and Voucher contracts having been converted to new HAP contracts under the HCV program.

OWNER REFUNDS TO THE FAMILY

If a family vacates its unit, the owner, subject to state and local law, may use the security deposit as reimbursement for any unpaid tenant rent or other amounts owed under the lease. If no such amounts are owed, or if the amounts owed are less than the amount of the security deposit, the owner must refund the full amount, or the unused balance to the family, including any interest required to be paid on such deposits by state and local law.

CONTINUED OCCUPANCY

ONGOING PROGRAM REQUIREMENTS

At least once a year, LHAND must reexamine a family's eligibility for continued participation in the program. LHAND will review household income, unit rent, family composition, the amount of the utility allowance, the appropriateness of the unit size occupied by the family, and the reasonableness of the rent approximately one-hundred and twenty days (120) prior to the contract anniversary date. At that time the unit will also be inspected for compliance with Section 8 Housing Quality Standards.

Each program participant will be assigned to a LHAND staff member or Case Representative who will be available to assist the family with any information needs or special problems which may arise. Families will be instructed to contact owners to obtain necessary maintenance and repairs but will be informed that any failure of the owner to respond adequately should be reported to the staff representative who will arrange for an interim compliance inspection if required. When appropriate, the LHAND refers participating families with problems beyond the scope of the LHAND to local service agencies and organizations. At annual recertification interviews, participating families are informed of applicable changes in the Section 8 program. When necessary, special notices regarding program changes may be mailed to program participants.

ANNUAL INSPECTIONS

Each unit leased under the Section 8 program will be re-inspected at least once annually. Annual inspection will be made approximately 90 days prior to the termination of the HAP contract in order that the owner may have time to correct any deficiencies, and sign a new addendum before the existing contract expires.

The LHAND may terminate assistance to a family for failure to provide access to the unit if:

- The LHAND is unable to gain access to the unit for at least two scheduled inspections within one reexamination period; and,
- The family did not cancel or call to reschedule the inspection(s) for a more convenient time; and
- The LHAND did not cancel the inspections without notifying the family the day of the inspection.

ANNUAL RENT INCREASES

Annual contract rent increases for the Section 8 HCVP are negotiated between the owner and the family. However, the LHAND must review and determine rent reasonableness before any increases are approved in the rent to the owner. For the Section 8 Moderate Rehab Program, rent increases are subject to HUD regulations.

Annual rent increases for any unit in a Section 8 Program may only be requested in writing 60 days prior to the lease anniversary date for consideration by the Authority. LHAND will review only one request for rent increase per year for each Section 8 unit.

ANNUAL RECERTIFICATIONS OF FAMILY INCOME

Approximately 120 days before the anniversary date of the family's lease agreement, the family will be notified of a scheduled interview for the purpose of recertifying family income, allowances and household composition.

At the recertification interview the family is required to report full information on income, assets, expenses and household composition. Information reported in this interview is verified in the same manner as at the initial certification. Calculation of the total tenant rent is completed within 35 days prior to the anniversary date of the lease and the family is given 30 days notice of any rent increase.

In any instance that a family reports no income, or income through unemployment benefits or circumstances which prevent a projection of the family's annual income with any reasonable degree of accuracy, the LHAND may require the family to return for a recertification interview after such period of time as the family's circumstances may warrant. Failure to attend an interview for recertification or to provide the information required for recertification may result in the termination of Section 8 assistance.

For those claiming no income, they are required to fill-in and sign a certification of zero income. In addition to that, they will be asked to verify how they pay for regular household expenses.

If the family is unable to attend the scheduled interview, it is the family's responsibility to call to reschedule the interview. If the family fails to attend or to reschedule the interview and/or fails to provide requested information on a timely basis, the family loses its right to a 30 day notice of rent increase and is at risk of having the HAP payment suspended until the recertification is complete.

After recertification of the family is completed, a notice will be sent of the new tenant share of rent.

INTERIM RECERTIFICATIONS

Between regularly scheduled reexaminations, if there are changes in a family's income, household composition, or eligible deductions, an interim reexamination may be conducted. If the last regular reexamination was effective more than 120 days prior to the change in family circumstances, all family information and income must be re-verified. An interim recertification does not affect the date of the annual recertification.

Family Requests for Reexaminations: Families have the choice of requesting an interim reexamination under the following circumstances:

- They receive a decrease in income which may result in a rent decrease; or
- They have an increase in the following eligible allowances or deductions:
 - An increase in expenses for the care of a child or handicapped member, or
 - An increase in permissible deductions and/or expenses due to a change in HUD regulations, or

- For elderly families only, an increase in medical expenses; or
- An increase in the number of dependents.

Circumstances Requiring an Interim Reexamination: An Interim Reexamination must be performed when any one of the circumstances listed below occurs.

- Household Changes: New persons may not be added to the household without the LHAND's prior approval (other than the birth of a child). Residents must report all changes in household composition within 10 days of the occurrence involving:
 - Any addition of an adult member; or
 - The loss of an adult member; or
 - The addition of a minor to the household.

LHAND may require participating households to complete an interim recertification at additional times to ensure that the participant is in compliance with program eligibility and other requirements.

Rent decreases resulting from an interim recertification will be effective on the first day of the month following the month in which notification to LHAND and verification of the family's change was given. Families will be given a 30-day notice of any rent increase resulting from an interim recertification.

OTHER INTERIM ACTIVITIES

More frequent reviews/verifications are required as directed by LHAND for households with the following income situations:

- Zero Income: Participants may be required to verify zero income status every ninety (90) days and will be contacted by mail regarding this process. If the head of household and/or any other household member aged 18 and over, claims zero income, there is a requirement that the household member claiming zero income verify his/her zero income status every ninety days. Zero income means that the household member does not receive any form of wages, compensation, benefits or other income. Interim verification of zero income status is NOT required for zero income under the following circumstances:
 - When the household member (other than the Head of Household and spouse) claims zero income and is over 18 and a full time student
 - When the household member claims zero income and is over 18 and is disabled.
- Temporary or Sporadic Income: Households with income that is temporary or sporadic in nature and therefore cannot be projected with reasonable accuracy for a long period of time may be required to have their income re-examined every 90 days.
- Lump Sum Payments: Families must report the receipt of a deferred lump sum payment which is a delayed start of a regular periodic payment, within 30 days after it is received. Examples of these are: unemployment benefits or back payments for child support.
- Increased Income: Families may report an increase in monthly gross household income if the increase is likely to continue.

- **LHAND Error:** When an error is made by LHAND at admission or reexamination, the participant is encouraged to report the error to LHAND as soon as they become aware of it so an Interim Reexamination can be conducted. No retroactive rent increase will be made against the family when LHAND has made an error. LHAND will reimburse the tenant for overpayment of rent either in the form of a reimbursement check or via interim recertification. In the event of an interim recertification, LHAND will decrease the total tenant payment for a period of time until the tenant overpayment is recovered.

CHANGE IN FAMILY COMPOSITION

Families are required to immediately report and seek written approval from the LHAND and their current landlord prior to any changes in family composition which may occur between regularly scheduled recertifications. Requests must be made to both LHAND and the Landlord in writing and approved by both prior to the individual moving into the unit. If the family allows the individual to move in without prior written approval of both LHAND and Landlord, the LHAND will terminate assistance.

Requests to accommodate additional household members based on health-related reasons must be verified by a doctor/medical professional and/or social service professional.

LHAND may approve an addition to the household if:

- The additional member is a minor of a current member of the household who is added as a result of birth, adoption or court awarded custody;
- The additional member is a person for whom the head of household can prove legal guardianship;
- The additional member is a person for whom the head of household can prove a stable inter-dependent relationship and the additional member is the biological parent of a minor member;
- The additional member is a person for whom the head of household can prove a relationship based on marriage;
- There is sufficient program funding

All additional members must provide verification of citizenship or eligible immigration status and social security number. In addition, a Criminal Offender Record Inquiry (CORI) / Sex Offender Record Inquiry (SORI) will be required for any new member age 14 or older prior to being put on the lease.

These changes also need to be reported to make certain that the voucher size remains consistent with the household size and that the correct subsidy level is provided and available. If the voucher size for which the family is eligible changes during the term of the HAP Contract, the "new" voucher size is applicable at the first regular reexamination following the change. If adding a new family member to the unit causes overcrowding according to HQS standards, LHAND will issue the family a new voucher and the family must try to find an acceptable unit as soon as possible.

FOSTER CARE

In the case of foster care situations, the LHAND will proceed in the following manner:

If a temporary emergency placement is made with a relative that is an LHAND client, documentation establishing this participation will be required from the head of household and the agency involved with the foster care placement. The temporary change in family composition will be noted pending receipt of documentation indicating either an end of the emergency situation or a change to permanent custody status. If permanent custody status is obtained and documented, the LHAND will review the housing situation for appropriateness (i.e. a request for a child to be added to a household living in an elderly housing unit) and the impact on Housing Quality Standards regarding the family composition in relation to the voucher/bedroom size.

If a request is made to add a familial child to the voucher/lease of a relative that is an LHAND client, the LHAND will review the housing situation for appropriateness (i.e. a request for a child to be added to a household living in an elderly housing unit) and the impact on Housing Quality Standards regarding the family composition in relation to voucher/bedroom size.

If the LHAND is made aware that a client is a host household for recurring temporary placements of minors through the foster care process, documentation establishing this participation will be required from the head of household and the agency involved with the foster care placements. The LHAND will take this information into consideration when determining the household's appropriate voucher/bedroom size.

FAMILY BREAK-UP

Participant families who separate while being assisted under the Section 8 program will be assessed on a case-by-case basis to determine which family members remain assisted under the program. The LHAND policy will be that:

- The Head, Co-Head or remaining family member of the household who has full legal custody of any minor children will retain the use of the tenant-based Voucher.
- In cases where the Head and Co-Head of Household have a joint custody arrangement for minor children, the original Head of Household will retain the use of the tenant-based Voucher.
- In cases where the Head of Household dies, leaving minor children, the new Head of Household will be subject to all LHAND eligibility and admission requirements.
- In cases where there are two adult Co-Heads of Household with no minor children, the original Head of Household will retain the use of the tenant-based Voucher.
- In cases where a live-in aide is added to a household as a result of a care situation for an elderly or disabled household member, the live-in aide is not considered to be a remaining family member and is not eligible to retain the use of the tenant-based Voucher.
- In cases where a non-related adult has been added to the household, the original Head of Household will retain use of the tenant-based Voucher.

- In the event that the Head of Household moves out of the assisted unit or dies, a remaining adult household member (without children) may retain use of the tenant-based Voucher if that adult has been part of the household for at least one year, is in compliance with all program rules and regulations and meets all other program eligibility and continued occupancy requirements.
- Exceptions to the "remaining family member" requirement will be reviewed by LHAND management staff on a case by case basis.
- If a separation is the result of a divorce or separation under a settlement or judicial decree, the LHAND will follow any court determination of which family members keep the Voucher assistance.
- In order for a minor to continue to receive assistance as a remaining family member, the court has to have awarded emancipated minor status to the minor or LHAND has to verify that Social Services and or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child(ren) for an indefinite period of time.
- If exceptional circumstances exist concerning the remaining member of a tenant family, a discretionary administrative determination may be made by the Section 8 Director on a case by case basis.

FAMILY ABSENCES

The family may be absent from the unit for brief periods of less than 30 days and is not required to provide notice.

If the family is absent for longer than 30 days with no notification or longer than 180 days with notification, Housing Assistance Payment will terminate.

The family may be absent from the unit due to hospitalization or entry into a rehabilitation program for a period of more than 30 days but not to exceed 180 consecutive calendar days as mandated by HUD. The family must promptly notify both the landlord and the LHAND of the absence from the unit in writing, and obtain approval from the LHAND. The tenant must also supply the LHAND with verification of their hospitalization or stay in the rehabilitation program.

To obtain LHAND approval, the family must:

- satisfy notice requirements; and
- provide acceptable documentation to LHAND regarding the length of absence and the reason for the absence; and
- declare their intent to return to the unit at the end of the leave period; and
- agree to be responsible for receiving and responding to all notices sent by the LHAND to the unit during periods of absence; and
- pay rent to the owner and pay for utilities while they are absent; and
- make arrangements for the unit to be available for LHAND inspections as necessary.

If this procedure is not followed, the unit will be considered abandoned and the LHAND will terminate HAP and family's participation in the program.

ZERO INCOME HOUSEHOLDS

Applicants/Participants reporting no income will be required to sign a statement certifying that they are receiving no income. LHAND will make attempts to obtain third party verification from the Social Security Administration, Department of Transitional Assistance and Unemployment to verify an applicant's/participant's zero income status. IRS documents may be used as third party verification to support the zero income status. LHAND will require applicants/participants to provide verification of zero income status. Households that report zero income may be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc. If the family's expenses exceed their known income, LHAND may make inquiry of the Head of Household as to the nature of the family's accessible resources and/or conduct a home visit.

Zero income households may not move unless they can provide verification to LHAND that the family has adequate financial means to support the move.

TERMINATION & DENIAL OF ASSISTANCE

OVERVIEW

A family that does not meet LHAND's eligibility criteria must be denied assistance. In addition, HUD requires or permits LHAND to deny assistance based on certain types of current or past behaviors of family members.

FORMS OF DENIAL

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list,
- Denying or withdrawing a voucher,
- Not approving a request for tenancy or refusing to enter into a HAP contract, or
- Refusing to process a request for or to provide assistance under portability procedures.

PROHIBITED REASONS FOR DENIAL OF ASSISTANCE

HUD rules prohibit denial of assistance to the program based on any of the following criteria:

- Age, disability, race, color, religion, sex, or national origin.
- Where a family lives prior to admission to the program
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside LHAND's jurisdiction
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
- Whether the family includes children
- Whether a family decides to participate in a family self-sufficiency program

MANDATORY DENIAL OF ASSISTANCE

HUD requires LHAND to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity.
- LHAND will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past 3 years for drug-related criminal activity, if LHAND is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by LHAND, or the person who committed the crime, is no longer living in the household.
- LHAND determines that any household member is currently engaged in the use of illegal drugs.
 - Currently engaged in is defined as any use of illegal drugs during the previous six months.

- LHAND has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - In determining reasonable cause, LHAND will consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol.
- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program

OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

HUD permits, but does not require LHAND to deny assistance for the reasons discussed in this section.

CRIMINAL ACTIVITY

HUD permits, but does not require, LHAND to deny assistance if LHAND determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied assistance.

- *Drug-related criminal activity*, defined by HUD 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 [24 CFR 5.100].
- *Violent criminal activity*, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].
- Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
- Criminal activity that may threaten the health or safety of property owners and management staff, and persons performing contract administration functions or other responsibilities on behalf of LHAND (including a LHAND employee or a LHAND contractor, subcontractor, or agent)
 - Immediate vicinity means within a three-block radius of the premises.
 - Evidence of such criminal activity includes, but is not limited to:

- Conviction for drug-related or violent criminal activity within the past 5 years.
- Any arrests for drug-related or violent criminal activity within the past 5 years.
- Any record of eviction from public or privately-owned housing as a result of criminal activity within the past 5 years.

In making its decision to deny assistance, LHAND will consider the factors included in the Admin Plan policies on denial of assistance. Upon consideration of such factors, LHAND may, on a case-by-case basis, decide not to deny assistance.

PREVIOUS BEHAVIOR IN ASSISTED HOUSING

HUD authorizes LHAND to deny assistance based on the family's previous behavior in assisted housing:

- LHAND **will not** deny assistance to an otherwise eligible family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program or the Welfare to Work voucher program.
- LHAND **will** deny assistance to an applicant family if:
 - The family does not provide information that LHAND or HUD determines is necessary in the administration of the program.
 - The family does not provide complete and true information to LHAND.
 - Any family member has been evicted from federally-assisted housing in the last five years.
 - Any PHA has ever terminated assistance under the program for any member of the family.
 - Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
 - The family owes rent or other amounts to the LHAND or to another PHA in connection with Section 8 or public housing programs, unless the family repays the full amount of the debt prior to being selected from the waiting list.
 - 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, unless the family repays the full amount of the debt prior to being selected from the waiting list.
 - The family has breached the terms of a repayment agreement entered into with LHAND, unless the family repays the full amount of the debt covered in the repayment agreement prior to being selected from the waiting list.
 - A family member has engaged in or threatened violent or abusive behavior toward LHAND personnel.

- *Abusive or violent behavior towards LHAND personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
- *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to deny assistance, LHAND will consider the factors included in the Admin Plan policies on denial of assistance. Upon consideration of such factors, LHAND may, on a case-by-case basis, decide not to deny assistance.

SCREENING FOR ELIGIBILITY

LHAND is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the HCV program. This authority assists LHAND in complying with HUD requirements and LHAND policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records LHAND will require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

LHAND is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553].

If LHAND proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, LHAND will notify the household of the proposed action and will provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. [24 CFR 5.903 and 5.905].

SCREENING FOR SUITABILITY AS A TENANT

LHAND has no liability or responsibility to the owner for the family's behavior or suitability for tenancy. LHAND may opt to conduct additional screening to determine whether an applicant is likely to be a suitable tenant.

The owner is responsible for screening and selection of the family to occupy the owner's unit. LHAND must inform the owner that screening and selection for tenancy is the responsibility of the owner. An owner may consider a family's history with respect to factors such as: payment of rent and utilities, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

HUD requires LHAND to provide prospective owners with the family's current and prior address (as shown in LHAND records) and the name and address (if known) of the owner at the family's current and prior addresses. HUD permits LHAND to provide owners with additional information, as long as families are notified that the information will be provided, and the same type of information is provided to all owners.

LHAND will give the same types of information to all families and to all owners, when requested. The Authority will not provide any additional information from its confidential records regarding the applicant household. However, the LHAND will assist owners, when requested, in determining where to obtain public information which helps the owner investigate the household in light of the four criteria listed above.

CRITERIA FOR DECIDING TO DENY ASSISTANCE - EVIDENCE

LHAND will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

- Preponderance of the 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. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

CRITERIA FOR DECIDING TO DENY ASSISTANCE - CONSIDERATION OF CIRCUMSTANCES

HUD authorizes LHAND to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandated. LHAND will consider the following factors when making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents
- The effects that denial of assistance may have on other members of the family who were not involved in the action or failure
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

LHAND will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

REMOVAL OF A FAMILY MEMBER'S NAME FROM THE APPLICATION

LHAND may impose as a condition of admission, a requirement that family members who participated in or were culpable for an action or failure to act which results in the denial of assistance, to not reside in the unit.

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit or to stay as a guest in the assisted unit. After

admission to the program, the family must present evidence of the former family member's current address upon LHAND request.

REASONABLE ACCOMMODATION

If the family includes a person with disabilities, LHAND's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8. If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, LHAND will determine whether the behavior is related to the disability. If so, upon the family's request, LHAND will determine whether alternative measures are appropriate as a reasonable accommodation. LHAND will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance.

NOTICE OF ELIGIBILITY FOR DENIAL

If LHAND determines that a family is not eligible for the program for any reason, the family will be notified promptly. The notice will describe (1) the reasons for which assistance has been denied (2) the family's right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a)]

If a criminal record is the basis of the denial, a copy of the record will accompany the notice. In addition, a copy of the criminal record will be provided to the subject of the record [24 CFR 982.553(d)]. The family will be notified of a decision to deny assistance in writing within 10 business days of the determination.

GROUNDINGS FOR TERMINATION OF ASSISTANCE - OVERVIEW

HUD requires LHAND to terminate assistance for certain offenses and when the family no longer requires assistance. HUD permits LHAND to terminate assistance for certain other actions family members take or fail to take. In addition, a family may decide to stop receiving HCV assistance at any time by notifying LHAND.

FAMILY NO LONGER REQUIRES ASSISTANCE

As a family's income increases, the amount of LHAND subsidy goes down. If the amount of HCV assistance provided by LHAND drops to zero and remains at zero for 180 consecutive calendar days the family's assistance terminates automatically.

If a participating family receiving zero assistance experiences a change in circumstances that would cause the HAP payment to rise above zero, the family must notify LHAND of the changed circumstances and request an interim reexamination before the expiration of the 180-day period.

FAMILY CHOOSES TO TERMINATE ASSISTANCE

The family may request that LHAND terminate the family's assistance at any time. The request to terminate assistance should be made in writing and signed by the head of household, spouse, or cohead. Before terminating the family's assistance, LHAND will follow the notice requirements in this Plan.

MANDATORY TERMINATION OF ASSISTANCE

HUD requires LHAND to terminate assistance in the following circumstances.

EVICITION

LHAND must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease.

- A family will be considered *evicted* if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.
- If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory. However, LHAND will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance or take any of the alternative measures described in this Chapter of the Plan.
- Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criteria to be used is whether the reason for the eviction was through no fault of the tenant or guests.

FAILURE TO PROVIDE CONSENT

LHAND must terminate assistance if any family member fails to sign and submit any consent form they are required to sign for a reexamination.

FAILURE TO DOCUMENT CITIZENSHIP

LHAND must terminate assistance if

- A family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status;
- A family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or
- A family member, as determined by LHAND, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. Such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

FAILURE TO PROVIDE SOCIAL SECURITY DOCUMENTATION

LHAND must terminate assistance if a participant family fails to provide the documentation or certification of the complete and accurate SSN assigned to the participant and to each member of the participant's household.

METHAMPHETAMINE MANUFACTURE OR PRODUCTION

LHAND must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

MANDATORY POLICIES

HUD requires LHAND to establish policies that permit LHAND to terminate assistance if LHAND determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any 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
- Any household member has violated the family's obligation not to engage in any drug-related criminal activity
- Any household member has violated the family's obligation not to engage in violent criminal activity

USE OF ILLEGAL DRUGS AND ALCOHOL ABUSE

- LHAND will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- LHAND will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.
 - *Currently engaged in* is defined as any use of illegal drugs during the previous six months.

LHAND will consider all credible evidence, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol. In making its decision to terminate assistance, LHAND will consider alternatives as described in the section of this chapter on Alternative to Termination of Assistance and Consideration of Circumstance. Upon consideration of such alternatives and factors, LHAND may, on a case-by-case basis, choose not to terminate assistance.

DRUG RELATED AND VIOLENT CRIMINAL ACTIVITY

- *Drug* means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).
- *Drug-related criminal activity* is defined by HUD 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.

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

LHAND will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

LHAND will consider all credible evidence, including but not limited to, any record of arrests and/or convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

In making its decision to terminate assistance, LHAND will consider alternatives as described in the section of this chapter on Alternative to Termination of Assistance and Consideration of Circumstance. Upon consideration of such alternatives and factors, LHAND may, on a case-by-case basis, choose not to terminate assistance.

OTHER AUTHORIZED REASONS FOR TERMINATION OF ASSISTANCE

LHAND **will not** terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency or Welfare to Work voucher programs.

LHAND **will** terminate a family's assistance if:

- The family has failed to comply with any family obligations under the program.
- Any family member has been evicted from federally-assisted housing in the last five years.
- Any LHAND has ever terminated assistance under the program for any member of the family.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family currently owes rent or other amounts to any LHAND in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs.
- The family has not reimbursed any LHAND for amounts LHAND paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- The family has breached the terms of a repayment agreement entered into with LHAND.
- A family member has engaged in or threatened violent or abusive behavior toward LHAND personnel.
 - *Abusive or violent behavior towards LHAND personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or

- oral, that is customarily used to intimidate may be considered abusive or violent behavior.
- *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate assistance, LHAND will consider alternatives as described in the section of this chapter on Alternative to Termination of Assistance and Consideration of Circumstance. Upon consideration of such alternatives and factors, LHAND may, on a case-by-case basis, choose not to terminate assistance.

FAMILY ABSENCE FROM THE UNIT

The family may be absent from the unit for brief periods. The family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. Absence in this context means that no member of the family is residing in the unit.

If the family is absent from the unit for more than 180 consecutive calendar days, the family's assistance will be terminated. Notice of termination will be sent in accordance with the policies in this Plan

APPROACH TO TERMINATION OF ASSISTANCE – OVERVIEW

LHAND is required by regulation to terminate a family's assistance if certain program rules are violated. For other types of offenses, the regulations give LHAND the discretion to either terminate the family's assistance or to take another action.

METHOD OF TERMINATION

As allowed by HUD, LHAND may terminate assistance by:

- Terminating housing assistance payments under a current HAP contract,
- Refusing to approve a request for tenancy or to enter into a new HAP contract, or
- Refusing to process a request for or to provide assistance under portability procedures.

ALTERNATIVES TO TERMINATION OF ASSISTANCE

CHANGE IN HOUSEHOLD COMPOSITION

As a condition of continued assistance, LHAND may require that any household member who participated in or was responsible for an offense no longer resides in the unit [24 CFR 982.552(c)(2)(ii)].

As a condition of continued assistance, the head of household must certify that the culpable family member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon LHAND request.

REPAYMENT OF FAMILY DEBTS

If a family owes amounts to LHAND, as a condition of continued assistance, LHAND will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from LHAND of the amount owed.

CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE

EVIDENCE

For criminal activity, HUD permits LHAND to terminate assistance if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

LHAND will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

- Preponderance of the 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. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence

CONSIDERATION OF CIRCUMSTANCES

LHAND is permitted, but not required, to consider all relevant circumstances when determining whether a family's assistance should be terminated.

LHAND will consider the following factors when making its decision to terminate assistance:

- The seriousness of the case, especially with respect to how it would affect other residents
- The effects that termination of assistance may have on other members of the family who were not involved in the action or failure
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully
- LHAND will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

REASONABLE ACCOMMODATION

If the family includes a person with disabilities, LHAND's decision to terminate the family's assistance is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, LHAND will determine whether the behavior is related to the disability. If so, upon the family's request, LHAND will determine whether alternative measures are appropriate as a reasonable accommodation. LHAND will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance.

TERMINATION NOTICE

If a family's assistance is to be terminated, whether voluntarily or involuntarily, LHAND must give the family and the owner written notice that specifies:

- The reasons for which assistance has been terminated,
- The effective date of the termination,
- The family's right to an informal hearing

If a criminal record is the basis of the termination, a copy of the record must accompany the notice. A copy of the criminal record also must be provided to the subject of the record [24 CFR 982.553(d)].

When termination is initiated by LHAND, the notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination. However, if a family vacates the unit without informing LHAND, 30 days notice will not be given. In these cases, the notice to terminate will be sent at the time LHAND learns the family has vacated the unit.

When a family requests to be terminated from the program they must do so in writing to LHAND. LHAND will then send a confirmation notice to the family and the owner within 10 business days of the family's request, but no later than the termination effective date (as requested by the family).

NOTICE OF TERMINATION BASED ON CITIZENSHIP STATUS

LHAND must terminate assistance if:

- A family fails to submit required documentation within the required timeframe concerning any family member's citizenship or eligible immigration status;
- Evidence of citizenship and eligible immigration status is submitted timely, but USCIS primary and secondary verification does not verify eligible immigration status of a family; or
- LHAND determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. Such termination must be for a period of at least 24 months.

The notice of termination will advise the family of the reasons their assistance is being terminated, that they may be eligible for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, that they have the right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and that they have the right to request an informal hearing with LHAND either upon completion of the USCIS appeal or in lieu of the USCIS appeal.

The notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination.

HOW TERMINATION OF ASSISTANCE AFFECTS THE HAP CONTRACT AND LEASE

When the family's assistance is terminated, the lease and HAP contract terminate automatically [Form HUD-52641]. The owner may offer the family a separate unassisted lease [HCV GB, p. 15-8].

TERMINATION OF TENANCY BY THE OWNER – OVERVIEW

Termination of an assisted tenancy is a matter between the owner and the family; LHAND is not directly involved. However, the owner is under some constraints when terminating an assisted tenancy, and the reasons for which a tenancy is terminated dictate whether assistance also will be terminated.

GROUND FOR OWNER TERMINATION OF TENANCY

During the term of the lease, the owner is not permitted to terminate the tenancy except for serious or repeated violations of the lease, certain violations of state or local law, or other good cause.

SERIOUS OR REPEATED LEASE VIOLATIONS

The owner is permitted to terminate the family's tenancy for serious or repeated violations of the terms and conditions of the lease. This includes failure to pay rent or other amounts due under the lease. However, LHAND's failure to make a HAP payment to the owner is not a violation of the lease between the family and the owner.

VIOLATION OF FEDERAL, STATE OR LOCAL LAW

The owner is permitted to terminate the tenancy if a family member violates federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

CRIMINAL ACTIVITY OR ALCOHOL ABUSE

The owner may terminate tenancy during the term of the lease if any *covered person*, meaning any member of the household, a guest or another person under the tenant's control commits any of the following types of criminal activity (for applicable definitions see 24 CFR 5.100):

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
- Any violent criminal activity on or near the premises; or
- Any drug-related criminal activity on or near the premises.

The owner may terminate tenancy during the term of the lease if any member of the household is:

- Fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
- Violating a condition of probation or parole imposed under federal or state law.

The owner may terminate tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

The owner may terminate tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

EVIDENCE OF CRIMINAL ACTIVITY

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines they have engaged in the criminal activity, regardless of arrest or conviction and without satisfying the standard of proof used for a criminal conviction.

OTHER GOOD CAUSE

During the initial lease term, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises.

After the initial lease term, "other good cause" for termination of tenancy by the owner includes:

- Failure by the family to accept the offer of a new lease or revision;
- The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
- A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rent).

After the initial lease term, the owner may give the family notice at any time, in accordance with the terms of the lease.

EVICITION

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action.

The notice of grounds may be included in, or may be combined with, any owner eviction notice to the tenant. Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The owner may only evict the tenant from the unit by instituting a court action. The owner must give LHAND a copy of any eviction notice at the same time the owner notifies the family. The family is also required to give LHAND a copy of any eviction notice.

If the eviction action is finalized in court, the owner must provide LHAND with documentation related to the eviction, including notice of the eviction date, as soon as possible, but no later than 5 business days following the court-ordered eviction.

DECIDING WHETHER TO TERMINATE TENANCY

An owner who has grounds to terminate a tenancy is not required to do so, and may consider all of the circumstances relevant to a particular case before making a decision. These might include:

- The seriousness of the offending action;
- The effect on the community of the termination, or of the owner's failure to terminate the tenancy;
- The extent of participation by the leaseholder in the offending action;
- The effect of termination of tenancy on household members not involved in the offending activity;
- The demand for assisted housing by families who will adhere to lease responsibilities;
- The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
- The effect of the owner's action on the integrity of the program.

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

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

whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully. The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR 5.105.

EFFECT OF TERMINATION OF TENANCY ON THE FAMILY'S ASSISTANCE

If a termination is not due to a serious or repeated violation of the lease, and if LHAND has no other grounds for termination of assistance, LHAND may issue a new voucher so that the family can move with continued assistance.

STATEMENT OF FAMILY OBLIGATIONS

Following is a listing of a participant family's obligations under the HCV program:

- The family must supply any information that LHAND or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by LHAND or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest. Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.
- The family must allow LHAND to inspect the unit at reasonable times and after reasonable notice.
- The family must not commit any serious or repeated violation of the lease.
- LHAND will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict.
 - Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criteria to be used is whether the reason for the eviction was through no fault of the tenant or guests.

- The family must notify LHAND and the owner before moving out of the unit or terminating the lease.
- The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to LHAND at the same time the owner is notified.
- The family must promptly give LHAND a copy of any owner eviction notice.
- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
- The composition of the assisted family residing in the unit must be approved by LHAND. The family must promptly notify LHAND in writing of the birth, adoption, or court-awarded custody of a child. The family must request LHAND approval to add any other family member as an occupant of the unit.
- The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. LHAND will determine eligibility of the new member in accordance with the policies in this Plan
- The family must promptly notify LHAND in writing if any family member no longer lives in the unit.
- If LHAND has given approval, a foster child or a live-in aide may reside in the unit. LHAND has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when LHAND consent may be given or denied.
- The family must not sublease the unit, assign the lease, or transfer the unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.
- The family must supply any information requested by LHAND to verify that the family is living in the unit or information related to family absence from the unit.
- The family must promptly notify LHAND when the family is absent from the unit. Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to LHAND at the start of the extended absence.
- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].
- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).
- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program.

- Family members must 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.
- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises.
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.
- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless LHAND 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. [Form HUD-52646, Voucher]

TERMINATION OF THE HAP CONTRACT – INSUFFICIENT FUNDING

LHAND may terminate HAP contracts, in accordance with HUD requirements, if LHAND determines that "funding under the consolidated ACC is insufficient to support continued assistance for families in the program" (982.454).

LHAND will determine which contracts to terminate based upon admission date to the program. Those households which were admitted last to the program will be terminated first when there is insufficient funding. Elderly and disabled households will be exempt from termination due to insufficient funding.

When and if funding becomes available, LHAND will re-offer assistance to those households, in order of termination date, who were terminated due to insufficient funding.

MISSED APPOINTMENTS AND DEADLINES

It is a family obligation to supply information, documentation, and certification as needed for LHAND to fulfill its responsibilities. LHAND schedules appointments and sets deadlines in order to obtain required information. The obligations also require that the family allow LHAND to inspect the unit. Appointments are made for this purpose. An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying LHAND, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the LHAND to inspect the unit.

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

- Eligibility for Admissions
- Verification Procedures
- Voucher Issuance and Briefings

- Housing Quality Standards and Inspections
- Recertifications
- Appeals

The family will be given two opportunities before being issued a notice of termination or denial for breach of a family obligation. After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing, the notice will be rescinded if the family offers to cure and the family does not have a history of non-compliance. Termination is subject to a request for reasonable accommodations.

Acceptable reasons for missing appointments or failing to provide information by deadlines include, but are not limited to:

- Medical emergency
- Incarceration
- Family emergency

MOVES & PORTABILITY

ALLOWABLE MOVES

A family may move to a new unit if:

- The assisted lease for the old unit has terminated as a result of:
 - LHAND's termination of the HAP contract because of the owner's breach
 - Termination of the lease by mutual agreement of the owner and tenant (except during the initial term of the lease)
- The owner gives the tenant a notice to vacate or commences an action to evict the tenant (for reasons other than program or lease violations) or has obtained a court judgment or other process allowing the owner to evict the tenant
- The tenant has given notice of lease termination (if the tenant has the right to terminate the lease on notice to the owner) for owner breach or otherwise

RESTRICTIONS ON MOVES

LHAND's policies regarding moves during the initial lease term and the number of allowable moves in a one year period apply to moves both within and outside LHAND's jurisdiction. LHAND will restrict the number of moves by a participant family to one per year.

LHAND may deny permission to move if:

- The family, or any member of the household, owes money to the LHAND or another housing authority
- The family has requested a move, received a voucher to move but failed to find a unit by the time the voucher expires, the family may not request another move for a 12-month period.
- The family has had a prior move within the last 12-month period
- The requested move is within the initial term of the lease
- The family has not reimbursed the LHAND or another agency for any amounts paid or due to an owner
- The family has breached any agreement for the repayment or rent or other charges due the LHAND
- The family has violated any of its obligations under the Section 8 Programs
- There is insufficient funding for continued assistance under the calendar year budget to subsidize families that move to a higher cost area or unit. Higher cost area is defined as an

area where a higher subsidy amount will be paid for a family because of higher payment standard amounts or more generous subsidy standards.

LHAND may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control. If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

NOTIFICATION

If a family wishes to move after the first year of the lease, the family is required to give the landlord not less than 30 days written notice or 1 full calendar month's notice sent by certified mail to the landlord. A copy of the postage receipt must be provided to the LHAND.

The notice should state that termination of the lease is to take effect "on the last day of the month following the 30 days written notice received by the landlord." Form letters stating the preceding are available to tenants if they need this assistance. This notice must be received by the landlord before the first day of the month prior to the month in which they plan to move (example – Letter to landlord must be received before March 1st if the tenant wants to move March 31st). Without such proof that notice was given, the lease is not terminated, and remains in full effect.

If a family terminates their lease with notice to the owner, the family must give LHAND a copy of the notice at the same time. If a family wants to move to a new unit, the family must notify LHAND and the owner before moving from the old unit. If a family wants to move to a new unit that is located outside LHAND's jurisdiction, the notice to LHAND must specify the area where the family wants to move.

PROCEDURES FOR MOVES

The following steps must be followed by all families prior to being issued a voucher to move:

- Notify LHAND and Landlord of intention to move, using appropriate forms and obtaining required signatures
- Submit request and provide verification of exceptional circumstances or reasonable accommodation if applicable
- Recertify family information if last recertification was effective more than 120 days before request to move
- Receive voucher to move

If the family wishes to move before the first year's lease expires, and has received LHAND approval to this policy exception, or if the family wants to move with less than 30 days notice, the family and landlord must sign papers of lease termination with an agreed upon date to terminate the assisted lease. These forms must be on file in the Section 8 Program office, signed by both parties, before a new Housing Choice Voucher can be issued.

Moves will be processed to take effect on the first of the month only. LHAND will not process any moves mid-month. New admissions through AIS may move in to a unit on the first or the fifteenth of the month.

If a family gives notice of its intention to move and does not vacate the unit by the specified termination date, the landlord and tenant must request that the Lease and HAP Contract be reinstated. Retroactive payments can be made but not for a period greater than sixty (60) days.

If a family moves to a new unit LHAND will perform a new annual reexamination. The next recertification due date will be changed to coincide with the new lease-up date. When a family selects a new unit for a move, the new unit must be inspected for compliance with HQS.

ISSUANCE OF A VOUCHER

If a participating family wishes to move to a new unit, the family must request another Housing Choice Voucher. Subject to the restrictions on moves, if the family's last recertification effective date is more than 120 days from the date of the move, LHAND will issue the Voucher to move after conducting a recertification. The annual recertification date will be changed to coincide with the date of the recertification completed during the move.

CONTRACT CHANGE

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move. In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease mid-month. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

PORTABILITY OF SECTION 8 HOUSING CHOICE VOUCHERS

Portability under the Section 8 Housing Choice Voucher Program establishes procedures to be used in these programs when a family desires to stay on the program but wishes to move outside the Authority's jurisdiction. For practical reasons the Authority considers Lynn to be its primary jurisdictional area.

A household is eligible for Portability if it is a current participant in the initiating Authority's Section 8 Housing Choice Voucher Program. However:

- Families who received the Lynn Residency Preference for either living or working in Lynn must reside in Lynn's jurisdictional area for the first twelve months of subsidy.
- Families who did not receive the Lynn Residency Preference for either living or working in Lynn and who do not reside in Lynn at the time they receive their voucher will not have to relocate to Lynn.

After the initial twelve months, the family could choose to move with continued assistance outside of the jurisdiction of the issuing Housing Authority in accordance with portability rules.

If the family is going to move to another jurisdiction under the Portability provisions and the LHAND is willing to release administration of the subsidy, the Authority will notify the receiving agency to expect the family. The LHAND will verify to the receiving agency that the family meets the income eligibility requirements for admission to the program and that the LHAND has issued a Housing Choice Voucher consistent with CFR 982.302. The LHAND will also indicate the date by which the family submits a Request for Tenancy Approval form in the jurisdiction of the receiving housing authority.

When the family moves out of the LHAND's jurisdiction, the Authority retains funding for the Housing Choice Voucher under its Annual Contributions Contract.

The Initiating Housing Authority is the agency issuing the Housing Choice Voucher to an eligible applicant.

The Receiving Housing Authority is the agency in the jurisdiction to which a participant family has found a unit and wishes to move.

The Portability feature promotes moves of Housing Choice Voucher holders to non-Housing Choice Voucher jurisdictions by encouraging housing authorities with this Section 8 Program to participate on a voluntary basis.

If the Portability family leaves the Section 8 Program, or if the Receiving Housing Authority elects to provide assistance (absorb) to the family using its own funding, the LHAND is free to re-issue the subsidy to another household off of its Section 8 Waiting List.

RESPONSIBILITIES AND RIGHTS OF THE INITIATING HOUSING AUTHORITY

- Manage the Section 8 Program in such a way as to maintain the financial ability to provide continued assistance in accordance with the portability procedures.
- Determine the income eligibility of the applicant/participant for the Housing Choice Voucher Program.
- Forward to the Receiving Housing Authority copies of applications, verification of income and assets, and any other pertinent material to assist that agency's execution of leases within their jurisdiction on behalf of the participant.
- Reimburse the Receiving Housing Authority for the full amount of Housing Assistance Payments made by the Receiving Housing Authority on behalf of the family. If the Receiving Housing Authority elects to provide assistance to the family using funding under its own ACC, the Initiating Housing Authority is not required to reimburse the Receiving Housing Authority.
- The LHAND will reimburse the Receiving Housing Authority 80% of the Lynn Housing Authority's Administrative Fee for each unit month the family is under a HAP Contract in the Receiving Housing Authority's jurisdiction.

RESPONSIBILITIES AND RIGHTS OF THE RECEIVING HOUSING AUTHORITY

A Receiving Housing Authority may:

- refer the Initiating Housing Authority to a statewide or other Authority that administers a Housing Choice Voucher Program in its jurisdiction;
- administer the Housing Choice Voucher assistance on behalf of the family and bill the LHA for amounts authorized by the program;
- Issue a Housing Choice Voucher to the family using funding under the ACC for its own certificate/voucher program.

If the Receiving Housing Authority elects to provide program administration, it assumes the following responsibilities and rights:

- To recertify the family's income initially and at least annually thereafter for the purposes of determining the housing assistance payments. The Receiving Housing Authority will not deny the household a Housing Choice Voucher on the grounds that the family's income exceeds the income limits for housing eligibility in the Receiving Authority's jurisdiction.
- Notify the LHAND promptly if a family fails to submit a Request for Tenancy by the date specified by the Lynn Housing Authority & Neighborhood Development.
- Determine the amount of Housing Assistance Payments to be made on behalf of the family. A non-Housing Voucher Authority will use a payment standard based on the appropriate Fair Market Rent for the Receiving Housing Authority as the Applicable Payment Standard.
- Perform all functions normally associated with providing assistance to a family in a Housing Choice Voucher program, including lease approval, annual recertification of income and annual inspection of unit.
- Bill the LHAND for an amount up to 80% of the Lynn Housing Authority & Neighborhood Development's administrative Fee, unless it elects to provide assistance to the family using funding under the ACC for its own Section 8 Program.
- Responsible for payments it makes on behalf of the family to the owner in its jurisdiction. In cases where the Receiving Authority does not elect to provide assistance to the family using funding under the ACC for its own programs, the Receiving Authority bills the Lynn Housing Authority & Neighborhood Development for the amount of Housing Assistance Payments.
- Promptly notify the LHAND if the family ceases to be a current participant in the LHAND's Section 8 Program.

A family may move more than once using the Portability Procedures, although the LHAND may limit family moves to not more than one in any twelve-month period.

When the family wishes to move from an area in which the Receiving Authority has been billing the LHAND, the Authority in the new jurisdiction to which the family moves becomes the Receiving Authority. The new agency then assumes all the responsibilities and rights of a Receiving Housing Authority.

When a family wishes to move from an area in which the Receiving Authority has selected to provide assistance to the family using funding under its own ACC, the Receiving Authority becomes the new Initiating Housing Authority.

INFORMAL HEARINGS AND REVIEWS

INFORMAL REVIEWS AND HEARINGS

In accordance with HUD regulations, applicants are entitled to an informal review, as described under 24 CFR Section 982.554, when subjected to certain adverse action (e.g. denial of participation). Program participants are entitled to an informal hearing, as described 24 CFR Section 982.555, relative to certain Lynn Housing Authority & Neighborhood Development decisions regarding their continued program participation.

The Lynn Housing Authority & Neighborhood Development has adopted the following hearing procedures, which address HUD's requirements:

The Lynn Housing Authority & Neighborhood Development will provide information on its procedures for conducting informal reviews for applicants. This information will contain a general description of the procedures for conducting informal reviews including a description of the specific circumstances under which the Authority is required to provide an informal review.

INFORMAL REVIEW OF LHAND DENIAL OF PARTICIPATION IN THE SECTION 8 PROGRAM

The LHAND will give an applicant prompt written notice of a decision denying assistance in the Section 8 Program to the applicant. The notice will contain a brief statement of the reasons for the decision. The notice will also state that the applicant may request an informal review of the decision in writing within 10 working days of date of letter.

The informal review will be conducted by any person or persons designated by the LHAND, other than a person who made or approved the decision under review or subordinate of such person. The applicant will be given an opportunity to present written or oral objections to the Authority's decision. The Lynn Housing Authority & Neighborhood Development will promptly notify the applicant in writing of the final LHAND decision after the informal review, including a brief statement of the reasons for the final decision.

The Lynn Housing Authority & Neighborhood Development will NOT conduct an informal review to:

- review discretionary administrative determinations by the Authority or to consider general policy issues or class grievances;
- review the Authority's determination that an applicant is over-income unless the applicant argues that the actual household income is other than that identified by the Authority;
- review the Authority's determination of the number of bedrooms entered on a Housing Choice Voucher under the standards established by the LHAND;
- Review the Authority's decision not to approve a request for an extension of the term of a Housing Choice Voucher.

INFORMAL HEARING ON AN ADVERSE ACTION AFFECTING A PARTICIPATING FAMILY

The Authority will give a participant an opportunity for an informal hearing to consider whether decisions relating to the household are in accordance with law, HUD regulations and LHAND rules, in the following cases:

- a determination of the amount of the Total Tenant Payment or Tenant Rent (not including determination of the LHAND's schedule of Utility Allowances for Families in the LHAND's Section 8 Program);
- a decision to deny, suspend or terminate assistance on behalf of the participant;
- a determination that a participant family is residing in a unit with a larger number of bedrooms than appropriate under the Authority's standards (see 982.403), and the Authority's determination to deny the family's request for an exception from the standards; or
- In the case of an assisted family which wants to move to another dwelling unit with continued participation, a determination of the number of bedrooms entered on the Housing Choice Voucher under the LHAND standards.

The Lynn Housing Authority & Neighborhood Development will NOT provide an opportunity for an informal hearing to:

- review discretionary administrative determinations by the LHAND or to consider general policy issues or class grievances;
- review LHAND determinations that a unit does not comply with housing quality standards established in accordance with 982.401 including that the owner has failed to maintain a unit in accordance with HQS, the Lease and/or state law;
- review a determination that the contract unit is not decent, safe and sanitary because of an increase in family size or change in family composition;
- review a decision by the LHAND to exercise any remedy against the owner, including the suspension or termination of housing assistance payments to the owner; or
- Review the LHAND's decision not to approve a family's request for an extension of the term of the Housing Choice Voucher issued to an assisted family which wants to move to another dwelling unit with continued participation in the LHAND's Section 8 Program.

The Authority will give the participant prompt written notice of a decision. This notice of decision will contain a brief statement of the reasons for the decision. The notice will state that, if the participant does not agree with the decision, the participant may request an informal hearing on the decision in writing within 10 working days of date of letter.

When the LHAND determines the amount of the Total Tenant Payment or determines the number of bedrooms entered on the voucher of an assisted family which wants to move to another dwelling unit, the LHAND will notify the participant and the participant may ask for an explanation of the basis of the LHAND determination, and that, if the participant does not agree with the determination, the participant may request an informal hearing on the decision.

If the LHAND has decided to suspend or terminate housing assistance payments on behalf of a participant under an outstanding contract (and if the LHAND is required to give the participant

an informal hearing on the decision), the participant will be afforded the opportunity for such informal hearing before the termination of housing assistance payments.

In all cases where a hearing is required, the LHAND will proceed with a hearing in a reasonably expeditious manner upon the request of the participant.

The Lynn Housing Authority & Neighborhood Development informal hearing procedures will comply with the following:

- The hearings may be conducted by any person or persons designated by the LHAND, other than a person who made or approved the decision under review or a subordinate of such person. At this hearing, the conversation will be taped in order to provide both the LHAND and tenant with evidence of what took place;
- At the household's expense, the participant may be represented by a lawyer or other representative;
- The LHAND and the participant will be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings; and
- The person who conducts the hearing will issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the participant will be based on the evidence presented at the hearing. A copy of the hearing decision will be furnished promptly to the participant.

The Lynn Housing Authority & Neighborhood Development is not bound by a hearing decision:

- concerning a matter for which the Authority is not required to provide an opportunity for an informal hearing under this section, or otherwise in excess of the responsibility of the person conducting the hearing under the LHAND hearing procedures, or
- Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State or local law.

If the LHAND determines that it is not bound by a hearing decision, the LHAND will promptly notify the participant of the determination, and of the reasons for the determination.

For those households whose subsidy is provided through programs run by the Department of Housing and Community Development (DHCD), decisions by the LHAND to terminate assistance can be appealed to DHCD. Any appeal must be made within twenty-one (21) calendar days from the date of the decision letter.

PROGRAM INTEGRITY

HOUSING INTEGRITY PROGRAM

The U.S. Department of Housing and Urban Development (HUD) provides rental assistance and housing subsidies that benefit over 4 million families at an annual cost in excess of \$9 billion dollars. HUD conservatively estimated that 12 percent of HUD assisted households are either totally ineligible, are receiving more benefits than are allowed by law by under-reporting their income, or are otherwise falsifying their eligibility.

The Lynn Housing Authority & Neighborhood Development, which understands the importance of providing integrity in the Federal, as well as, the State housing systems, has instituted an aggressive administrative unit, the Housing Integrity Program (HIP), to insure tenant and landlord compliance with program regulations as well as to offer assistance to tenants who are in need of personal or social services. The HIP, however, is not designed to "facilitate the termination" of participants who engage in illegal acts or violate program requirements.

The LHAND believes that an effective Housing Integrity Program must have four specific objectives which are intended to assist the Authority in accomplishing its main function of providing housing or housing assistance only to eligible, qualified families, and to assure that each family pays its correct share of the rent in accordance with Federal and State Law.

These objectives are:

- To prevent unintentional program violations due to misunderstandings misinformation or a lack of information.
- To prevent and detect program violations.
- To take effective administration, civil or criminal action, as appropriate.
- To provide tenant services.

The purpose is not to harass program participants and; in fact, HIP serves to protect them from inaccurate accusations and innuendoes. It has improved the public perception of subsidized housing tenants and given the neighborhoods a mechanism for communication with the LHAND. Further, it serves to assist many low-income families by giving them the opportunity to participate in housing programs instead of remaining on Waiting Lists while ineligible families occupy units.

To accomplish these objectives, the HIP focuses on the following areas:

- Education of Regulations
- Lease Enforcement
- Investigation of Fraud Allegations
- Referral to Supportive Services

EDUCATION OF REGULATIONS

The Lynn Housing Authority & Neighborhood Development's HIP is used as a valuable tool in educating landlords and tenants about program regulations, lease stipulations and LHAND

policies and procedures. If an allegation cannot be substantiated, the participant is schooled on applicable rules regarding the allegation at an informal meeting.

LEASE ENFORCEMENT

Lease provisions that are alleged to have been violated are also addressed at an informal meeting. Tenants/landlords review their lease responsibilities with HIP staff and, in the majority of cases, no further action is required.

INVESTIGATION OF FRAUD ALLEGATIONS

HIP staff are constantly investigating program fraud allegations that are received through a variety of ways. When information has been collected by the HIP office that may verify at least the appearance that fraud may exist, tenants/landlords are requested to attend an informal hearing to discuss the issue. Many times tenants/landlords are required to submit additional documentation in order to dismiss the allegations.

REFERRAL TO SUPPORT SERVICES

The most recent component of the HIP is the referral of our tenants to the Lynn Housing Authority's Tenant Assistance Program established by the Office of Leased Housing. The LHAND believes that many families need more than housing to achieve stability. This is accomplished by the LHAND coordinating social services with existing agencies in Lynn. The HIP office is utilizing this program for many of their participants.

PROGRAM PROCEDURES

The following procedures have been adopted by the Lynn Housing Authority & Neighborhood Development's Housing Integrity Program:

- Complaints are registered by phone, letter or through notice in the local newspaper.
- Leased Housing Case Representatives complete a HIP cover sheet on the tenant/landlord and forward it to the Housing Integrity Program Office.
- The HIP Office initiates a case file for each case it determines should be investigated. An informal meeting is then scheduled and the tenant/landlord is properly notified.
- The purpose of the informal meeting is to allow the Lynn Housing Authority & Neighborhood Development staff and the tenant/landlord to discuss allegations that could jeopardize the individual's participation in their leased or public housing assistance program.
- At the completion of the meeting, one of the following recommendations is made:
 - No further action is required and the case is closed.
 - Tenant/landlord is given fifteen (15) days, with possible extensions, to return information/documentation requested by the Lynn Housing Authority & Neighborhood Development, agreed to by the tenant/landlord, to disprove allegations.

- The HIP staff may conduct further research needed to support a finding on the case.
 - If allegations, which are a clear violation of the individual's housing program rules or regulations are proven, or, if requested documentation relative to the family's obligations as listed under 24 CFR 982.551 is not provided, the HIP office may recommend termination.
 - If termination is recommended, the HIP office provides the Director of Rental Assistance with the case information and the reasons for the decision to terminate. If the Director agrees, then the process begins.

For all leased housing programs, the Director of Rental Assistance notifies the tenant/landlord of the intent to terminate by sending out a Notice of Termination. A copy is also given to the HIP office for their records.

In the Notice of Termination, the tenant/landlord is advised that they have 10 working days to request an informal hearing and where they may obtain legal assistance. The informal hearing procedures are found in Section I of the Section 8 Administrative Plan.

If the informal hearing is requested and held, the following will occur:

- If termination is upheld by the Hearing Officer, notification is sent to the tenant/landlord.
- If termination is not upheld by the Hearing Officer, notification is sent to the tenant/landlord and the individual is reinstated on their program with no loss of subsidy.

MONITORING PROGRAM PERFORMANCE

The Director of Rental Assistance will provide a monthly report to the Executive Director, concerning the operation of the program. This may include tenant-related matters, inspection schedules, leasing schedules, Fair Market Rent issues, and the number of units under contract.

The Program Administrator will monitor the leasing schedule and arrange all certification for new applicants. This will include setting up briefing sessions, whether in groups or individually.

At least 5% of all HQS inspections will be subject to an in-house quality control inspection which will verify the quality of the regular inspection. File reviews will be conducted on at least 5% of all program participant files to assure that recertifications and other administrative documentation meets the LHAND's standards and is in compliance with HUD (and DHCD) requirements.

The Authority's Fee Accountant and Director of Fiscal Affairs will provide the Executive Director and the Director of Rental Assistance copies of all financial reports and statements of the fiscal status of the program on a monthly basis. The Director of Rental Assistance will meet with the Executive Director to discuss any need to alter the performance of the program, and discuss any need to make any policy recommendation to the LHAND Commissioners. The Director of Rental Assistance will monitor the housing stock within the community and perform rent reasonableness surveys, as required.

FAMILY SELF SUFFICIENCY

FAMILY SELF-SUFFICIENCY PROGRAM

The Lynn Housing Authority & Neighborhood Development is committed to establishing and implementing a Family Self-Sufficiency (FSS) Program to help families who receive housing assistance to achieve economic independence by utilizing an array of public and private resources. By coordinating housing assistance with needed services such as child care, education and job training and development, the Lynn Housing Authority & Neighborhood Development wants to assist families in reaching their goals of independence.

The Program Coordinating Committee (PCC) will have the responsibility of securing commitments of public and private resources and of implementing the program's Action Plan. The Committee will also assume an advocacy role regarding eligibility guidelines of the various local and state regulations to insure compatibility with the Program.

The Program Coordinating Committee will be involved with the implementation of the Program in the following manner:

- Approval of individual service plans and review of the client's progress.
- Determination of the selection process for the families.
- Provide the Authority with a financial plan for operating the Program.
- Assist in the securing of job opportunities in the public and private sector.
- Provide linkages with regard to home ownership/private market rentals for the participants.

The Family Self-Sufficiency Action Plan will describe the supportive services that will be provided to program participants; the size, characteristics, number, and needs of families expected to participate; and describe how these services will be delivered to families. Supportive Services such as the selection and denial processes for FSS participation are described in the Action Plan, which was approved by HUD in 1993. Other issues such as actions to be taken if a FSS participant underreports income and assets; policies for terminating or withholding Section 8 Assistance, or FSS Supportive Services for violation of FSS obligations are also described in the Action Plan.

A copy of the Action Plan is available upon request.

MODERATE REHABILITATION PROGRAMS

MOD REHAB PROGRAM

The LHAND must maintain a waiting list for applicants for the Moderate Rehab Program. This requirement may be met through the use of waiting lists for other subsidized housing programs.

When vacancies occur, the LHAND will refer to the Owner one or more appropriate size Families on its waiting list. However, if the LHAND is unable to refer a sufficient number of interested applicants on the waiting list to the Owner within 30 days of the Owner's notification to the LHAND of a vacancy, the Owner may advertise or solicit applications for Low-Income Families and refer such Families to the LHAND to determine eligibility.

Since the owner is responsible for tenant selection, the Owner may refuse any Family provided that the Owner does not unlawfully discriminate

MOD REHAB SRO PROGRAM FOR HOMELESS INDIVIDUALS

All Lynn Housing Authority & Neighborhood Development procedures for this program will comply with 24 CFR part 882, Subpart H – Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals.

The Lynn Housing Authority & Neighborhood Development (LHAND) works with Lynn PACT (People Acting as a Collaborative Team) agencies on making referrals to the city's Mod Rehab facilities specifically geared to serving homeless individuals. Unlike the Shelter Plus Care (S+C) Program, participants do not have to be disabled. Eligible participants will come from the S+C Wait List as well as the current Housing Choice Voucher (HCV) 8 Program Waiting List. Any applicant for this program who also has their name on the HCV tenant-based Wait List will remain on that list.

LHAND, in conjunction with the city's Continuum of Care providers, Lynn PACT, are responsible for ensuring that the social service component is in place. The main component of the supportive services is the provision of case management and information & referral services on an individual basis.

SET ASIDES

The Lynn Housing Authority & Neighborhood Development will make available a Housing Choice Voucher for any authorized occupant displaced through no fault of their own, by action of the LHAND, the City of Lynn, or by a non-profit community development corporation, working within the Consolidated Plan, other than through an eviction action. To be eligible, all relocation activities must be presented to the LHAND in writing and must be pre-approved by the LHAND prior to any displacement. Activities must be consistent with the City of Lynn's Consolidated Plan and must enhance the quality and increase the supply of affordable housing in the City. It is the responsibility of the City of Lynn's Relocation Agent, the LHAND, at its sole discretion to verify the circumstances surrounding the displacement and to approve the issuance of any and all vouchers. The LHAND will make available a Housing Choice Voucher for any authorized occupant who, with the consent of the owner of the premises, seeks to voluntarily relocate from a dwelling unit due to overcrowding or substandard conditions. To be eligible; (1) the owner must be the LHAND, the City of Lynn, or a non-profit community development corporation; (2) the qualifying conditions must be verified by the LHAND; and (3) the unit must be located within a target area identified in the City of Lynn's Consolidated Plan. The LHAND will make available a HCV for any authorized occupant displaced due to dwelling fire.

In an agreement with the Independent Living Center of the North Shore and Cape Ann, Inc. (ILCNSCA), the LHAND will maintain a Set-Aside of ten (10) Housing Choice Vouchers for use by disabled individuals and families. In order to be eligible, an individual or family must be a consumer/client of the ILCNSCA and be referred by an authorized employee of the ILCNSCA. These subsidies will be available as funding allows.

In an agreement with the owner, the LHAND will maintain a Site Based Set-Aside of four (4) Housing Choice Vouchers at the Normandy Permanent Housing Program. LHAND will place applicants from its Housing Choice Voucher waiting list, and will accept referrals from the owner. These subsidies will be available as funding allows.

In an agreement with Affordable Housing Associates of Lynn, Inc. (AHL), a Community Housing Development Organization (CHDO), the LHAND will maintain a Site Based Set-Aside of ten (10) Housing Choice Vouchers for use in the Andrew Street Supportive Housing Program, a HUD funded program for homeless and disabled individuals. The LHAND will maintain a waiting list for these subsidies and accept referrals from the owner. A preference will be given to Department of Mental Health (DMH) clients for some of these units. These subsidies will be available as funding allows.

PROJECT BASED

TENANT SELECTION - PROJECT BASED: ST. JEAN BAPTISTE PROJECT

The LHAND administers five (5) Project Based Vouchers at the St. Jean Baptiste Apartments, a Low Income Housing Tax Credit (LIHTC) project in partnership with the Archdiocese of Boston's Planning Office of Urban Affairs (POUA). The LHAND will place applicants from its Housing Choice Voucher waiting list, and will accept referrals from the owner. All applicants must also be LIHTC eligible. These subsidies will be available as funding allows.

TENANT SELECTION - PROJECT BASED AT THE LYNN YMCA

The LHAND administers ten (10) Project Based Vouchers at the Lynn YMCA Project, a HUD funded Supportive Housing Program for homeless and disabled individuals. LHAND will place applicants from its Housing Choice Voucher waiting list, and will accept referrals from the owner. These subsidies will be available as funding allows.

TENANT SELECTION - PROJECT BASED GROUP HOME UNITS

The LHAND administers seven (7) Project Based Vouchers located at various State of Massachusetts approved group homes, which are managed by Bridgewell, a service provider to disabled persons. LHAND will accept referrals from the owner. To ensure consistency with program requirements, preference will be given to those applicants who meet the criteria for residing in a State of Massachusetts approved group home. These subsidies will be available as funding allows.

SHELTER PLUS CARE

The purpose of the Shelter Plus Care (S+C) Program is to provide permanent housing in connection with supportive services to homeless people with disabilities and their families. The primary target populations are homeless people who have:

- Serious mental illness; and/or
- Chronic problems with alcohol, drugs or both; and/or
- Acquired immunodeficiency syndrome (AIDS) or related diseases.

The program provides rental assistance for a variety of housing choices, accompanied by a range of supportive services funded by other sources.

The goals of the Shelter Plus Care Program are to assist homeless individuals and their families to:

- Increase their housing stability;
- Increase their skills and/or income; and,
- Obtain greater self-sufficiency.

Funding for S+C projects is awarded to LHAND through HUD's Continuum of Care process and is distributed to agencies through contracts for rental assistance under the **Sponsor-Based Rental Assistance** (SRA) component. A sponsor may be a private, nonprofit organization or a community mental health agency established as a public nonprofit organization. Under SRA, participants reside in housing – a single structure or scattered sites – owned or leased by the sponsor.

HOMEOWNERSHIP PROGRAM

LHAND SECTION 8 HOMEOWNERSHIP PROGRAM

NOTE: The regular text represents statutory or regulatory provisions required for Section 8 Homeownership Programs.
The bolded text represents discretionary provisions adopted by this Lynn Housing Authority & Neighborhood Development.
The bolded-italicized text represents language used to draw special attention to an issue.

GENERAL PROVISIONS.

The Section 8 Home Ownership Program of the Lynn Housing Authority & Neighborhood Development ("LHAND") permits eligible participants in the Section 8 housing choice voucher program, the option of purchasing a home with their Section 8 assistance rather than renting.

Eligible applicants for the Section 8 home ownership program must have completed an initial Section 8 lease term, may not owe LHAND or any other Housing Authority an outstanding debt, must be a tenant in good standing and must meet the eligibility criteria set forth herein. Preference will be given to those participants who have received Section 8 Housing Choice Vouchers from the LHAND and/or who have successfully completed the Family Self-Sufficiency Program.

Section 8 home ownership assistance may be used to purchase the following type of homes within the City of Lynn: new or existing single-family, condominium, planned use developments, cooperatives, lofts, live/work units, or manufactured homes. LHAND also will permit portability of Section 8 home ownership assistance to another jurisdiction, provided the receiving jurisdiction operates a Section 8 home ownership program for which the Section 8 home ownership applicant qualifies or authorizes LHAND to administer the home ownership assistance in their jurisdiction.

FAMILY ELIGIBILITY REQUIREMENTS

Participation in the Section 8 home ownership program is voluntary. Each Section 8 home ownership participant must meet the general requirements for admission to the Section 8 housing choice voucher program as set forth in LHAND's Administrative Plan. Such Section 8 family also must be "eligible" to participate in the home ownership program. The additional eligibility requirements for participation in LHAND's Section 8 home ownership program include that the family must: (A) be a first-time homeowner or have a member who is a person with disabilities; (B) with the exception of elderly and disabled households, meet a minimum income requirement without counting income from "welfare assistance" sources; (C) with the exception of elderly and disabled households, meet the requisite employment criteria; **(D) have completed an initial lease term in the Section 8 housing choice voucher program;** (E) **have fully repaid any outstanding debt owed to LHAND or any other Housing Authority;** (F) not defaulted on a mortgage securing debt to purchase a home under the home ownership option; (G) not have any member who has a present ownership interest in a residence at the commencement of home ownership assistance.

FIRST-TIME HOMEOWNER

Each Section 8 family, except families with a disabled member, must be a first-time homeowner. A "first-time homeowner" means that no member of the household has had an ownership interest in any residence during the three years preceding commencement of home ownership assistance. However, a single parent or displaced homemaker who, while married, owned a home with a spouse (or resided in a home owned by a spouse) is considered a "first-time homeowner" for purposes of the Section 8 homeownership option; and the right to purchase title to a residence under a lease-purchase agreement is not considered an "ownership interest." **A member of a cooperative (as defined in § 982.4) also qualifies as a "first time homeowner".**

MINIMUM INCOME REQUIREMENT

- Amount of Income: At the time the family begins receiving homeownership assistance, the head of household, spouse, and/or other adult household members who will own the home, must have a gross annual income of \$30,000.00.
- Exclusion of Welfare Assistance Income: With the exception of elderly and disabled families, LHAND will disregard any "welfare assistance" income in determining whether the family meets the minimum income requirement. Welfare assistance includes assistance from Temporary Assistance for Needy Families ("TANF"); Supplemental Security Income ("SSI") that is subject to an income eligibility test; food stamps; general assistance; or other welfare assistance specified by HUD. The disregard of welfare assistance income under this section affects the determination of minimum monthly income in determining initial qualification for the home ownership program. It does not affect the determination of income-eligibility for admission to the Section 8 housing choice voucher program, calculation of the family's total tenant payment, or calculation of the amount of home ownership assistance payments.

EMPLOYMENT HISTORY

With the exception of disabled and elderly households, each family must demonstrate that one or more adult members of the family who will own the home at commencement of home ownership assistance is employed full-time (an average of 30 hours per week) and has been so continuously employed for at least two years prior to execution of the sales agreement. In order to reasonably accommodate a family's participation in the program, LHAND will exempt families that include a person with disabilities from this requirement. **LHAND's Executive Director may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. The Executive Director may also consider successive employment during the one-year period and self-employment in a business.**

COMPLETION OF INITIAL LEASE TERM

Applicants for and new participants in the Section 8 housing choice voucher program shall be ineligible for participation in the Section 8 home ownership program until completion of an initial Section 8 lease term and the participant's first annual recertification in the Section 8 housing choice voucher program. Nothing in this provision will preclude Section 8 participants that have completed an initial lease term in another jurisdiction from participating in the Section 8 home ownership program.

REPAYMENT OF ANY HOUSING AUTHORITY DEBTS

Participants in the Section 8 housing choice voucher program shall be ineligible for participation in the Section 8 home ownership program in the event any debt or portion of a debt remains owed to LHAND or any other Housing Authority. Nothing in this provision will preclude Section 8 participants that have fully repaid such debt(s) from participating in the Section 8 home ownership program. Participants in the Section 8 housing choice voucher program must have no more than one late rental payment in the last 12 months. Landlords will be requested to complete a verification of rental certification

ADDITIONAL ELIGIBILITY FACTORS

- **Elderly and Disabled Households:** Elderly and disabled families are exempt from the employment requirements set forth in Section 2. C. Above. In the case of an elderly or disabled family, LHAND will consider income from all sources, including welfare assistance in evaluating whether the household meets the minimum income required to purchase a home through the Section 8 home ownership program.
- **Program participation preference:** Preference will be given to those participants who have received Section 8 Housing Choice Vouchers from the LHAND and/or who have successfully completed the Family Self-Sufficiency Program and the Compass IDA Program.
- **Prior Mortgage Defaults:** If a head of household, spouse, or other adult household member, who will execute the contract of sale, mortgages and loan documents have previously defaulted on a mortgage obtained through the Section 8 home ownership program, the family will be ineligible to participate in the home ownership program.

FAMILY PARTICIPATION REQUIREMENTS

Once a family is determined to be eligible to participate in the program, it must comply with the following additional requirements: (A) complete a home ownership counseling program approved by LHAND prior to commencement of home ownership assistance; (B) within a specified time, locate the home it proposes to purchase; (C) submit a sales agreement containing specific components to LHAND for approval; (D) allow LHAND to inspect the proposed home ownership dwelling to assure that the dwelling meets appropriate housing quality standards; (E) obtain an independent inspection covering major building systems; (F) **LHAND must review the proposed mortgage financing (which must comply with generally accepted mortgage underwriting requirements); and (G) enter into a written agreement with LHAND to comply with all of its obligations under the Section 8 program.**

- **Home Ownership Counseling Program:** A family's participation in the home ownership program is conditioned on the family attending and successfully completing a home ownership and housing counseling program provided or approved by LHAND prior to commencement of home ownership assistance. The counseling agency providing the counseling program shall either be approved by HUD or the program shall be consistent with the home ownership counseling provided under HUD's Housing Counseling program. **LHAND require families to participate in LHAND approved pre purchase counseling prior to closing and post home ownership counseling program on a continuing basis.**

LOCATING AND PURCHASING A HOME

- Locating A Home - Upon approval for the Section 8 home ownership program, a family shall have one hundred eighty (180) days to locate a home to purchase. A home shall be considered located if the family submits a proposed sales agreement with the requisite components to LHAND. For good cause, LHAND may extend a Section 8 family's time to locate the home for additional thirty (30) day increments. During a Section 8 participant's search for a home to purchase, their Section 8 rental assistance shall continue pursuant to the Administrative Plan. If a Section 8 participant family is unable to locate a home within the time approved by LHAND, their Section 8 rental assistance through the Section 8 housing choice voucher program shall continue.
- Type of Home - A family approved for Section 8 home ownership assistance may purchase the following type of homes: a new or existing home, a single-family home, a condominium, a home in a planned use development, a cooperative, a loft or live/work unit, or a manufactured home to be situated on a privately owned lot or on a leased pad in a mobile home park. The home must be already existing or under construction at the time LHAND determines the family is eligible for home ownership assistance to purchase the unit. The family also may purchase a home in a jurisdiction other than the City of Lynn, provided the Housing Authority in the receiving jurisdiction operates a Section 8 home ownership program for which the Section 8 home ownership applicant qualifies **or authorizes LHAND to administer the home ownership assistance in their jurisdiction.** In the former case, a family's participation in the Section 8 home ownership program will be subject to the Section 8 home ownership program and policies of the receiving jurisdiction.
- Purchasing a Home - Once a home is located and a sales agreement approved by LHAND is signed by the family, the family shall have up to three (3) months, or such other time as is approved by LHAND's Executive Director.
- Down Payment - Must have a down payment minimum of \$3,000.00 from the Families own funds.
- Failure to Complete Purchase - If a Section 8 participant is unable to purchase the home within the maximum time permitted by LHAND, LHAND shall continue the family's participation in the Section 8 housing choice voucher program.
- Lease-Purchase - Families may enter into lease-purchase agreements while receiving Section 8 rental assistance. All requirements of the housing choice voucher program apply to lease-purchase agreements, except that families are permitted to pay an extra amount out-of-pocket to the owner for purchase related expenses-- a "home ownership premium." Any "home ownership premium," defined as an increment of value attributable to the value of the lease-purchase right or agreement, is excluded from LHAND's rent reasonableness determination and subsidy calculation, and must be absorbed by the family. When a lease-purchase participant family is ready to exercise their option, they must notify the Home Ownership Counselor at LHAND and apply for the home ownership option. If determined eligible for home ownership assistance, the family may be admitted to the home ownership program and must meet all the requirements of these policies.
- Sales Agreement - Prior to execution of the offer to purchase or sales agreement, the financing terms must be provided by the family to LHAND. The sales agreement must provide for inspection by LHAND and the independent inspection referred to in Section 3(E) and **must state that the purchaser is not obligated to purchase unless such inspections are satisfactory to LHAND.** The contract also must provide that the purchaser is not obligated to pay for any necessary repairs **without approval by LHAND.** The sales agreement must provide that the purchaser is not obligated to purchase if the

mortgage financing terms are not approved by LHAND pursuant to Section 3(F). The sales agreement must also contain a seller certification that the seller is not debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.

- **Independent Initial Inspection Conducted** - To assure the home complies with the housing quality standards of the Section 8 program, home ownership assistance payments may not commence until LHAND first inspects the home. An independent inspection of existing homes covering major building systems also must be completed by a professional selected by the family. **LHAND will not pay for the independent inspection. The independent inspection report must be provided to LHAND prior to its inspection. LHAND may disapprove the unit due to information contained in the report or for failure to meet federal housing quality standards.**
- **Financing Requirements** - The proposed financing terms must be submitted to and reviewed by LHAND as soon as possible or at least prior to close of escrow. Certain types of financing, including but not limited to, balloon payment mortgages, unless convertible to a variable rate mortgage, are prohibited and will not be acceptable by LHAND. Seller-financing mortgages shall be considered by LHAND on a case by case basis. If a mortgage is not FHA-insured, LHAND will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/ FHA, Ginnie Mae, Fannie Mae, Freddie Mac, Massachusetts Housing Finance Agency (MHFA), State Soft Second Mortgage Program, or other private lending institution.
- **Compliance With Family Obligations** - A family must agree, in writing, to comply with all family obligations under the Section 8 program and LHAND's home ownership policies. These obligations include (1) **attending pre and post purchase home ownership counseling.** (2) Complying with the mortgage terms; (3) not selling or transferring the home to anyone other than a member of the assisted family who resides in the home while receiving home ownership assistance; (4) not refinancing or adding debt secured by the home without prior approval by LHAND; (5) not obtaining a present ownership interest in another residence while receiving home ownership assistance; and (6) supplying all required information to LHAND, including but not limited to annual verification of household income, notice of change in home ownership expenses, notice of move-out, and notice of mortgage default. LHAND's Home Ownership Family Obligation policies are set forth in Appendix A attached hereto.

AMOUNT OF ASSISTANCE

The amount of the monthly assistance payment will be based on three factors: the voucher payment standard for which the family is eligible; the monthly home ownership expense; and the family's household income. LHAND will pay the lower of either the payment standard minus the total family contribution ("TFC") or the family's monthly home ownership expenses minus the TFC. The Section 8 family will pay the difference.

DETERMINING THE PAYMENT STANDARD

The voucher payment standard is the fixed amount the LHAND annually establishes as the "fair market" rent for a unit of a particular size located within the LHAND jurisdiction. In the home ownership program, the initial payment standard will be the lower of either (1) the payment standard for which the family is eligible based on family size; or (2) the payment standard which is applicable to the size of the home the family decides to purchase. The payment standard for subsequent years will be based on the higher of: (1) the payment standard in effect at commencement of the home ownership assistance; or (2) the payment standard in effect at the

most recent regular reexamination of the family's income and size. The initial payment standard, for purposes of this comparison, shall not be adjusted even if there is a subsequent decrease in family size. **LHAND will request HUD approval of a higher payment standard, up to 120% of the published Fair Market Rent limit, where warranted as a reasonable accommodation for a family that includes a person with disabilities.**

DETERMINING THE MONTHLY HOME OWNERSHIP EXPENSE

Monthly home ownership expense includes all of the following: principal and interest on the initial mortgage and any mortgage insurance premium (MIP) incurred to finance the purchase and any refinancing of such debt; real estate taxes and public assessments; homeowner's insurance; maintenance expenses per LHAND allowance; costs of major repairs and replacements per LHAND allowance (replacement reserves); utility allowance per LHAND's schedule of utility allowances; principal and interest on mortgage debt incurred to finance major repairs, replacements or improvements for the home including changes needed to make the home accessible; and homeowner association dues, fees or regular charges assessed, if any. Home ownership expenses for a cooperative member may only include LHAND approved amounts for the cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home; principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt; home insurance; the allowances for maintenance expenses, major repairs and replacements and utilities; and principal and interest on debt incurred to finance major repairs, replacements, or improvements, including changes needed to make the home accessible.

DETERMINING THE TOTAL FAMILY CONTRIBUTION

The TFC is that portion of the home ownership expense that the family must pay. It is generally 30% percent of the family's adjusted income, plus any gap between the payment standard and the actual housing cost. All family income (including public assistance), will be counted to determine the family's adjusted monthly income for purposes of determining the amount of assistance.

PAYMENT TO FAMILY OR LENDER

LHAND will provide the lender with notice of the amount of the housing assistance payment prior to close of escrow. LHAND will collect the family's portion of the mortgage payment and submit one payment directly to the lender.

TERMINATION OF SECTION 8 HOME OWNERSHIP ASSISTANCE

Grounds for Termination of Home Ownership Assistance include:

- Failure to Comply with Family Obligations Under Section 8 Program or LHAND's Home Ownership Policies - A family's home ownership assistance may be terminated if the family fails to comply with its obligations under the Section 8 program, LHAND home ownership policies, or if the family defaults on the mortgage. **The family must attend and complete ongoing home ownership, credit, budgeting and housing counseling classes.** The family must comply with the terms of any mortgage incurred to purchase and/or refinance the home. The family must provide LHAND with written notice of any sale or transfer of any interest in the home; any plan to move out of the home prior to the move; the family's household income and home ownership expenses on an annual basis; any notice of mortgage default received by the family; and any other notices which may be required

pursuant to LHAND home ownership policies. Except as otherwise provided in this Section, the family may not convey or transfer the home to any entity or person other than a member of the assisted family while receiving home ownership assistance.

- **Occupancy of Home** - Home ownership assistance will only be provided while the family resides in the home. If the family moves out of the home, LHAND will not continue home ownership assistance commencing with the month after the family moves out. **Neither the family nor the lender is obligated to reimburse the LHAND for home ownership assistance paid for the month the family moves out.**
- **Changes in Income Eligibility** - A family's home ownership assistance may be changed in the month following annual recertification of the household income, but **participation in the Section 8 Home Ownership program shall continue until such time as the assistance payment amounts to \$0 for a period of six (6) consecutive months.**

MAXIMUM TERM OF HOME OWNERSHIP ASSISTANCE

Notwithstanding the provisions of Section 5(A), subparagraphs 1 through 3, except for disabled and elderly families, a family may receive Section 8 home ownership assistance for not longer than ten (10) years from the date of close of escrow unless the initial mortgage incurred to finance purchase of the home has a term that is 20 years or longer, in which case the maximum term is 15 years. Families that qualify as elderly at the commencement of home ownership assistance are not subject to a maximum term limitation. Families that qualify as disabled families at the commencement of home ownership assistance or at any time during the provision of home ownership assistance are not subject to a maximum term limitation. If a disabled family or elderly family ceases to qualify as disabled or elderly, the appropriate maximum term becomes applicable from the date home ownership assistance commenced; provided, however, that such family shall be eligible for at least six additional months of home ownership assistance after the maximum term becomes applicable. The time limit applies to any member of the household who has an ownership interest in the unit during any time that home ownership payments are made, or is a spouse of any member of the household who has an ownership interest.

PROCEDURE FOR TERMINATION OF HOME OWNERSHIP ASSISTANCE

A participant in the Section 8 Home Ownership program shall be entitled to the same termination notice and informal hearing procedures as set forth in the Administrative Plan of the LHAND for the Section 8 housing choice voucher program.

CONTINUED PARTICIPATION IN SECTION 8 HCV PROGRAM

- **Default on FHA-Insured Mortgage** - If the family defaults on an FHA-insured mortgage, LHAND may permit the family to move with continued Section 8 housing choice rental assistance if the family demonstrates that it has (a) conveyed title to the home to HUD or its designee, as required by HUD; and (b) moved from the home within the period established or approved by HUD.
- **Default on non-FHA-Insured Mortgage**. If the family defaults on a mortgage that is not FHA-insured, LHAND may permit the family to move with continued Section 8 housing choice voucher rental assistance if the family demonstrates that it has (a) conveyed title to the

home to the lender, to LHAND or to its designee, as may be permitted or required by the lender; and (b) moved from the home within the period established or approved by the lender and/or LHAND.

LHAND ADMINISTRATIVE FEE

For each month that home ownership assistance is paid by LHAND on behalf of the family, LHAND shall be paid the ongoing administrative fee described in 24 C.F.R. §982.152(b).

WAIVER OR MODIFICATION OF HOME OWNERSHIP POLICIES

The Executive Director of LHAND shall have the discretion to waive or modify any provision of the Section 8 home ownership program or policies not governed by statute or regulation for good cause or to comply with changes in HUD regulations or directives.

APPENDIX A: SECTION 8 HOME OWNERSHIP OBLIGATIONS

This form is to be signed by the home buyer(s) in the presence of the Lynn Housing Authority's (LHAND) Home Ownership Program Coordinator. The Coordinator will explain any and all clauses which you, the home buyer(s), may not understand.

The following paragraphs describe your responsibilities under the Section 8 Home Ownership Program. If you or members of your household do not meet these responsibilities, through your actions or your failure to act, you may be terminated from the Section 8 Home Ownership Program.

1. **Family Obligations:** You must comply with all Family Obligations of the Section 8 Housing Choice Voucher Program, excepting only the prohibition against owning or having an interest in the unit..
2. **Housing Counseling:** All participating family members (i.e. those signing the purchase offer and loan documents) must satisfactorily complete a LHAND provided or approved counseling program prior to commencement of home ownership assistance. **LHAND will also require any or all participating family members to attend additional housing counseling classes as a condition of continued assistance.**
3. **Purchase Contract:** You must include contract conditions in any Offer to Purchase that give LHAND a reasonable time (a) to inspect the home for compliance with HUD's Housing Quality Standards; (b) to review and approve a professional home inspection report obtained by you from a LHAND approved inspector; and (c) review the terms of your proposed financing. **Advise your Realtor of these requirements.**
4. **Mortgage Obligations:** You must comply with the terms of any mortgage incurred in the purchase of the property and must notify LHAND's Home Ownership Program Counselor **within five (5) days of receipt** of any late payment or default notice. The lender must notify LHAND of any payment received after the 15-day grace period or when the payment is considered to be late.
5. **Occupancy:** You must occupy the unit as your principal residence. You may not transfer, sell, or assign any interest in the property without LHAND's prior written consent. You may not rent or lease any part of the premises without LHAND's prior written consent. You must notify LHAND in writing **at least 30 days prior to moving out of the house for a period of 30 days**.

or longer or prior to any sale, transfer, assignment, lease or other form of alienation of the assisted property.

6. **Maintenance:** At the time of each annual re-certification you will be required to certify that you have maintained your home in a safe and sanitary manner.

7. **Annual Re-examination:** You must annually provide LHAND with current information regarding family income and composition in a format required by LHAND.

8. **Refinancing:** You must notify LHAND in writing of any proposal to refinance the original purchase mortgage or of any proposal to encumber the property with secondary financing and obtain LHAND's written approval of such financing prior to executing any loan documents.

9. **Default:** In the event of a default on your mortgage obligation, you must cooperate with LHAND and the lender to minimize any loss to the lender in order to maintain your eligibility to continue as a participant in the Section 8 Housing Choice Voucher Program. If payments fall 2 months behind LHAND will stop the subsidy.

10. **Owners Payment:** Owners monthly payment statement and Owners share of the monthly payment is due and payable at LHAND five (5) business days before the payment is due on the purchase money mortgage. The payment statement and payment must be delivered to 10 Church Street, Lynn, MA 01902. Payments are considered late if they are received after the fifth business day prior to the due date of the purchase money mortgage. In the event that any required payment is not received at said office by the fifteenth (15th) day after the payment is due, the Owner shall pay a "late charge" of three (3%) percent of the payment or three cents (.03) of each dollar overdue.

By signing below, I attest that I have read and understood my obligations as a participant in the Section 8 Home Ownership Program and I agree to abide by these responsibilities. I understand that LHAND may terminate my home ownership assistance if I violate any of these obligations, but that I may request an informal review of any proposed notice of termination prior to it becoming effective

Signature _____

Witness _____

SECTION EIGHT MANAGEMENT ASSESSMENT PROGRAM

The Section 8 Management Assessment Program (SEMAP) has been established by HUD to objectively measure public housing agency performance in key Section 8 tenant based assistance programs areas. SEMAP enables HUD to ensure program integrity and accountability by identifying LHAND management capabilities and deficiencies and by improving risk assessment to effectively target monitoring and program assistance.

SEMAP is designed to assess whether the Section 8 tenant based assistance programs operate to help eligible families afford decent rental units at the correct subsidy costs. SEMAP also established an objective system for HUD to measure LHAND performance in key Section 8 program areas and to assign performance ratings.

The performance indicators are as follows:

- Selection from the Waiting List
- Reasonable Rent
- Determination of Adjusted Income
- Utility Allowance Schedule
- HQS Quality Control Inspections
- HQS Enforcement
- Expanding Housing Opportunities
- Payment Standards
- Annual Reexaminations
- Correct Tenant Rent Calculations
- Precontract HQS Inspections
- Annual HQS Inspections
- Lease-Up
- Family Self Sufficiency Enrollment and Percent of Participants with Escrow Account Balances
- Bonus Indicator – Deconcentration

Size and Methodology for Unbiased File Selection for Quality Control Sample

Annual sample of files or records drawn in an unbiased manner and reviewed by a supervisory staff person, who did not perform the original primary work in the subject files or records, to determine if the work documented in the files or records conforms to program requirements.

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

Universe	Minimum number of files or records to be sampled
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 neutral selection process will be a random manual selection from a listing of all Section 8 Housing Choice Vouchers (as provided by the Visual Homes system). When the sample number is determined it will be divided into the universe number. That result will be number used to randomly select tenants off the list.

For example, if the sample number is 30 divided into the universe number 1200, the result would be 40. Out of the 1200 files or records, every 40th one will be selected for the SEMAP audit and certification.

The list actually used and the list of files or records actually selected will be maintained in a separate secure file for auditing purposes by state and or federal agencies for a clear audit trail.

ACRONYMS

Acronym	Description
ACC	Annual Contributions Contract
ACO	Application for Continued Occupancy
AP	Accounts Payable
BR	Bedroom
CFR	Code of Federal Regulations
CLPPP	Childhood Lead Poisoning Prevention Program
CNE	Could Not Enter
COA	Council on Aging
COB	Close of Business
CORI	Criminal Offender Record Inquiry
DHCD	Department of Housing and Community Development
EIBLL	Environmental Intervention Blood Lead Level
EPA	Environmental Protection Agency
EID	Earned Income Disallowance
FMR	Fair Market Rent
FSS	Family Self Sufficiency
FT	Full Time
FY	Fiscal Year
GLSS	Greater Lynn Senior Services
GM	General Manager
HAP	Housing Assistance Payment
HCV	Housing Choice Voucher
HH	Household
HIP	Housing Integrity Program
HOH	Head of Household
HQS	Housing Quality Standards
HR	Human Resources
HUD	United States Department of Housing and Urban Development
INS	Immigration and Naturalization Service
IRA	Individual Retirement Account
IRS	Internal Revenue Service
LHAND & LHA	Lynn Housing Authority & Neighborhood Development
LCHC	Lynn Community Health Center
LL	Landlord
Mod/Rehab	Moderate Rehabilitation
N/A	Not Applicable
NCIC	National Crime Information Center
PB	Project Based
PHA	Public Housing Authority

Acronym	Description
PR	Police Record
PRC	Police Record Check
PS	Payment Standard
QC	Quality Control
RFTA	Request for Tenancy Approval
RIM	Rental Integrity Monitoring
RR	Reasonable Rent
S+C	Shelter-Plus Care
SEMAP	Section Eight Management Assessment Program
SRO	Single Room Occupancy
SS	Social Security
SSI	Supplemental Security Income
TANF	Temporary Aide to Needy Families
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance
UAP	Utility Allowance Payment
VNA	Visiting Nurses Association
WL	Waiting List
WTW	Welfare to Work
YTD	Year to Date

EXHIBITS

EXHIBIT 1 - SECTION 8 APPLICATION FORM

Available upon request

EXHIBIT 2 - UNIT INSPECTION STANDARD FOR USE IN THE HCV PROGRAM

Available upon request

EXHIBIT 3 - REASONABLE ACCOMODATION POLICIES

Reasonable Accommodation is the practice of making exceptions to policies and/or procedures, alterations to physical space design or layout, or holding an organizational or program standard in abeyance to provide an individual with a disability equal access and full enjoyment of the benefits of the dwelling units at the Lynn Housing Authority.

Reasonable Accommodation can pertain to applicants for housing and residents of the development.

The exact nature of the reasonable accommodation varies from case to case. The implementation of an "accommodation" is at the discretion of the Authority based on information volunteered by the individual with a disability. The Lynn Housing Authority is willing to discuss alternative accommodations if the original accommodation request is not feasible. The regulatory requirements for reasonable accommodation which pertain to the Lynn Housing Authority can be found in the Fair Housing Amendments Act of 1988, which applies to all multifamily housing, Section 504 of the Rehabilitation Act of 1973, which covers all housing programs that receive a federal subsidy, and Title II of the Americans with Disabilities Act (ADA) of 1990, which covers housing programs administered by government entities such as the Lynn Housing Authority.

The Authority is only concerned with the behavioral (functional) limitations of the disability as it pertains to the nature and requirements of the housing programs and the ability to meet the requirements of tenancy. In all cases, requests for information about the cause (diagnosis) of a disability are not permitted by staff.

REASONABLE ACCOMMODATION AND RESIDENT SELECTION

The Lynn Housing Authority provides affordable housing to individuals and households who are eligible and qualified. Program eligibility is primarily based on income. Additional screening standards are used to determine if the individual or household is capable of meeting the requirements of the Rental Lease. This is the determination of a household's qualification or suitability to be housed.

It is the responsibility of the applicant to identify any disability that has relevance to the Authority's screening process. The screening process determines the applicant's ability and willingness to comply with the lease. Based on a request for a reasonable accommodation by an applicant regarding the screening standards, suspending the use of any aspect of the Authority screening standards is not an automatic action. Additional information can and often will be required for review by the Agent to determine if the disability provides a sufficient basis for overlooking any past behavior.

The Authority can request documentation from licensed clinicians and/or therapists that there is a sufficient causal relationship between an individual's disability and the failure to meet the screening standards. This documentation requires no description of the causes of a disability.

It only seeks to verify that the specific reasonable accommodation is related to and overcomes the functional limitation of a documented disability.

Even if this causal relationship is documented, the Authority still reserves the right to accept or reject any reasonable accommodation on the basis of "financial or administrative burden", "change in the fundamental nature of the program" or "undue hardship". In addition, the Authority will never agree to a reasonable accommodation if the behavioral history of an applicant indicates a high likelihood of being a threat to the safety and health of others or the applicant. The Authority may request opinions from experts as to the nature of the behavior, but the final determination as to the import of any concerns about a resident's behavior resides with the Authority.

REASONABLE PHYSICAL MODIFICATION

In certain cases the reasonable accommodation required is in the form of a physical modification to a unit or program space.

Requests for physical modifications to units must be made in writing to the Property Manager. In Massachusetts state law requires that an owner of a development with ten or more units will bear the cost of any physical modification unless one of the limiting standards is triggered such as "financial or administrative burden". If the Authority makes a determination that a physical modification is a financial and administrative burden, this does not preclude the requester from identifying other resources, which can be substituted or combined, with property resources in order to make the modification. However, the final determination of the feasibility of any physical modification resides with the Authority. The Lynn Housing Authority is willing to discuss alternative accommodations if the original accommodation request is not feasible.

The request must provide the basis for the modification and the exact changes being requested. The basis of the request is how the modification will mitigate the functional limitation that is the manifestation of the disability. For instance, in the case of changing cabinet and door hardware because of an individual's limited manual dexterity, the "changing of cabinet and door hardware" is the requested modification and the "limited manual dexterity" is the basis.

The Property Manager will review the request with the site maintenance staff to determine the feasibility and cost of the modification. The Authority may elect an equal alternative that is less costly than the resident's request. The Authority may determine that the modification is not feasible. If the lack of feasibility is specific to a unit or program space, then the Authority may propose to transfer the resident to a unit in which the modifications are feasible. In the case of a program or administrative space that requires a physical modification, an alternative program or administrative space, which meets the physical accessibility standards, may be substituted.

In no case, will the Authority make a physical modification it considers to be a "financial or administrative burden", a "change in the fundamental nature of the program" or "physically infeasible".

REASONABLE ACCOMMODATION AND COMMUNICATION

The Lynn Housing Authority utilizes a TDD service on a twenty-four hour a day, seven days a week basis.

For the written materials, the Authority has determined that it is a "financial burden" to develop custom materials in Braille or on tape for those with sensory impairments. The Lynn Housing Authority has determined that it will provide Readers on an as needed basis to all applicants and residents to assist in the review of written materials. Other forms of "reasonable accommodation" related to communication will be considered on a case-by-case basis.

REASONABLE ACCOMMODATION AND LEASE ENFORCEMENT

The Rental Lease requires both the Authority and the individual or household who reside in the unit to adhere to basic agreements. In short, the Housing Authority agrees to provide and maintain a unit that meets the habitability standards of the Commonwealth's Sanitary Code and the individual or household who reside in the unit agrees to pay the contract rent, adhere to program requirements, refrain from participation in criminal activities, and to respect the rights of other residents to full use and enjoyment of their unit and the community spaces.

Lease enforcement for all the above except rent payment is considered to be grounded in "for cause" enforcement proceedings. A resident may request that a Rental Lease enforcement activity be held in abeyance on the basis of a reasonable accommodation. The Housing Authority will consider a request for a reasonable accommodation related to the lease enforcement process on the following grounds:

- The Lynn Housing Authority recommends that the request for "reasonable accommodation" is made at the first (informal) meeting to discuss the lease violation;
- The resident acknowledges the basis of the lease violation;
- The resident proposes a mitigation strategy to prevent re-occurrence that is acceptable to the Housing Authority;
- The resident agrees that written documentation of the agreed upon mitigation strategy initialed by both parties can be included in the resident file; and
- Repetition of the behavior that led to the lease violation is grounds to restart the eviction process.

The Authority reserves the right to reject a request for reasonable accommodation as it pertains to the lease enforcement process. The Lynn Housing Authority is not required to house any participant/tenant who poses a direct threat to Lynn Housing Authority staff, residents/participants, and/or guests of residents/participants.

OTHER ASPECTS OF PROGRAM ADMINISTRATION

There are other aspects of program administration that are not explicitly covered in the above sections. The Authority will consider any request for "reasonable accommodation" of any policy, procedure or practice including assignment of parking spaces, assignment of storage spaces, assignment of mailboxes and pet policy requirements. These requests are subject to the general requirements set forth in this policy including the right of the Authority to reject any request based on case-by-case circumstances.

COMPLAINTS OF DISCRIMINATION

The policy tenets described above in no manner prevent a program applicant, applicant for employment, current program participants or current employee from filing a complaint of discrimination with the appropriate agency. Complaints related to program administration for participants should be filed with HUD's Office of Fair Housing and Equal Opportunity (OFHEO). In Massachusetts, it is possible to file complaints with the Massachusetts Commission Against Discrimination (MCAD).

EXHIBIT 4 - LHAND CRIMINAL OFFENDER RECORD INQUIRY (CORI) / SEXUAL OFFENDER RECORD INQUIRY (SORI) POLICY

This policy is adopted pursuant to the Criminal History Systems Board (CHSB) regulations governing requests for and use of Criminal Offender Record Information (CORI) by local housing authorities. The policy is designed to ensure compliance with all federal, state, and local laws governing the use of CORI, and specifically those laws found at Code of Massachusetts Regulations, 803 CMR 2.00 and following.

Lynn Housing Authority and Neighborhood Development employees may be designated to request and use CORI only for purposes of evaluating applicants for Federal or State subsidized housing. Dissemination of CORI for any other purpose or to individuals not involved in the tenant selection process is expressly prohibited. To ensure that CORI is handled in lawful fashion, the Lynn Housing Authority and Neighborhood Development has adopted the following guidelines for handling CORI:

1. CORI checks will only be conducted as authorized by CHSB. All applicants will be notified that a CORI check will be conducted. If requested, the applicant will be provided with a copy of the CORI policy.
2. An informed review of a criminal record requires adequate training. Accordingly, all personnel authorized to review CORI in the decision-making process will be thoroughly familiar with the educational materials made available by CHSB.
3. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on CORI checks will be made consistent with this policy and any applicable law or regulations.
4. If a criminal record is received from CHSB, the authorized individual will closely compare the record provided by CHSB with the information on the CORI request form and any other identifying information provided by the applicants, to ensure the record relates to the applicant.
5. If the LHAND is inclined to make an adverse decision based on the results of the CORI check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the organization's CORI policy, advised of the part(s) of the record that make the individual unsuitable for the program and given an opportunity to dispute the accuracy and relevance of the CORI record.
6. Applicants challenging the accuracy of the policy shall be provided a copy of CHSB's *Information Concerning the Process in Correcting a Criminal Record*. If the CORI record provided does not exactly match the identification information provided by the applicant, LHAND will make a determination based on a comparison of the CORI record and documents provided by the applicant. The LHAND may contact CHSB and request a detailed search consistent with CHSB policy.
7. If the LHAND reasonably believes the record belongs to the applicant and is accurate, based on the information as provided in section 4 above, then the determination of suitability for

the program will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to the following:

- Relevance of the crime to the program sought;
 - The nature of the work to be performed;
 - Time since conviction;
 - Age of the candidate at the time of the offense;
 - Seriousness and specific circumstances of the offense;
 - The number of offenses;
 - Whether the applicant has pending charges;
 - Any relevant evidence of rehabilitation or lack thereof; and
 - Any other relevant information, including information submitted by the candidate or requested by the housing authority.
8. LHAND will notify the applicant of the decision and the basis of the decision in a timely manner.

Furthermore, the LHAND has adopted these specific policies:

1. CORI will be obtained for all applicants for Federal or State subsidized housing who are age 14 or older, including all applicant household members and other persons to be listed on the lease as "Authorized Occupants", as well as any other persons to be added to this list at a later time;
2. Requests for CORI shall not be made prior to the final application screening process;
3. Requests for and use of CORI shall not have the purpose or effect of discrimination on the basis of race, religion, color, national or ethnic origin, ancestry, age, sex, handicap, sexual orientation, marital status, military status, or receipt of public assistance.
4. Only the Lynn Housing Authority and Neighborhood Development employees in the following position are authorized to submit a written request for CORI to the CHSB on behalf of the Authority:
 - a. Executive Director
 - b. General Counsel
 - c. Asst Managers/Program Administrators
 - d. Tenant Selection Supervisors

e. **Case Representative**

5. Only the Lynn Housing Authority and Neighborhood Development employees in the following positions are directly involved in the decisions as to whether an applicant is eligible for Federal or State subsidized housing and are authorized to handle CORI in the course of their duties:
- a. **Executive Director**
 - b. **General Counsel**
 - c. **Program Representatives**
 - d. **Tenant Selection Supervisors**
 - e. **Tenant Selection/Case Representatives**
 - f. **Asst. Director for Management**

Employees in those positions shall sign an "Agreement of Non-Disclosure" provided by CHSB.

6. Only one (1) copy of an individual's CORI shall be kept in the LHAND's files at any time.
7. CORI shall be kept in a separate, locked file cabinet when not being used.
8. CORI shall be destroyed when the applicant to whom it pertains has been housed.
9. If an applicant is determined ineligible for housing, the applicant's CORI shall be destroyed three (3) years from the date of the applicant's rejection, or after all administrative and judicial proceedings concerning the rejection are exhausted, whichever is later.
10. No provision of these guidelines shall be construed to prohibit dissemination of CORI by the LHAND in the course of tenant selection, appeal, or other administrative or judicial proceedings in which such CORI is relevant, brought by an applicant/tenant against the Authority.

Information Concerning the Process in Correcting a Criminal Record

1. If you have undergone a background check by an agency that has received a criminal record from the CHSB, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 by calling 617-660-4640 or go to: www.mass.gov/cori/cori_forms.html#pers.
2. The CHSB charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that CHSB waive the fee.
3. Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "how to read a BOP" on the CHSB's website www.mass.gov/chsb/cori/cori_bop.html. The CHSB does not offer "walk-in" service but you may call our Legal Division at 617-660-4760 for assistance or CARI Unit of the Office of the Commissioner of Probation at 617-727-5300.
4. If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation CARI Unit at 617-727-5300 for assistance, or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.
5. If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CORI unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.
6. If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CORI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please see www.mass.gov/chsb/cori/cori_codes_court.html.
7. In some situations of identity theft, you may need to contact the CHSB to arrange to have a fingerprint analysis conducted.
8. If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.
9. If you believe that an employer, volunteer agency, housing agency, or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at 617-660-4640.

This policy is adopted pursuant to the Sexual Offender Registry Board (SORB) regulations governing requests for and use of Sexual Offender Record Information (SORI) by local housing authorities. The policy is designed to ensure compliance with all federal, state, and local laws governing the use of SORI, and specifically those laws found at Code of Massachusetts Regulations, 803 CMR 1.00 and following.

In accordance with 24 CFR part 5.905, a PHA that administers a Section 8 or public housing program under an Annual Contributions Contract with HUD must carry out background checks necessary to determine whether a member of a household applying for admission to any Federally assisted housing program is subject to a lifetime sex offender registration program. It is mandatory that the PHA deny assistance to a person who is subject to a lifetime registration requirement. This check must be carried out with respect to the State in which the housing is located and with respect to States where members of the applicant household are known to have resided.

NOTE: Any information provided by either the police or the Sexual Offender Registry Board will be limited only to offenders who have been finally classified by the Board as Level 2 or Level 3 offenders. The law prohibits the Board and police departments from disseminating any information on a sex offender who has not been finally classified by the Board or who has been finally classified as a Level 1 offender.

- 1. SORI will be obtained for all applicants for Federal or State subsidized housing who are age 14 or older, including all applicant household members and other persons to be listed on the lease as "Authorized Occupants", as well as any other persons to be added to this list at a later time;**
- 2. Requests for SORI shall not be made prior to the final application screening process;**
- 3. Requests for and use of SORI shall not have the purpose or effect of discrimination on the basis of race, religion, color, national or ethnic origin, ancestry, age, sex, handicap, sexual orientation, marital status, military status, or receipt of public assistance.**
- 4. Only the Lynn Housing Authority and Neighborhood Development employees in the following position are authorized to submit a written request for SORI to the SORB on behalf of the Authority:**
 - a. Executive Director**
 - b. General Counsel**
 - c. Asst Managers/Program Administrators**
 - d. Tenant Selection Supervisors**
 - e. Case Representative**
- 5. Only the Lynn Housing Authority and Neighborhood Development employees in the following positions are directly involved in the decisions as to whether an**

applicant is eligible for Federal or State subsidized housing and are authorized to handle SORI in the course of their duties:

- a. Executive Director
 - b. General Counsel
 - c. Program Representatives
 - d. Tenant Selection Supervisors
 - e. Tenant Selection/Case Representatives
 - f. Asst. Director for Management
6. Only one (1) copy of an individual's SORI shall be kept in the LHAND's files at any time.
 7. SORI shall be kept in a separate, locked file cabinet when not being used.
 8. SORI shall be destroyed when the applicant to whom it pertains has been housed.
 9. If an applicant is determined ineligible for housing, the applicant's SORI shall be destroyed three (3) years from the date of the applicant's rejection, or after all administrative and judicial proceedings concerning the rejection are exhausted, whichever is later.
 10. No provision of these guidelines shall be construed to prohibit dissemination of SORI by the LHAND in the course of tenant selection, appeal, or other administrative or judicial proceedings in which such SORI is relevant, brought by an applicant/tenant against the Authority.

This policy is adopted by the Board of Commissioners of the Lynn Housing Authority and Neighborhood Development this 12th day of June, 2007.

EXHIBIT 5 - ENTERPRISE INCOME VERIFICATION SECURITY PROCEDURES

Introduction

The procedures outlined in this document serve to provide guidance to assure that the LHAND's practices and controls and safeguards adequately protect the confidentiality of the tenant wage data and are in compliance with the Federal laws regarding the protection of this information.

The EIV system is used by the LHAND to verify tenant income upfront by comparing the tenant income data obtained from various sources such as:

- Tenant-supplied income data is captured on Form HUD-50058 – Family Report and maintained in the Public Housing Information Center (PIC) database;
- Department of Health and Human Services' National Directory of New Hires Data (NDNH)
- Social Security and Supplemental Security Income from the Social Security Administration;
- Wage information from the State Wage Information Collection Agencies (SWICAs); and
- User Profile Information from the PIC database.

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

The Section 8 and Public Housing Managers must assure that a copy of Form HUD-9886 – Authorization for the Release of Information / Privacy Act Notice has been signed by each member of the household age 18 years old or older and is in the household file.

All procedures are based on HUD information available on the EIV website including the User Manual, User Administration Manual, Security Administration Manual, Security Procedures, Rules of Behavior and User Agreements

Security & Training

The EIV authorized employees will be trained in EIV security policies and procedures by their supervisor before granting them access and will be briefed on any new policies and procedures that require their awareness and compliance.

Staff appointed by the Executive Director will review the list of approved User ID's on a quarterly basis. Any unauthorized use of the system will be brought to the attention of the manager.

EIV Authorized Personnel

All LHAND EIV approved personnel must have signed the EIV Access Authorization Form and the EIV Rules of Behavior.

Users and potential users of the EIV system and UIV data should be made aware of procedures to maintain the privacy and security and notify their supervisor in the event of a security or privacy violation.

EIV Record Keeping

Information from the EIV website will be downloaded only with a signed HUD Form 9886 on file. The data will be maintained in the appropriate tenant's file. This EIV will be maintained in the same confidential manner as all tenant data.

- Data downloaded from the EIV System will not be saved to a hard drive.
- Printouts of EIV data will be collected from the printer immediately

All LHAND tenant files are kept in metal file cabinets in locked and alarmed offices. Before and after normal work hours, only managers and senior staff have keys to access these offices. Employees leaving LHAND employment are to return these keys and locks are changed as needed.

Destruction of EIV Data

The EIV data will be kept in the tenant file in accordance with the LHAND's record retention policy, which is determined by both HUD and State guidelines.

EXHIBIT 6 - ADDENDUM TO THE ADMINISTRATIVE PLAN FOR THE FAMILY UNIFICATION PROGRAM

Eligibility

LHAND will accept referrals of families and youths certified by the Commonwealth of Massachusetts' Department of Children and Families (DCF) as eligible for the Family Unification Program according to the eligibility criteria prescribed by the U.S. Department of Housing & Urban Development. To be eligible for FUP, families and youth must meet the following criteria:

- Families for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care, or in the delay of discharge of a child, or children, to the family from out-of-home care, and that has been determined to be eligible for a Housing Choice Voucher (HCV);
- Youth that is at least 18 years old and not more than 21 years old who left foster care at age 16 or older and who does not have adequate housing, and that has been determined to be eligible for a HCV.

LHAND will determine if families with children, or youths age 18 through 21 referred by DCF are eligible for Section 8 assistance and place eligible families/youths on the waiting list. Eligibility will be determined based on eligibility procedures for the Tenant Based Housing Choice Voucher Program as prescribed by HUD.

If LHAND has knowledge of families with children, or youths age 18 through 21 on the waiting list who may qualify for the FUP, such applicants will be referred to DCF.

Waiting List

FUP-eligible families and youth will be placed on the waiting list and will be selected for FUP Housing Choice Vouchers (HCVs) based on:

- The availability of a Family Unification Program housing choice voucher; and
- Their rank order (i.e. date and time of application) on the FUP waiting list.

Leasing Process

LHAND will administer HCV FUP vouchers in accordance with HCV program regulations and requirements. LHAND will provide mandatory briefing sessions for FUP-eligible families during which they will be informed of their rights to request an informal hearing pertaining to their eligibility for assistance under the Housing Choice Voucher Program. At the briefing session, the Briefing Package will be distributed to FUP-eligible families. A complete list of the materials included in the Briefing Package is included in "Briefing of Families and Issuing of Housing Choice Vouchers". These materials include Fair Housing Form HUD-1686, Housing Discrimination Form HUD-903.1, which includes the toll free number for the Housing Discrimination Hotline, 1-800-669-9777, information on Reasonable Accommodation procedures, and other documents.

EXHIBIT 7 - ADDENDUM TO THE ADMINISTRATIVE PLAN FOR THE RENTAL ASSISTANCE FOR NON-ELDERLY PERSONS WITH DISABILITIES

General Policies

The Lynn Housing Authority and Neighborhood Development (LHAND) will work with their partnering agencies to ensure all fair housing rights and procedures are followed according to federal regulations and as described further in the Section 8 Administrative Plan and Addendum for Non-Elderly Persons with Disabilities. The Non-Elderly Disabled applicant will be aware of their rights and eligibility for services pertaining to their needs from time of application to placement through the coordinated delivery by LHAND and State Partner. The LHAND and partnering agencies will, along with MOUs and Letters of Documented Needs, provide a list of services and ensure case management with an emphasis on housing search.

The City of Lynn, Massachusetts and the LHAND are committed to the goals of eliminating discrimination in housing and affirmatively promoting fair housing choice for all citizens regardless of race, color, religion, sex, disability, familial status or national origin. Further, the City and the LHAND, which administers all CDBG, HOME, HOPWA, McKinney-Vento, ESG, Public Housing and Section 8 housing-related programs in Lynn, are committed to the goal of integrating fair housing planning efforts into the City's overall housing and community development Consolidated Planning Process. In the implementation of all activities covered under the Consolidated Plan for Housing and Community Development, the City and LHAND intend to affirmatively promote housing choice and to comply with all legal and statutory responsibilities with respect to fair housing including the provisions of the Fair Housing Act of 1990, HUD Consolidated Planning and other pertinent regulations.

Experience and Resources

The LHAND has a long history of delivering services that have evolved with additional focus on specific applicant needs. Most recently, the LHAND's administering of FUP vouchers. LHAND will make all services available for Non-Elderly Disabled.

LHAND experience in providing supportive services through its Lynn PACT will be extended with the commitment of state partners and regional partners case management plan.

Outreach

LHAND in developing needed partnerships reached out regionally. LHAND will work cooperatively and regionally to best meet eligible individuals needs. LHAND has long standing partnership with Lynn PACT as well as the NSHAG group.

LHAND administers grant and loan programs for the updating/upgrading of properties. Funds for the purposes of accessibility for Non-Elderly Disabled will be included in the mix of approved purposes. The LHAND will continue to research grant and loan programs to identify funds for accessibility.

To address the issue of approving higher rents for accessible units, the LHAND will include Non-Elderly Disabled on the list of special accommodations.

Special Accommodation

The Non-Elderly Disabled Voucher program is a regional approach by LHAND, State Partners and Regional Service Delivery Programs to address the needs of eligible applicants. LHAND's waiting list procedures will be followed in the selection process of applicants. Reasonable accommodations will be considered for any circumstance that affects the applicants' delivery of service.

Waiting List

Existing waiting list will be exhausted first and a scheduled reopening specifically for Category 1 and/or 2 will take place when deemed necessary.

How to File a Complaint

LHAND will administer the Rental Assistance for Non-Elderly Persons with Disabilities in accordance with regulations and requirements. LHAND will provide mandatory briefing sessions for eligible families during which they will be informed of their rights to request an informal hearing pertaining to their eligibility for assistance under the Non-Elderly Persons with Disabilities. At the briefing session, the Briefing Package will be distributed to eligible families. A complete list of the materials included in the Briefing Package is included in "Briefing of Families and Issuing of Housing Choice Vouchers". These materials include Fair Housing Form HUD-1686, Housing Discrimination Form HUD-903.1, which includes the toll free number for the Housing Discrimination Hotline, 1-800-669-9777, information on Reasonable Accommodation procedures, and other documents. LHAND is the Fair Housing Office for the City of Lynn. The TDD phone number is 781-477-2837.

EXHIBIT 8 – TEMPORARY HUD SEQUESTRATION PROVISIONS EFFECTIVE 04/15/13 TO 03/31/14 OR UNTIL AMENDED, SUPERSEDED, OR RESCINDED

Allow households to self-certify if they have less than \$5,000 in assets

HUD Notice 2013-03 allows the LHAND staff to accept a family's self-certification on the Family Certification Form if the amounts of assets they have are under \$5,000 at the time of signing. They will not be required to obtain supporting documentation.

Perform streamlined annual reexaminations for elderly families and disabled families on fixed incomes

HUD Notice 2013-03 allows the LHAND staff to conduct a streamlined reexamination of income for elderly and disabled families when 100% of the family's income consists of fixed income. Staff will apply any published cost of living adjustments to the previously verified income amount and use that figure to determine the family's portion of the rent for the next twelve months.

Verify HQS deficiencies remotely for annual and interim inspections

HUD Notice 2012-15 allows the LHAND staff to verify that deficiencies are corrected by means other than a re-inspection. If a failed item is in a unit, the LHAND inspectors may accept verbal confirmation of completion of the repair from the tenant. If a failed item is in the common area or exterior of a building, LHAND inspectors may accept verbal or documented confirmation of the completion of the repair from the landlord, based upon LHAND's experience with that landlord.

Termination of assistance due to insufficient funding

HUD Notice 2011-28 allows the LHAND to determine that if funding under the Consolidated Annual Contributions Contract is insufficient to support continued assistance for families in the program, the LHAND may terminate HAP contracts in accordance with HUD regulations.

Boston HUD Office advised LHAND to create a hierarchy of program participants that would be terminated in the event that funding cuts reached such a critical level. The LHAND would first begin any terminations for voucher holders that have been found to have committed fraud, are in a repayment agreement and are delinquent in making those payments.