

WATERLOO HOUSING AUTHORITY

ADMINISTRATIVE PLAN

HOUSING CHOICE VOUCHER PROGRAM

This document has been revised in accordance with HOTMA (the Housing Opportunity through Modernization Act of 2016) requirements. All mandatory rules have been added, in addition to discretionary policies adopted by the Waterloo Housing Authority. All previous policies will remain in effect until the HOTMA compliance date of no later than January 1, 2025.

Adopted 11-20-2023

TABLE OF CONTENTS

INTRODUCTION.....	7
A. MISSION STATEMENT.....	7
B. GOALS.....	7
C. PURPOSE OF THE PLAN.....	8
D. ADMINISTRATIVE FEE RESERVE.....	9
E. RULES AND REGULATIONS.....	9
F. TERMINOLOGY.....	10
G. FAIR HOUSING POLICY.....	10
1.0 EQUAL OPPORTUNITY.....	11
1.1 FAIR HOUSING.....	11
1.2 REASONABLE ACCOMODATION.....	13
1.3 COMMUNICATION.....	15
1.4 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION.....	16
1.5 SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND PARTICIPANTS.....	17
1.6 FAMILY/OWNER OUTREACH.....	17
1.7 RIGHT TO PRIVACY - RELEASE OF CONFIDENTIAL INFORMATION.....	18
1.8 REQUIRED POSTINGS.....	22
2.0 WATERLOO HOUSING AUTHORITY/OWNER RESPONSIBILITY/ OBLIGATIONS OF THE FAMILY.....	24
2.1 WATERLOO HOUSING AUTHORITY RESPONSIBILITIES.....	24
2.2 OWNER RESPONSIBILITY.....	26
2.3 OBLIGATIONS OF THE PARTICIPANT.....	27
3.0 ELIGIBILITY FOR ADMISSION.....	33
3.1 INTRODUCTION.....	33
3.2 ELIGIBILITY CRITERIA.....	34
4.0 MANAGING THE WAITING LIST.....	40

4.1	OPENING AND CLOSING THE WAITING LIST	40
4.2	TAKING APPLICATIONS	40
4.3	ORGANIZATION OF THE WAITING LIST	44
4.4	FAMILIES NEARING THE TOP OF THE WAITING LIST.....	44
4.5	MISSED APPOINTMENTS	44
4.6	PURGING THE WAITING LIST.....	45
4.7	REMOVAL OF APPLICANTS FROM THE WAITING LIST	45
4.8	GROUND FOR DENIAL	46
4.9	NOTIFICATION OF NEGATIVE ACTIONS	47
4.10	INFORMAL REVIEW	48
5.0	SELECTING FAMILIES FROM THE WAITING LIST	48
5.1	WAITING LIST ADMISSIONS AND SPECIAL ADMISSIONS	48
5.2	PREFERENCES	49
5.3	SELECTION FROM THE WAITING LIST	49
6.0	ASSIGNMENT OF BEDROOM SIZES (SUBSIDY STANDARDS)	50
6.1	BRIEFING.....	52
6.2	PACKET.....	53
6.3	ISSUANCE OF VOUCHER; REQUEST FOR APPROVAL OF TENANCY	54
6.4	TERM OF THE VOUCHER.....	55
6.5	APPROVAL TO LEASE A UNIT	56
6.6	WATERLOO HOUSING AUTHORITY DISAPPROVAL OF OWNER	57
6.7	INELIGIBLE/ELIGIBLE HOUSING.....	58
6.8	SECURITY DEPOSIT	60
7.0	MOVES WITH CONTINUED ASSISTANCE	60
7.1	WHEN A FAMILY MAY MOVE.....	61
7.2	PROCEDURES REGARDING WHEN A FAMILY MAY NOT MOVES.....	61
8.0	PORTABILITY.....	63
8.1	GENERAL POLICIES OF THE WATERLOO HOUSING AUTHORITY	63
8.2	INCOME ELIGIBILITY	64

8.3	ADMINISTRATION BY RECEIVING HOUSING AUTHORITY.....	64
8.4	PORTABILITY PROCEDURES	65
9.0	DETERMINATION OF FAMILY INCOME.....	68
9.1	INCOME, EXCLUSIONS FROM INCOME, DEDUCTIONS FROM INCOME.....	68
9.2	INCOME	68
9.3	EXCLUSIONS FROM INCOME	81
9.4	DEDUCTIONS FROM ANNUAL INCOME.....	84
10.0	VERIFICATION	86
10.1	ACCEPTABLE METHODS OF VERIFICATION	86
10.2	TYPES OF VERIFICATION	87
10.3	ZERO INCOME STATUS.....	92
10.4	VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS	92
10.5	VERIFICATION OF SOCIAL SECURITY NUMBERS.....	93
10.6	TIMING OF VERIFICATION.....	94
10.7	FREQUENCY OF OBTAINING VERIFICATION.....	94
11.0	RENT AND HOUSING ASSISTANCE PAYMENT.....	95
11.1	GENERAL.....	95
11.2	RENT REASONABLENESS.....	95
11.3	COMPARABILITY	95
11.4	MAXIMUM SUBSIDY	96
11.4.1	SETTING THE PAYMENT STANDARD	96
11.4.2	SELECTING THE CORRECT PAYMENT STANDARD FOR A FAMILY	97
11.4.3	AREA EXCEPTION RENTS.....	98
11.5	ASSISTANCE AND RENT FORMULAS	98
11.6	UTILITY ALLOWANCE.....	102
11.7	DISTRIBUTION OF HOUSING ASSISTANCE PAYMENT.....	103
11.8	CHANGE OF OWNERSHIP.....	104
12.0	INSPECTION POLICIES, HOUSING QUALITY STANDARDS, AND DAMAGE CLAIMS.....	104

12.1	TYPES OF INSPECTIONS	105
12.2	OWNER AND FAMILY RESPONSIBILITY(UTILITIES ETC..)	106
12.3	HOUSING QUALITY STANDARDS (HQS) 24 CFR 982.401	107
12.4	EXCEPTIONS TO THE HQS ACCEPTABILITY CRITERIA	119
12.5	TIME FRAMES AND CORRECTIONS OF HQS FAIL ITEMS	120
12.6	EMERGENCY FAIL ITEMS	122
12.7	ABATEMENT AND SUSPENSIONS.....	123
13.0	OWNER CLAIMS FOR DAMAGES, UNPAID RENT, AND VACANCY LOSS AND PARTICIPANT'S INSURING RESPONSIBILITIES	125
13.1	OWNER CLAIMS FOR PRE-OCTOBER 2, 1995, UNITS.....	125
13.2	PARTICIPANT RESPONSIBILITIES	127
14.0	RECERTIFICATION	127
14.1	ANNUAL REEXAMINATION.....	127
14.1.1	EFFECTIVE DATE OF RENT CHANGES ANNUAL REEXAMINATIONS....	128
14.1.2	MISSED APPOINTMENTS	128
14.2	REPORTING CHANGES.....	128
14.3	REPAYMENT AGREEMENTS.....	129
14.4	INTERIM REEXAMINATIONS, FAMILY BREAK-UP & ABSENT MEMBER....	130
14.5	DE MINIMUS ERRORS.....	135
15.0	VERIFICATION.....	136
15.1	VERIFICATION PROCEDURES.....	137
15.2	SPECIAL REEXAMINATIONS.....	166
15.3	EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS.....	167
16.0	TERMINATION OF ASSISTANCE TO THE FAMILY BY THE WATERLOO HOUSING AUTHORITY	167
17.0	COMPLAINTS, INFORMAL REVIEWS FOR APPLICANTS, INFORMAL HEARINGS FOR PARTICIPANTS.....	170
17.1	COMPLAINTS.....	170

17.2	INFORMAL REVIEW FOR THE APPLICANT	170
17.3	INFORMAL HEARINGS FOR PARTICIPANTS	173
18.0	TERMINATION OF THE LEASE AND CONTRACT	180
19.0	CHARGES AGAINST THE SECTION 8 ADMINISTRATIVE FEE RESERVE	183
20.0	INTELLECTUAL PROPERTY RIGHTS.....	184
21.0	STAFFING PLAN	184
22.0	PAYMENT STANDARDS.....	184
23.0	VIOLENCE AGAINST WOMEN ACT (VAWA).....	186
24.0	HOMEOWNERSHIP VOUCHER PROGRAM.....	193
25.0	VASH PROGRAM (VETERANS AFFAIRS SUPPORTIVE HOUSING).....	204
26.0	FOSTER YOUTH TO INDEPENDENCE PROGRAM (FYI).....	209
27.0	EMERGENCY HOUSING VOUCHERS (EHV).....	212
	GLOSSARY.....	219
	ACRONYMS.....	236

STATEMENT OF POLICIES AND OBJECTIVE

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the Section 8 Tenant-Based Assistance Program, is described in and implemented throughout this Administrative Plan. The Section 8 tenant-based assistance programs are federally funded and administered for the city of Waterloo by Waterloo Housing Agency's (WHA).

Administration of the Section 8 Program and the functions and responsibilities of WHA's staff shall be in compliance with the WHA's Personnel Policy and the Department of Housing and Urban

Development's (HUD) Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

Jurisdiction

The jurisdiction of WHA is the City Waterloo.

A. Waterloo Housing Agency's mission statement

The mission of Waterloo Housing Agency is to help place people in homes.

B. LOCAL GOALS [24 CFR 982.1]

WHA has the following goals for the program:

To encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human services needs. To create positive public awareness and expand the level of family, owner, and community

support in accomplishing WHA's mission.

To attain and maintain a high level of standards and professionalism in our day-to-day management of all program components

To administer an efficient, high-performing agency through continuous improvement of WHA's support systems and commitment to our employees and their development.

To provide decent, safe, and sanitary housing for very low income families while maintaining their rent payments at an affordable level.

To ensure that all units meet Housing Quality Standards and families pay fair and reasonable rents.

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

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

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

Housing Choice Voucher Program.

C. Purpose Of The Plan [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan. The Housing Choice Voucher Program was implemented on 10/1/99, and pre-merger Housing Voucher tenancies and Over Fair Market Rent tenancies converted automatically to Housing Choice Voucher tenancies on that date. All other contracts remained in effect until the family's second reexamination after the merger date or when a new lease was executed.

WHA is responsible for complying with all changes in HUD regulations pertaining to these programs.

If such changes conflict with this Plan, HUD regulations will have precedence. WHA will revise this Administrative Plan as needed to comply with changes in HUD regulations. The original Plan and any changes must be approved by the Board of Trustees of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

This Administrative Plan is a supporting document to WHA's Agency Plan, and is available for public review as required by CFR 24 Part 903.

Applicable regulations include:

24 CFR Part 5: General Program Requirements

24 CFR Part 8: Nondiscrimination

24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program

1-3

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(d)(21)]

1. Expenditures from the Administrative Reserve (Operating Reserve) for other housing purposes shall not exceed \$2,500 per occurrence for each fiscal year without the Prior approval of the Board of Trustees.
2. To participate in the Operating Fund Financing Program (OFFP), PHAs should demonstrate that they have taken steps to maintain their operating reserves at a level that can be reasonably anticipated to sustain necessary operations given a moderate level of fluctuation in operations or appropriations. PHAs with 250 units or more should have at least 4 months' worth of operating reserves available above the amount proposed as part of an OFFP transaction; PHAs with less than 250 units should have at least 6 months' worth of operating reserves available. When reviewing OFFP proposals, HUD will also evaluate the impact of the allocation adjustment in the FFY Appropriations Act. To the extent that PHAs have reserve amounts in excess of 4 to 6 months as applicable, in addition to amounts associated with the proposed allocation adjustment, they may request to use excess operating reserves as needed.
 - a. Public Housing Units (Ridgeway Towers)
Funds must be expensed on Public Housing units, and must also be used on fees for service, however there is a need to track the hours that are spent on the units. If not "AMPED" (for a specifically designated asset management project), can use reasonable cost to track per unit cost for HA services.
3. Remittance of interest earned on Net Restricted Asset (NRA) and excess Housing Assistance Payment (HAP) funds to the Treasury. Effective January 1, 2014, PHAs may now retain, for administrative expenses, up to \$500.00 per year in interest earned on NRA and excess HAP funds. For the period January 1, 2012 through December 31, 2013, PHAs may only retain up to \$100.00 in interest earned on NRA and excess HAP funds.

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define WHA's local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to Section 8 not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and

guidelines, or other applicable law. The policies in this Administrative Plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

F. TERMINOLOGY

Waterloo Housing Agency is referred to as "WHA" or "PHA" 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.

"Disability" is used where "handicap" was formerly used.

"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.

"HQS" means the Housing Quality Standards required by regulations as enhanced by the PHA.

"Failure to Provide" refers to all requirements in the first Family Obligation. See "Denial or Termination of Assistance" chapter.

"Merger date" refers to October 1, 1999, which is the effective date of the merging of the Section 8 Certificate and Voucher programs into the Housing Choice Voucher Program.

See Glossary for other terminology.

G. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

WATERLOO Housing Finance Agency Administrative Plan (Revised 07/09)

Section 8 Housing Choice Voucher Program

1-4

It is the policy of WHA to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment. WHA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability or sexual orientation.

To further its commitment to full compliance with applicable Civil Rights laws, WHA will provide Federal/State/local information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet and available upon request at the front desk.

All Rental Assistance staff will be required to attend fair housing training and informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of the overall commitment to quality customer service. Fair Housing posters are posted throughout the Housing Authority office/s, including in the lobby and interview rooms and the equal opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organization to keep current with new developments.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because WHA's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the WHA's office in such a manner as to be easily readable from a wheelchair. The Waterloo Housing Authority's central office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the TDD telephone service provider.

1.0 EQUAL OPPORTUNITY

1.1 FAIR HOUSING

It is the policy of the Waterloo Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws; the Americans With Disabilities Act; and the U. S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity.

No person shall, on the ground of race, color, sex, religion, national or ethnic origin, familial status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the Waterloo Housing Authority housing programs.

To further its commitment to full compliance with applicable Civil Rights laws, the Waterloo Housing Authority will provide Federal/State/local information to applicants for and participants in the Section 8 Housing Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at the Waterloo Housing Authority office. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and/or logo.

The Waterloo Housing Authority will assist any family that believes they have suffered illegal discrimination by providing them copies of the housing discrimination form. The Waterloo Housing Authority will also assist them in completing the form, if requested, and will provide them with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan.

The Housing Choice Voucher Program was implemented on 10/1/99, and pre-merger Housing Voucher tenancies and Over Fair Market Rent tenancies converted automatically to Housing Choice Voucher tenancies on that date. All other contracts remained in effect until the family's second reexamination after the merger date or when a new lease was executed.

WHA is responsible for complying with all changes in HUD regulations pertaining to these programs.

If such changes conflict with this Plan, HUD regulations will have precedence. WHA will revise this Administrative Plan as needed to comply with changes in HUD regulations. The original Plan and any changes must be approved by the Board of Trustees of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

This Administrative Plan is a supporting document to WHA's Agency Plan, and is available for public review as required by CFR 24 Part 903.

Applicable regulations include:

24 CFR Part 5: General Program Requirements

24 CFR Part 8: Nondiscrimination

24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program

1.2 REASONABLE ACCOMMODATION

It is the policy of WHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families. A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before WHA will treat a person differently than anyone else.

WHA's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on WHA forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in WATERLOO Housing Finance Agency Administrative Plan (Revised 3/13)

Section 8 Housing Choice Voucher Program

1-5 this Administrative Plan including when a family initiates contact with WHA, when WHA initiates contact with a family including when a family applies, and when WHA schedules or reschedules appointments of any kind.

To be eligible to request a reasonable accommodation, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following

ADA definition:

A physical or mental impairment that substantially limits one or more of the major life activities of an individual;

A record of such impairment; or

Being regarded as having such an impairment

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403, individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition.

Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, WHA will require that a professional third party competent to make the assessment, provides written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

If WHA finds that the requested accommodation creates an undue administrative or financial burden,

WHA will deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of WHA (i.e., waiving a family obligation).

An undue financial burden is one that when considering the available resources of the agency as a whole, the requested accommodation would pose a severe financial hardship on WHA.

WHA will provide a written decision to the person requesting the accommodation within **five business days**. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review WHA's decision.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

WHA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

WATERLOO Housing Finance Agency Administrative Plan (Revised 3/13)

Section 8 Housing Choice Voucher Program

1-6

Verification of Disability

WHA will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

Outreach

Outreach efforts will include notification to WHA’s Advisory Board as well as all other media and agencies listed in WHA’s Administrative Plan regarding public notices (see section on opening and closing the waiting list in "Applying for admission" chapter.)

Applying for Admission

All persons who wish to apply for any of WHA’s programs must submit a pre-application **via written format or online**, as indicated in our public notice. Applications will be made available in an accessible format upon request from a person with a disability, as a reasonable accommodation, as long as the reasonable accommodation does not create an undue administrative or financial burden.

The full application will be completed at the eligibility appointment. Applicants will be interviewed by WHA staff to review the information on the full application form. Applicants will be required to certify, in writing, that all information provided is complete and correct.

Verification of disability as it relates to 504, Fair Housing, or ADA reasonable accommodation will be requested at this time. The full application will also include questions asking all applications whether reasonable accommodations are necessary.

I. TRANSLATION OF DOCUMENTS

In determining whether it is feasible to provide translation of documents written in English into other languages, WHA will consider the following factors:

Number of applicants and participants in the jurisdiction who do not speak English and speak other languages.

Estimated cost to WHA to translate English written documents into other languages.

The availability of local organizations to provide translation services to non-English speaking families.

Availability of bi-lingual staff to provide translation for non-English speaking families.

1.3 COMMUNICATION

Everyone completing an application will also receive notice in writing that applicants must notify the Waterloo Housing Authority of the need for and type of Reasonable Accommodation needed to permit the disabled applicant an opportunity to respond to waiting list notices. Everyone will also be asked verbally “Do you require any

modifications or accommodations in order to fully utilize the unit or the program and its services?" during the application interview.

Notifications of reexamination, inspection, appointment, and termination will include information about requesting a reasonable accommodation.

All decisions granting or denying requests will be in writing.

1.4 QUESTIONS TO ASK IN GRANTING THE ACCOMMODATION

A. Is the requestor a person with disabilities? For this purpose the definition of disabilities is different than the definition used for admission. The Fair Housing definition used for this purpose is:

A person with a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. (The disability may not be apparent to others, i.e., a heart condition).

If the disability is apparent or already documented, the answer to this question is yes. It is possible that the disability for which the accommodation is being requested is a disability other than the apparent disability. If the disability is not apparent or documented, the Waterloo Housing Authority will obtain verification that the person is a person with a disability.

B. Is the requested accommodation related to the disability? If it is apparent that the request is related to the apparent or documented disability, the answer to this question is yes. If it is not apparent, the Waterloo Housing Authority will obtain documentation that the requested accommodation is needed due to the disability. The Waterloo Housing Authority will not inquire as to the nature of the disability.

C. Is the requested accommodation reasonable? In order to be determined reasonable, the accommodation must meet two criteria:

1. Would the accommodation constitute a fundamental alteration? The Waterloo Housing Authority's business is housing. If the request would alter the fundamental business that the Waterloo Housing Authority conducts, that would not be reasonable. For instance, the Waterloo Housing Authority would deny a request to have the Waterloo Housing Authority do grocery shopping for the person with disabilities.

2. Would the requested accommodation create an undue financial hardship or administrative burden? Frequently the requested accommodation costs little or nothing. If the cost would be an undue burden, the Waterloo Housing Authority may request a meeting with the individual to investigate and consider equally effective alternatives.

Generally the individual knows best what they need; however, the Waterloo Housing Authority retains the right to be shown how the requested accommodation enables the individual to access or use the Waterloo Housing Authority's programs or services.

If more than one accommodation is equally effective in providing access to the Waterloo Housing Authority's programs and services, the Waterloo Housing Authority retains the right to select the most efficient or economic choice.

If the participant requests, as a reasonable accommodation, that he or she be permitted to make physical modifications to their dwelling unit, at their own expense, the request should be made to the property owner/manager. The Housing Authority does not have responsibility for the owner's unit and does not have responsibility to make the unit accessible.

Any request for an accommodation that would enable a participant to materially violate family obligations will not be approved.

1.5 **SERVICES FOR NON-ENGLISH SPEAKING APPLICANTS AND PARTICIPANTS**

The Waterloo Housing Authority will endeavor to have access to people who speak languages other than English to assist non-English speaking families. The following languages will be covered:

Spanish	Croatian (Bosnian)
Burmese	

1.6 **FAMILY/OWNER OUTREACH**

The Waterloo Housing Authority in the past and will publicize the availability and nature of the Section 8 Program for extremely low-income, very low and low-income families should the waiting list become shorter than six months in a newspaper of general circulation, minority media, and by other suitable means.

To reach persons, who cannot or do not read newspapers, the Waterloo Housing Authority will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The Waterloo Housing Authority will also try to utilize public service announcements. The Waterloo Housing Authority will communicate the status of program availability to other service providers in the community and advise them of housing eligibility factors and guidelines so that they can make proper referral of their clients to the program. The Waterloo Housing Authority, as needed, will hold briefings for owners who participate in or who are seeking information about the Section 8 Program. Owners and managers participating in the Section 8 Program will participate in making this presentation. The briefing is intended to:

- A. Explain how the program works;
- B. Explain how the program benefits owners;
- C. Explain owners' responsibilities under the program. Emphasis is placed on quality screening and ways the Waterloo Housing Authority helps owners do better screening; and
- D. Provide an opportunity for owners to ask questions, obtain written materials, and meet Waterloo Housing Authority staff.

The Waterloo Housing Authority will particularly encourage owners of suitable units located outside of low-income or minority concentration to attend. Targeted mailing lists will be developed and announcements mailed.

1.7 **“OPEN RECORD LAW” RIGHT TO PRIVACY- RELEASE OF CONFIDENTIAL INFORMATION**

Although the plan is fairly limited in terms of the information that the Housing Authority will provide the landlord upon request, Iowa's open records requirements under Iowa code chapter 22 provide that a substantial portion of the tenant's file is available to anyone, not just the landlord, because many of the documents are public records. Thus, unless there is a law protecting the dissemination or confidentiality of a document, the Housing Authority must provide a copy to a landlord or to any other member of the public who requests the public record.

With that said, the Housing Authority should not allow the landlord or anyone else to review the entire file without a release signed by the tenant because certain items in the tenant's file are not "public record." If there is a request to review the file without a release, the Housing Authority will need to redact documents or portions of documents that are not "open records." Given the time it will take to redact confidential information, I suggest that you consider charging for redacting information. For example, the City Clerk charges \$5.00 for each quarter of hour after the initial 15 minutes. You may also assess a reasonable charge for photocopies. As an alternative, you may suggest to the requestor that he or she be more specific about the document being requested (e.g., lease in place on June 1999 as opposed to the entire tenant file).

Although I do not intend for this memorandum to be an in depth discussion of Iowa's open records law, I want to add four more points.

First, the person requesting a record is not required to identify him or herself, and Housing Authority should not inquire into the person's name or why the person wants the information.

Second, the request for the records need not be in writing.

Third, the person's request must be somewhat specific, that is the request should reasonably describe the record such that the employee can locate the record. Iowa Attorney General No. 82-1-3. Four, "records" includes emails and other data stored electronically.

What cannot be disclosed:

The following items are not public records and must not be disclosed without a written release signed by the tenant. If someone would like to review a file without a release, these items must be redacted:

- **Social Security Numbers (42 U.S.C. 409 (c) (2) (C) (Viii) (1); 24 C.F.R. 5.212 (A))**
- **Employer Identification Numbers (24 C.F.R. 5.212 (a))**
- **Information derived from a SSN or EIN (24 C.F.R. 5. 212(A))**
- **Tax returns (42 U.S.C. 3544 (c) and Iowa code § 422.20)**
- **Income information provided to the Housing Authority from Work Force Development (42 USC 3544(c); 24 C.F.R. 5. 236(b) (6))**

- Amount of benefits, and whether the tenants is receiving benefits from the Social Security Administration (42 U.S.C 3544 (c))
- Income information (24 C.F.R.5. 212 (a)) (note that the form entitled “Privacy Act” contains this prohibition, too).
- Medical Records (Iowa Code §22.7 (2))
- Mental health records (Iowa Code §§ 22.7. (2) and 229.25)
- Department of human services records (e.g., FIP reports) (Iowa Code § 217.30)
- CSRU records generally except for payment records (Iowa code § 252 B.9)
- CINA (Child in Need of Assistance) records (Iowa Code § 232.147) (Note that a juvenile delinquency record, which is when a minor is charged with a crime, is a “ public record” under Iowa Code § 232.149.)
- Drug and Substance abuse treatment records (Iowa Code §§ 125.37 and .93).
- “Personal” driver’s license information (Iowa Code § 321.11) (“ personal information” is defined as “ information that identifies a person, including a person’s photograph, social security number, driver license number, name, address, telephone number, and medical or disability information...”
- DOT records (Iowa Code § 321.11) (if the Housing Authority requests that the City Treasury department “run” a license plate because it is investigating the possibility of an unauthorized person, the DOT computer record is not a public record.)
- Peace Officers’ investigative reports except that usually the date, time, specific location, and immediate facts and circumstances of the incident are public records (Iowa Code § 22.7 (5)) (The Waterloo Police Department refers to its reports as “ Incident Reports.”)
- Commitment /Involuntary hospitalization records (Iowa Code §229.24)
- Child abuse records (Iowa Code § 235A. 15 and .17)
- Foster Care records (Iowa Code § 237.21)
- Adult dependant abuse records (Iowa Code § 235B. 8)
- Psychological test materials (Iowa Code § 228.9)

- HIV records (Iowa Code § 141A.9)
- Neighbor complaints” (Iowa Code 22.7 (18)) (By neighbor complaints,” I am referring to information provided to the Housing Authority, for example, by a neighbor stating that the tenant’s boyfriend is living with the tenant. It is not a public record because it is reasonable to believe that the neighbor
- Would be discouraged from making the complaint if it was.)

Disclosure to tenants:

24 C.F.R. 982.307 (B) (3) requires that the Housing Authority make available the tenant a copy of the Housing Authority policy on providing information to owners. Most tenants are not aware of the breath of Iowa’s open record. The housing authority may charge for copies.

All adult members of both applicant and participant households are required to sign HUD Form 9886, Authorization for Release of Information and Privacy Act Notice. The Authorization for Release of Information and Privacy Act Notice states how family information will be released and includes the Federal Privacy Act Statement. Any information provided, requested or required by the U. S. Dept of Housing and Urban development is exempt from the provisions listed in the following paragraphs. The Housing Authority will cooperate or may enter into data sharing agreements with governmental agencies including but not limited to DHS, SWICA, Social Security, or federal, state or local law enforcement as necessary for the administration of the Section 8 Program.

The Housing Authority, as the lawful custodian of Section 8 files and records, has the right to a good faith, reasonable delay in permitting the examination and copying of any Section 8 governmental records for the purposes defined in the law (Iowa Code Chapter 22.8(4) a-f). By federal law, certain criminal records a must be destroyed immediately after use in a determination to be made by the Housing Authority in the manner prescribed by law.

The party requesting information must pay for the costs of copying the information at a rate of \$.25 per page and staff time used to make the copies in advance of release of the materials. All requests must be written, addressed to program management staff, who will review and forward the request to the Authority’s attorney.

Any request for applicant or participant information must be signed by the person(s) requesting the information and will not be released unless there is a signed release of information request from the applicant or participant. Any request for applicant or participant information from the applicant or participant regarding their Section 8 file contents must be in writing and specific as to the information requested. **The Authority's attorney will be consulted before a release of information is made.**

Any request for owner information must be signed by the person(s) requesting the information and will not be released unless there is a signed release from the owner. The owners' release is not required if it is determined that Iowa Open Records Law governs the release. Any request for information must be in writing and specific as to the information requested. The Authority's attorney will be consulted before a release of information is made.

1.8 **REQUIRED POSTINGS**

The Waterloo Housing Authority will post in its office in a conspicuous place and at a height easily read by all persons including persons with mobility disabilities, the following information:

- A. The Section 8 Administrative Plan
- B. Notice of the status of the waiting list (opened or closed)
- C. Address of the Waterloo Housing Authority office, office hours, telephone numbers, TDD numbers, and hours of operation.
- D. Income Limits for Admission
- E. Informal Review and Informal Hearing Procedures
- F. Fair Housing Poster
- G. Equal Opportunity in Employment Poster (see City Personnel & CDBG Offices)

MANAGEMENT ASSESSMENT OBJECTIVES

WHA operates its housing assistance program with efficiency and can demonstrate to HUD auditors that WHA is using its resources in a manner that reflects its commitment to quality and service.

WHA's policies and practices are consistent with the areas of measurement for the following HUD SEMAP indicators.

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 Re-examinations

Correct Tenant Rent Calculations

Pre-Contract HQS Inspections

Annual HQS Inspections

Lease-up

Family Self-Sufficiency Enrollment and Escrow Account Balances

Supervisory quality control reviews will be performed by an WHA Supervisor or other qualified person other than the person who performed the work, as required by HUD, on the following SEMAP factors:

Selection from the waiting list

Rent reasonableness

Determination of adjusted income

HQS Enforcement

HQS Quality Control

The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail.

The minimum sample size to be reviewed will relate directly to each factor.

K. Records For Monitoring WHA's Performance

In order to demonstrate compliance with HUD and other pertinent regulations, WHA will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested

party to follow, monitor and or assess WHA's operational procedures objectively and with accuracy and in accordance with SEMAP requirements with internal supervisory audits.

In addition to the required SEMAP documentation, supervisory staff will conduct a periodic audit of all processes.

WHA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in locking file cabinets and will only be accessible by authorized staff.

WHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

2.0 WATERLOO HOUSING AUTHORITY/OWNER RESPONSIBILITY/ OBLIGATION OF THE FAMILY

This Section outlines the responsibilities and obligations of the Waterloo Housing Authority, the Section 8 Owners/Landlords, and the participating families.

2.1 WATERLOO HOUSING AUTHORITY RESPONSIBILITIES

- A. The Waterloo Housing Authority will comply with the consolidated ACC, the application, HUD regulations and other requirements, and the Waterloo Housing Authority Section 8 Administrative Plan.
- B. In administering the program, the Waterloo Housing Authority must:
 1. Publish and disseminate information about the availability and nature of housing assistance under the program;
 2. Explain the program to owners and families;
 3. Seek expanded opportunities for assisted families to locate housing outside areas of poverty or racial concentration;
 4. Encourage owners to make units available for leasing in the program, including owners of suitable units located outside areas of poverty or racial concentration;
 5. Affirmatively further fair housing goals and comply with equal opportunity requirements;
 6. Make efforts to help disabled persons find satisfactory housing;

7. Receive applications from families, determine eligibility, maintain the waiting list, select applicants, issue a voucher to each selected family, and provide housing information to families selected;
8. Determine who can live in the assisted unit at admission and during the family's participation in the program;
9. Obtain and verify evidence of citizenship and eligible immigration status in accordance with 24 CFR part 5;
10. Review the family's request for approval of the tenancy and the owner/landlord lease, including the HUD prescribed tenancy addendum;
11. Inspect the unit before the assisted occupancy begins and at least annually during the assisted tenancy;
12. Determine the amount of the housing assistance payment for a family;
13. Determine the maximum rent to the owner and whether the rent is reasonable;
14. Make timely housing assistance payments to an owner in accordance with the HAP contract;
15. Examine family income, size and composition at admission and during the family's participation in the program. The examination includes verification of income and other family information;
16. Establish and adjust Waterloo Housing Authority utility allowances;
17. Administer and enforce the housing assistance payments contract with an owner, including taking appropriate action as determined by the Waterloo Housing Authority, if the owner defaults (e.g., HQS violation);
18. Determine whether to terminate assistance to a participant family for violation of family obligations;
19. Conduct informal reviews of certain Waterloo Housing Authority decisions concerning applicants for participation in the program;
20. Conduct informal hearings on certain Waterloo Housing Authority decisions concerning participant families;
21. Provide sound financial management of the program, including engaging an independent public accountant to conduct audits; and

22. Administer a Family Self Sufficiency (FSS) program.
23. Administer a Section 8 Mainstream for Persons with Disabilities Program.
24. Administer a Section 8 HOPE for Elderly Independence Demonstration Grant program until funding is depleted.
25. Administer a Downpayment Assistance grant/forgivable mortgage program.

2.2 ***OWNER RESPONSIBILITY***

A. The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before WHA approval of the tenancy, WHA will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as:[24 CFR 982.307(a)(3)]

Payment of rent and utility bills

Caring for a unit and premises

Respecting the rights of other residents to the peaceful enjoyment of their housing

Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and

Compliance with other essential conditions of tenancy.

B. The owner is also responsible for:

1. Performing all management and rental functions for the assisted unit, including selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit.
2. Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance.
3. Complying with equal opportunity requirements.
4. Preparing and furnishing to the Waterloo Housing Authority information required under the HAP contract.
5. Collecting from the family:
 - a. Any security deposit required under the lease.
 - b. The tenant contribution (the part of rent to owner not covered by the housing assistance payment).
 - c. Any charges for unit damage by the family.

6. Enforcing tenant obligations under the lease.
7. Paying for utilities and services (unless paid by the family under the lease.)

For provisions on modifications to a dwelling unit occupied or to be occupied by a person with disabilities see 24 CFR 100.203

WHA will give the owner:

The family's current and prior address as shown in WHA 's records; and

The name and address (if known by WHA) of the landlord at the family's current and prior address.

The same types of information will be supplied to all owners.

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

C. The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.

2.3 Obligations of the Participant

A. This Section states the obligations of a participant family under the program.

Family must supply required information.

1. The family must supply any information that the Waterloo Housing Authority or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. Information includes any requested certification, release or other documentation.

2. The family must supply any information requested by the Waterloo Housing Authority or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

3. The family must disclose and verify Social Security Numbers and must sign and submit consent forms for obtaining information.

4. Any information supplied by the family must be true and complete.

B. HQS breach caused by the Family by not allowing Waterloo Housing Authority to Inspect the unit.

The family must allow the Waterloo Housing Authority to inspect the unit at reasonable times and after at least a 2 days notice.

C. Violation of Lease

The family may not commit any serious or repeated violation of the lease.

D. Family Notice of Move or Lease Termination

The family must notify the Waterloo Housing Authority and the owner in writing at least 30 days before the family moves out of the unit or terminates the lease by a notice to the owner.

E. Owner Eviction Notice

The family must promptly (within 3 working days) give the Waterloo Housing Authority a copy of any owner eviction notice it receives.

F. Use and Occupancy of the Unit

1. The family must use the assisted unit for a residence by the family. The unit must be the family's only residence.
2. The Waterloo Housing Authority must approve the composition of the assisted family residing in the unit. The family must inform the Waterloo Housing Authority within 30 days of the birth, adoption or court-awarded custody of a child of this addition to the family. The family must request prior approval from the Waterloo Housing Authority to add any other family member as an occupant of the unit and must supply the Authority with a copy of the owner's prior written approval when the request is made. No other person (i.e., no one but members of the assisted family) may reside in the unit (except for a foster child/foster adult or live-in aide as provided in paragraph (4) of this Section).
3. The family must promptly (within 30 days) notify the Waterloo Housing Authority if any family member no longer resides in the unit.
4. If The Waterloo Housing Authority has given approval, a foster child/foster adult or a live-in aide may reside in the unit. The Waterloo Housing Authority has the discretion to adopt reasonable policies concerning residence by a foster child/foster adult or a live-in aide and defining when the Waterloo Housing Authority consent may be given or denied.

5. Members of the household may engage in legal profit making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family. Any business uses of the unit must comply with zoning requirements and the affected household member must obtain all appropriate licenses.
6. The family must not sublease or let the unit.
7. The family must not assign the lease or transfer the unit.

H. **ABSENCE FROM THE UNIT**

Family absence-no member in the unit

The family must supply any information or certification requested by the Waterloo Housing Authority to verify that the family is living in the unit, or relating to family absence from the unit, including any Waterloo Housing Authority requested information or certification on the purposes of family absences. The family must cooperate with the Waterloo Housing Authority for this purpose. The family must notify the Waterloo Housing Authority in writing no later than the 14th day of its absence from the unit.

Absence means that no member of the family is residing in the unit. The family may be absent from the unit for up to 30 days. The family must request an authorized absence from The Waterloo Housing Authority for absences exceeding 30 days.

The Waterloo Housing Authority will make a determination within 5 business days of the request. An authorized absence may be given without suspension up to 90 days by written request of the tenant.

If an absence is required beyond 90 days a suspended absence may be granted from the unit up to 180 days with authorization from the Waterloo Housing Authority. HAP payments may not be made following 90 days of absence. The assisted family may choose to pay the full rent for up to an additional 90 days, or may vacate the unit with proper notice to both the Housing Authority and the owner. A voucher will be issued if the participant chooses to relocate, and has a new unit pass inspection prior to 180 days.

If the absent tenant returns within the 180-day suspension the voucher will be allowed to continue. After 180 days voucher may be terminated by the WHA (if they are the originating housing authority). Any family absent for more than 30 days without authorization will be terminated from the program. Under extenuating circumstances HUD encourages the housing authorities to make exceptions, such as tenants that are called to active duty in the military.

HUD encourages PHAs and private owners to be as lenient as responsibly possible to support families affected by Operation Enduring Freedom. This includes a variety of situations when persons are called to active duty in the Armed Forces as a result of Operation Enduring Freedom. Specific actions that a PHA or private owner should undertake to support Operation Enduring Freedom military families include, but are not limited to:

- (1) Allowing a suitable guardian to move into the assisted unit on a temporary basis to care for any dependents the military person leaves in the unit. Income of the guardian temporarily living in the unit for this purpose during Operation Enduring Freedom is not counted in determining family income and the amount of rent the family pays based on family income.
- (2) Careful consideration of the circumstances of any case involving delayed payment of tenant rent by the family. Determine whether it is appropriate to accept a late payment.

For the voucher program, granting exceptions to PHA administrative plan policies concerning family absence from the unit to continue housing assistance payments to the owner on behalf of a military family even though all members of the military family are temporarily absent from the assisted unit because a member of the assisted family has been called to active duty as a result of Operation Enduring Freedom.

Authorized absences may include, but are not limited to:

1. Prolonged hospitalization
2. Absences beyond the control of the family (i.e., death in the family, other family member illness)

Other absences that are deemed necessary by the Waterloo Housing Authority

Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

If a child has been placed in foster care, WHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. If the child will be absent more than **60 days**, WHA will remove the child as a member of the household and reduce the voucher size.

Absences Due to Incarceration

WHA will terminate assistance for families where the HOH has been incarcerated more than 30 consecutive days for committing a non-violent, non-drug related criminal act. If the HOH has been incarcerated for committing a violent or drug related act, assistance will be terminated immediately.

If a family member, other than the HOH, is expected to be incarcerated for more than 30 consecutive days (for non-violent, non-drug related criminal activity), the family member will be removed as a member of the household. If the family member intends to return to the unit following incarceration, the family member is subject to the eligibility and screening requirements discussed in earlier in this plan.

A family member incarcerated for committing a violent or drug-related criminal act will subject the entire family to termination from the program.

WHA must pre-approve all additions to the household, including the addition of a family member formerly a part of the assisted household.

Family Members Permanently Confined for Medical Reasons

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted. WHA will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

When an individual who has been counted as a family member is determined permanently absent (more than six months or 180 days) the family is eligible for the medical expense deduction only if the remaining head, spouse, or co-head qualifies as an elderly person or a person with disabilities.

6-5

Caretakers for a Child

If neither a parent nor a designated guardian remains in a household receiving HCV assistance, WHA will take one of the following actions:

- (1) Terminate assistance; or
- (2) Continue assistance if a governing agency, such as DHS, has determined that another adult is to be brought into the assisted unit to care for the child. The caretaker must meet all program qualifications.

When custody or guardianship has been legally awarded to a caretaker, the housing choice voucher will be transferred to the caretaker.

I. Interest in the Unit

The family may not own or have any interest in the unit

J. Fraud and Other Program Violation

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

K. Crime by Family Members:

The members of the family may not engage in drug-related criminal activity or other violent criminal activity.

L. Other Housing Assistance

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

Receive Assistance While Residing in a Unit Owned by a Family Member

The family may not receive Section 8 tenant-based assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the Authority has determined that approving rental of the unit would provide a reasonable accommodation for a family member who is a person with disabilities.

Changes in Household Composition

No other person, adult or child, other than those listed on the lease and Housing application shall live/stay in the unit other than on a temporary basis without prior written permission by the Landlord and prior written permission by Housing

staff. Temporary basis is not more than 14 nights annually and not on a regular pattern of the living arrangement. The family must not permit any person other than those approved to live in the unit to use the family's address for mailing purposes without prior approval by housing staff. (Rev. 07/2009)

M. When the family's unit is approved and the HAP contract is executed the family must follow the rules listed below in order to continue participating in the housing choice voucher program.

The family is responsible for any utilities the owner is not required to provide under the lease.

- a) Pay utilities bills, provide and maintain any appliances that the owner is not required to provide under the lease.
- b) If the utilities are disconnect from 1-30 days the tenant gets 7 days to correct
- c) If the utilities are disconnected 30+ days this results in the termination of the tenants Section 8 at the end of a 24 hour period.
- d) No abatement will be given on utilities.

3.0 ELIGIBILITY FOR ADMISSION

3.1 Introduction

There are five eligibility requirements for admission to Section 8 -- qualifies as a family, has an income within the income guidelines limits, meets citizenship/eligible immigrant criteria, provides documentation of Social Security Numbers, and signs consent authorization documents. In addition to the eligibility criteria, families must also meet the Waterloo Housing Authority screening criteria in order to be admitted to the Section 8 Program.

CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment.

I. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to noncitizen status. See "Complaints and Appeals" chapter for additional

information about reviews and hearings.

J. PROHIBITED ADMISSIONS CRITERIA [24 CFR 982.202(b)]

Admission to the program may not be based on where the family lives before admission to the program.

Admission to the program may not be based on:

Where a family lives prior to admission to the program.

Where the family will live with assistance under the program.

Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.

Discrimination because a family includes children.

Whether a family decides to participate in a family self sufficiency program; or

Other reasons as listed in the "Statement of Policies and Objectives" chapter under the Fair Housing and Reasonable Accommodations sections.

3.2 ELIGIBILITY CRITERIA

3.3 A. Family status.

A **family with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that has lived together in a stable family relationship for at least 6 months prior to the proposed date of admission.

- a. Children temporarily absent from the home due to placement in foster care are considered family members. The temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size.
- b. Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income limit.

2. An elderly family, which is:

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

- b. Two or more persons who are at least 62 years of age living together; or
 - c. One or more persons who are at least 62 years of age living with one or more live-in aides
3. A **near-elderly family**, which is:
- a. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
 - b. Two or more persons who are at least 50 years of age but below the age of 62 living together; or
 - c. One or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.
4. A **disabled family**, which is:
- a. A family whose head, spouse, or sole member is a person with disabilities;
 - b. Two or more persons with disabilities living together; or
 - c. One or more persons with disabilities living with one or more live-in aides.
5. A **displaced family** is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
6. A **remaining member of a tenant family**.
7. A **single person** who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

B. Income eligibility

1. To be eligible to receive assistance a family shall, at the time the family initially receives assistance under the Section 8 program shall be a low-income family that is:
 - a. A very low-income family;
 - b. A low-income family continuously assisted under the 1937 Housing Act;

A low-income family that meets additional eligibility criteria specified by the Housing Authority;
 - d. A low-income family or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing.
2. Income limits apply only at admission and are not applicable for continued occupancy; however, as income increases the assistance will decrease.
3. The applicable income limit for admission to the program is the income limit for the jurisdiction in which the family is initially assisted in the program. The family may only use the voucher to rent a unit in the jurisdiction where the family is income eligible at admission to the program.
4. Families who are moving into the Waterloo Housing Authority's jurisdiction under portability and have the status of applicant rather than of participant at their initial housing authority, must meet the income limit for the area where they were initially assisted under the program. When a family utilizes portability to move to an area outside of the Initial (Waterloo Housing Authority) Housing Authority's jurisdiction, the payment standard for the receiving housing authority must notify the receiving housing authority.

5. Income limit restrictions do not apply to families transferring units within the Waterloo Housing Authority Section 8 Program.

6. **Asset Limitation**

Per requirements in Section 104 of HOTMA (24CFR 5.618), an applicant must not own real property that is suitable for occupancy by the family as a residence or have net assets in excess of \$100,000. The value of any account under a retirement plan recognized by the Internal Revenue Service, including IRAs, employer retirement plans, and retirement plans for self-employed individuals is not considered in determining net family assets. No one may be admitted to the Housing Choice Voucher program if they exceed this asset limitation.

C. Citizenship/Eligible Immigrant status

To be eligible each member of the family must be a citizen, national, or a noncitizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 1436a(a)).

1. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
2. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Section 11.5(K)).
3. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.

D. Social Security Number Documentation

To be eligible, all family members must provide a Social Security Number or employer identification number as a condition of initial or continuing eligibility

under HUD programs if they have one or certify that they have not been issued one.

E. Signing Consent Forms

1. In order to be eligible, each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
2. After an applicant or participant has signed and submitted an updated HUD-9886 consent form either on or after January 1, 2024, they do not need to sign and submit subsequent HUD-9886 consent forms at future interim or regularly scheduled income examination except as indicated in #3 below.
3. The Waterloo Housing Authority's Release of Information form must be signed at each annual reexamination and at interim reexaminations, if required.
4. The HUD-9886 consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD or the Housing Authority to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy; and
 - b. A provision authorizing HUD or the Housing Authority to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance.
 - a. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits; and
5. Failure to sign consent forms at the time of admission, or when a member over the age 18 is added to the household, or when a member of the family turns 18 years of age will result in denial or lease termination.
6. Revoking consent given by the updated HUD-9886 will likewise result in lease termination.

F. Suitability For Tenancy

The Waterloo Housing Authority determines eligibility for participation and will also conduct criminal background checks on all adult household members, including live-in aides (CFR 982.316). The Waterloo Housing Authority will deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members, including live-in aides. This check will be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. If the individual has lived outside the local area the Waterloo Housing Authority may contact law enforcement agencies outside the local jurisdiction. The Waterloo Housing Authority may request a check through the FBI's National Crime Information Center (NCIC).

G.

The Waterloo Housing Authority must ensure that any criminal record required by the WHA from a law enforcement agency be maintained confidential, not misused or improperly disseminated. The record must be destroyed once the purpose for which the record was required has been accomplished.

The Waterloo Housing Authority will ban sex offenders under the registered sex offender registration program for the lifetime of the registration. (Denied for the length of the registration).

Additional screening is the responsibility of the owner. Upon the request of a prospective owner, the Waterloo Housing Authority will provide the name, address and phone number of the current landlord or any previous landlords listed in the Section 8 file, any lease violation notices relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or public information such as newspaper clippings or court/police records in the file of any history of drug trafficking or violent criminal activity for the lifetime of the registration.

4.0 MANAGING THE WAITING LIST

4.1 OPENING AND CLOSING THE WAITING LIST

Opening of the waiting list will be announced via public notice that applications for Section 8 will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation, and also by any available minority media. The public notice will state any limitations to who may apply.

The notice will state that applicants already on waiting lists for other housing programs must apply separately for this program, and that such applicants will not lose their place on other waiting lists when they apply for Section 8. The notice will include the Fair Housing logo and slogan and otherwise be in compliance with Fair Housing requirements.

Closing of the waiting list will be announced via public notice. The public notice will state the date the waiting list will be closed. The public notice will be published in a local newspaper of general circulation, and also by any available minority media.

4.2 TAKING APPLICATIONS

Any person may apply to the Waterloo Housing Authority for section 8. However, applicants that currently owe the Waterloo Housing Authority rent or any other amount is ineligible for public housing or Section 8 until all amounts owed are paid in full.

Families wishing to apply for the Section 8 Program will be required to complete an application for housing assistance.

Applications are taken to compile a waiting list. Due to the demand for Section 8 assistance in the Waterloo Housing Authority jurisdiction, the Authority continues to take applications on an open enrollment basis.

When the waiting list is open, completed applications will be accepted from all applicants. The Waterloo Housing Authority will later verify the information in the applications relevant to the applicant's eligibility, admission, and level of benefit.

Applications may be picked up at the Waterloo Housing Authority office or are available online at <https://www.waitlistcheck.com/IA1249-3415>.

A. OVERVIEW OF THE APPLICATION TAKING PROCESS

The purpose of application taking is to permit WHA to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information.

Families who wish to apply for WHA's programs must complete a written application form when application-taking is open. Applications will be made available in an accessible format upon request from a person with a disability.

When the waiting list is open, any family asking to be placed on the waiting list for Section 8 rental assistance will be given the opportunity to complete an application.

Applications will be mailed to interested families upon request.

The application process will involve two phases. The first is the "initial" application for assistance (referred to as a pre-application). This first phase results in the family's placement on the waiting list. The pre-application will be stamped with the date of receipt and placed on the waiting list accordingly.

The second phase is the "final determination of eligibility" (referred to as the initial enrollment). The initial enrollment takes place when the family reaches the top of the waiting list. At this time, WHA ensures that verification of all eligibility factors is current in order to determine the family's eligibility for the issuance of a voucher.

Upon receipt of the families pre-application, the Waterloo Housing Authority will make a preliminary determination of eligibility. The Waterloo Housing Authority will notify the family in writing of the date and time of placement on the waiting list in the form of the numbered receipt provided at the end of the interview. An estimation will be given about the approximate amount of time before housing assistance may be offered. If the Waterloo Housing Authority determines the family to be ineligible, the notice will state the reasons therefore and offer the family the opportunity of an informal review of this determination.

An applicant may at any time report changes in writing on a **CHANGE OF APPLICATION INFORMATION FORM** of their applicant status including changes in family address, family composition, income, or preference factors. The Waterloo Housing Authority will place the WHA part of the **CHANGE OF APPLICATION**

INFORMATION FORM in the applicant’s file and will update their place on the waiting list. Confirmation of the changes will be confirmed in writing with the family’s receipt part of **CHANGE OF APPLICATION INFORMATION FORM**.

The second phase is the final determination of eligibility, referred to as the full application. The full application takes place when the family nears the top of the waiting list. The Waterloo Housing Authority will ensure that verification of all preferences, eligibility; suitability selection factors are current in order to determine the family’s final eligibility for admission into the Section 8 Program.

OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b)]

A family will not be admitted to the program if any member of the family has been evicted from federally assisted housing for serious violation of the lease within the past 3 years.

A family will be denied admission to the program if any member of the family fails to sign and submit consent forms for obtaining information required by WHA , including Form HUD-9886.

WHA will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program:

The family must not have violated any family obligation during previous participation in the Section 8 program for 3 years prior to final eligibility determination. This includes previous participation in the Section 8 program administered by another Public Housing Authority.

Waterloo Housing Administrative Plan (Revised 7/09)

Section 8 Housing Choice Voucher Program

The family must pay any outstanding debt owed WHA or another PHA as a result of prior participation in any federal housing program within 30 days of a PHA notice to repay. Exceptions are as follows: (v) If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

In order to determine whether a family “currently owes rent or other amounts to the PHA,” one must determine whether the debt is capable of collection under the applicable statute of limitations. Once the statute of limitations has expired, the debt is no longer “currently owed,” or capable of collection.

Whether a debt is capable of collection under the applicable statute of limitation depends upon whether the underlying contract (e.g., the lease) between the PHA and debtor was unwritten or written. According to Iowa Code Section 614.1, the statute of limitations in connection with an unwritten contract is five (5) years, while the statute of limitations is ten (10) years in connection with a written contract. Therefore, depending on the circumstances of a given situation, the length of time that the PHA can deny admission or terminate assistance to the debtor will either be five (5) years (i.e., the underlying lease was unwritten) or ten (10) years (i.e., the underlying lease was written).

According to Iowa Code Section 614.5, the foregoing five (5) or ten (10) year statute of limitations will begin to run from the date of the last item or action in connection with the open account. For example, if a debtor who was a tenant of the PHA under a written lease moved out three (3) years ago owing the PHA Five Hundred Dollars (\$500), and the debtor made a One Hundred Dollar (\$100) payment one (1) year ago, the PHA can deny admission or terminate assistance to the debtor for nine (9) more years (i.e., ten (10) years from the date of the One Hundred Dollar (\$100) payment by debtor).

If the family has an outstanding debt to another PHA and the PHA agrees to allow the family to enter into a repayment agreement, WHA will allow the family to be admitted to the program as long as payments are current.

If an applicant owes an outstanding debt to WHA or another PHA, which is the result of misrepresentation from previous participation, and the applicant files bankruptcy on the debt, WHA will deny assistance for 10 years following discharge of the debt.

The family must be in good standing regarding any current payment agreement made with another PHA for a previous debt incurred, before WHA will allow participation in its Section 8 program.

WHA will check criminal history for all adults in the household to determine whether any member of the family has violated any of the prohibited behaviors as referenced in the section on screening and terminations policy in the "Denial or Termination of Assistance" chapter.

If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, WHA will deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program

Integrity Addendum).

4.3 ORGANIZATION OF THE WAITING LIST

The waiting list will be maintained in accordance with the following guidelines:

- A. The application will be a permanent file;
- B. All applications will be maintained in order of preference and then in order of date and time of application;
- C. Any contact between the Waterloo Housing Authority and the applicant will be documented in the applicant file.

Note: The waiting list cannot be maintained by bedroom size under current HUD regulations.

4.4 FAMILIES NEARING THE TOP OF THE WAITING LIST

When a family appears to be within 1-2 months of being offered assistance, the family will be invited to schedule an interview and the verification process will begin. It is at this point in time that the family's waiting list preference will be verified. If the family no longer qualifies to be near the top of the list, the family's name will be returned to the appropriate spot on the waiting list. The Waterloo Housing Authority must notify the family in writing of this determination, and give the family the opportunity for an informal review.

Once the preference has been verified the family will complete a full application, present Social Security Number information, citizenship/eligible immigrant information, and sign the Consent for Release of Information forms.

4.5 MISSED APPOINTMENTS

All applicants who fail to keep a scheduled appointment in accordance with the paragraph below will be sent a notice of denial. The Waterloo Housing Authority will allow the family to reschedule appointments for good cause. Generally, no more than one opportunity will be given to reschedule without good cause, and no more than two opportunities for good cause. When a good cause exists, The Waterloo Housing Authority will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

4.6 PURGING THE WAITING LIST

The Waterloo Housing Authority will update and purge its waiting list at least annually to ensure that the pool of applicants reasonably represents interested families. Purging also enables the Housing Authority to update the information regarding address, family composition, income category and preferences. Applicant **must** report all changes of address, phone number, change of family members composition adding or subtracting and income

4.7 REMOVAL OF APPLICANTS FROM THE WAITING LIST

The Waterloo Housing Authority will not remove an applicant's name from the waiting list unless:

- A. The applicant requests that the name be removed;
- B. The applicant fails to respond to a **written request** for information or a request to declare their continued interest in the program or misses scheduled appointments; or
- C. The applicant does not meet either the eligibility or screening criteria for the program.

TENANT SCREENING [24 CFR 982.307)]

WHA will take into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" chapter.

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

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before WHA approval of the tenancy, WHA will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as:[24 CFR 982.307(a)(3)]

Payment of rent and utility bills

Caring for a unit and premises

Respecting the rights of other residents to the peaceful enjoyment of their housing

Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and Compliance with other essential conditions of tenancy.

WHA will give the owner:

The family's current and prior address as shown in WHA 's records; and

The name and address (if known by WHA) of the landlord at the family's current and prior address.

The same types of information will be supplied to all owners.

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

Waterloo Housing Administrative Plan (Revised 3/13)

Section 8 Housing Choice Voucher Program

4.8 GROUNDS FOR DENIAL

The Waterloo Housing Authority will deny assistance to applicants who:

- A. Do not meet any one or more of the eligibility criteria;
- B. Do not supply information or documentation required by the application process;
- C. Fail to respond to a written request for information or a request to declare their continued interest in the program;
- D. Fail to complete any aspect of the application or lease-up process;
- E. Have a history of criminal activity by any household member within five years of the projected date of admission involving crimes of physical violence against persons or property or drug-related criminal activity.
- F. Currently owes rent or other amounts to any housing authority in connection with the public housing or Section 8 Programs.
- G. Have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
- H. Have a family member who was evicted from public housing within the last three years;
- I. Have a family member who was evicted from assisted housing within five years of the projected date of admission because of drug-related criminal activity involving the illegal manufacture, sale, distribution, or possession with the intent

to manufacture, sell, distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;

- J. Have a family member who had been illegally using a controlled substance within the year before the date that the Authority provides notice to the family of the determination to deny admission or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The Waterloo Housing Authority may waive this requirement if:
 1. The person demonstrates to the Waterloo Housing Authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 2. The person has successfully completed a supervised drug or alcohol rehabilitation program;
 3. The person has otherwise been rehabilitated successfully; or
 4. The person is successfully participating in a supervised drug or alcohol rehabilitation program.
- K. Have engaged in or threatened abusive or violent behavior towards any Waterloo Housing staff or residents;
- L. Have a family household member who has been terminated for cause under the Voucher Program during the last three years;
- M. Have a family member who has been convicted of manufacturing or producing methamphetamine (speed) (Denied for life);
- N. Have a family member with a registration under a State sex offender registration program (Denied for the length of the registration).

4.9 NOTIFICATION OF NEGATIVE ACTIONS

Any applicant whose name is being removed from the waiting list will be notified by the Waterloo Housing Authority, in writing, that they have ten (10) business days, from the date of the written correspondence, to present mitigating circumstances or request an informal review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified. The Waterloo Housing Authority's system of removing applicants' names from the waiting list will not violate

the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the Waterloo Housing Authority will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the Waterloo Housing Authority will verify that there is in fact a disability and that the accommodation they are requesting is necessary based on the disability. An example of a reasonable accommodation would be to reinstate the applicant on the waiting list based on the date and time of the original application.

4.10 INFORMAL REVIEW

If the Waterloo Housing Authority determines that an applicant or an initial Voucher holder does not meet the criteria for receiving Section 8 assistance, the Waterloo Housing Authority will promptly provide the applicant with written notice of the determination. The notice must contain a brief statement of the reason(s) for the decision, and state that the applicant may request an informal review of the decision within 10 business days of the denial. The Waterloo Housing Authority will describe how to obtain the informal review. The informal review process is described in Section 16.2 of this Plan.

5.0 SELECTING FAMILIES FROM THE WAITING LIST

5.1 WAITING LIST ADMISSIONS AND SPECIAL ADMISSIONS

The Housing Authority may admit an applicant for participation in the program either as a special admission or as a waiting list admission.

If HUD awards funding that is targeted for families with specific characteristics or families living in specific units, the Waterloo Housing Authority will use the assistance for those families.

- A. WHA currently funds 19 Veterans Affairs Supportive Housing (VASH) vouchers for income eligible homeless veterans, who are referred to the PHA by the Veterans Affairs office. These vouchers are filled by referral only, as required by HUD.
- B. The Waterloo Housing Authority is also eligible to request 25 Foster Youth to Independence (FYI) vouchers for income eligible foster youth between the ages of 18 and 24 who are homeless or are at risk of homelessness. These vouchers are

filled by referral from the Department of Human Services, as required by HUD.

- C. The Waterloo Housing Authority has accepted 15 Emergency Housing Vouchers (EHVs) authorized by the American Rescue Plan. These vouchers are for those experiencing homelessness; fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or were recently homeless and for whom providing rent assistance will prevent the family's homelessness or having high risk of housing instability. These vouchers will be filled by referral from the local Coordinated Entry system, in conjunction with the Balance of State Continuum of Care.

5.2 PREFERENCES

The Waterloo Housing Authority will select families based on the following preferences.

The Housing Authority has adopted the previously statutory preference of elderly, disabled, and displaced persons before other single persons based on community needs.

- A. Displaced person(s): Individuals or families displaced by government action or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
- B. Tenants in the Waterloo Housing Authority Public Housing Program who are required to move and who cannot be placed in another public housing unit.
- C. Applicants who are persons with disabilities to fill openings in the Section 8 Mainstream for Persons with Disabilities Housing Vouchers program.
- D. All other applicants who do not meet the definitions in the other preference categories.

5.3 SELECTION FROM THE WAITING LIST

Based on the above preferences, all families in preference A will be offered housing before any families in preference B, and preference B families will be offered housing before any families in preference C, and so forth.

The date and time of application will be utilized to determine the sequence within the above-prescribed preferences.

Notwithstanding the above, families who are elderly, disabled, or displaced will be offered housing before other single persons.

Notwithstanding the above, if necessary to meet the statutory requirement that 75% of newly admitted families in any fiscal year be families who are extremely low-income, the Waterloo Housing Authority retains the right to skip higher income families on the waiting to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure this goal is met, the Housing Authority will monitor incomes of newly admitted families and the income of the families on the waiting list.

If there are not enough extremely low-income families on the waiting list we will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement. If there still are not enough families, a HUD waiver will be requested.

6.0 ASSIGNMENT OF BEDROOM SIZES

The Waterloo Housing Authority will issue a voucher for a particular bedroom size – the bedroom size is a factor in determining the family’s level of assistance. The following guidelines will determine each family’s voucher size without overcrowding or over-housing:

Bedrooms	Persons	
		Maximum
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10

The intent of HUD requirements is that the smallest appropriate bedroom size be assigned to participant families without overcrowding. Subsidy assignments will allow at least one bedroom for each two persons.

Subsidy will be determined using the following guidelines:

- A. A one (1) bedroom will be assigned to any family consisting of a single person (excluding elderly and disabled).
- B. A family that consists of only a pregnant woman (with no other persons) must be treated as a two-person family
- C. One-bedroom will be assigned for two children of the same sex. If their age difference is 10+ years, same-sex children will be assigned separate bedrooms.
- D. One-bedroom will be added for a live-in aide.

In the case of shared custody of a child (children), the child (children) must be in the household no less than 51% of the time to be considered when determining subsidy. Pending custody issues will be evaluated on a case-by-case basis taking into account the reasonable likelihood of success. The household may be required to provide written verification that a child resides with the family such as a court order, school registration documents, etc.

Joint Custody of Children

In the case of joint custody, only one family may claim a child as a dependent. When two assisted families could conceivably claim the child, the two families must resolve the issue and declare which household will receive the dependent deduction. If the two households are unable to resolve the issue, WHA will make the determination on the basis of such factors as who claimed the child as a dependent on the most recent income tax filing or the address of the family member listed in the child's school records.

- E. In determining subsidy, the Waterloo Housing Authority will include children who are temporarily away from home because of placement in foster care. Temporary is defined as **six months or less**.
- J. Subsidy allowances will be adjusted accordingly for foster parents who have not had a foster child in placement for one year.

The Waterloo Housing Authority may grant exceptions to normal occupancy standards when a family requests a larger size than the guidelines allow and documents a medical reason why the larger size is necessary.

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

6.1 BRIEFING

When the Waterloo Housing Authority selects a family from the waiting list, the family will be invited to attend a briefing explaining how the program works. In order to receive a voucher the family is required to attend the briefing. If they cannot attend the originally scheduled briefing, they may attend a later session. If the family fails to attend two briefings without good cause, they will be denied admission, and must re-apply to the waiting list.

- A. If the applicant arrives to their briefing session more than 15 minutes late, they will not be allowed to join the meeting. This late arrival will not be considered a “no show”, and will not result in denial of admission.
- B. If the applicant fails to attend their 2nd briefing, but calls during the same business day to reschedule, they will remain on the waiting list. They may, however, be required to wait until the Waterloo Housing Authority’s next scheduled briefing, based upon the number of vouchers available.

If an applicant with a disability requires auxiliary aids to gain full benefit from the briefing, the Housing Authority will furnish such aids where doing so would not result in a fundamental alteration of the nature of the program or in an undue financial or administrative burden. In determining the most suitable auxiliary aid, the Housing Authority will give primary consideration to the requests of the applicant. Families unable to attend a briefing due to a disability may request a reasonable accommodation such as having the briefing presented at an alternate time or location.

The briefing will cover at least the following subjects:

- A. A description of how the program works;
- B. Family and owner responsibilities;
- C. Where the family may rent a unit, including inside and outside the Housing Authority's jurisdiction;
- D. Types of eligible housing;
- E. For families qualified to lease a unit outside the Housing Authority's jurisdiction under portability, an explanation of how portability works;

- F. An explanation of the advantages of living in an area that does not have a high concentration of poor families; and
- G. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income.

6.2 PACKET

During the briefing, the Housing Authority will give the family a packet covering at least the following subjects:

- A. The term of the voucher and the Housing Authority's policy on extensions and suspensions of the term. The packet will include information on how to request an extension and forms for requesting extensions;
- B. How the Housing Authority determines the housing assistance payment and total tenant payment for the family;
- C. Information on the payment standard, exception payment standard rent areas, and the utility allowance schedule;
- D. How the Housing Authority determines the maximum rent for an assisted unit;
- E. Where the family may lease a unit. For families qualified to lease outside the Housing Authority's jurisdiction, the packet includes an explanation of how portability works;
- F. The HUD-required tenancy addendum that provides the language that must be included in any assisted lease;
- G. The request for approval of the tenancy form and an explanation of how to request Housing Authority approval of a unit;

- H. A statement of the Housing Authority's policy on providing information to prospective owners. This policy requires applicants to sign disclosure statements allowing the Housing Authority to provide prospective owners with the family's current and prior addresses and the names and addresses of the landlords for those addresses.
- I. The Housing Authority's subsidy standards, including when the Housing Authority will consider granting exceptions to the standards;
- J. The HUD brochure on how to select a unit ("A Good Place to Live");
- K. The HUD-required lead-based paint brochure;
- L. Information on Federal, State, and local equal opportunity laws; the brochure "Fair Housing: It's Your Right;" and a copy of the housing discrimination complaint form;
- M. A list of landlords or other parties known to The Waterloo Housing Authority who may be willing to lease a unit to the family or help the family find a unit;
- N. Notice that if the family includes a person with disabilities, the family may request information of accessible units known to the Waterloo Housing Authority that may be available;
- O. The family's obligations under the program;
- P. The grounds upon which the Housing Authority may terminate assistance because of the family's action or inaction;
- Q. Waterloo Housing Authority informal hearing procedures, including when the Housing Authority is required to provide the opportunity for an informal hearing, and information on how to request a hearing; and
- R. The Waterloo Housing Authority owner information brochure. This brochure can be given by the applicant to a prospective owner to help explain the program.(optional item – provided when available)

6.3 ISSUANCE OF VOUCHER; REQUEST FOR APPROVAL OF TENANCY

Beginning October 1, 1999, The Waterloo Housing Authority will issue only vouchers. Treatment of previously issued vouchers will be dealt with as outlined in Section 21.0 Transition to the New Housing Choice Voucher Program.

Once all family information has been verified, their eligibility determined, their subsidy calculated, and they have attended the family briefing, the Waterloo Housing Authority will issue the voucher. At this point the family begins their search for a unit.

When the family finds a unit that the owner is willing to lease under the program, the family and the owner will complete and sign a proposed lease, the HUD required tenancy addendum and the request for approval of the tenancy form. The family will submit the proposed lease and the request form to the Housing Authority during the term of the voucher. The Housing Authority will review the request, the lease, and the HUD required tenancy addendum and make an initial determination of approval of tenancy. The Housing Authority may assist the family in negotiating changes that may be required for the tenancy to be approvable. Once it appears the tenancy may be approvable, the Housing Authority will schedule an appointment to inspect the unit within 15 days after the receipt of inspection request from the family and owner. The 15 day period is suspended during any period the unit is unavailable for inspection. The Housing Authority will promptly notify the owner and the family whether the unit and tenancy are approvable.

During the initial stage of qualifying the unit, the Housing Authority will provide the prospective owner with information regarding the program. Information will include Housing Authority and owner responsibilities for screening and other essential program elements. The Housing Authority will provide the owner with the family's current and prior address as shown in the Housing Authority records along with the name and address (if known) of the landlords for those addresses.

Additional screening is the responsibility of the owner. Upon request by a prospective owner, the Housing Authority will provide any public information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with standard material lease terms.

6.4 TERM OF THE VOUCHER

The initial term of the voucher will be 60 days and will be stated on the Housing Choice Voucher.

The Housing Authority may grant one or more extensions of the term, but the initial term plus any extensions will never exceed 120 business days from the initial date of issuance.

To obtain an extension, the family must make a request in writing prior to the expiration date. The Waterloo Housing Authority may request a statement of the efforts the family has made to find a unit. The Housing Authority may grant up to two 30-day extensions. If the family includes a person with disabilities and the family requires an extension due to the disability, the Housing Authority will grant an extension allowing the family the full 120 days search time. If the Housing Authority determines that additional search time would be a reasonable accommodation, the Housing Authority will request HUD to approve an additional extension.

Upon submittal of a completed request for approval of tenancy form, the Waterloo Housing Authority may suspend the term of the voucher on a case-by-case basis. The term will be in suspension until the date the Housing Authority provides notice that the request has been approved or denied where one or more units have failed to be approved for reasons beyond the family's control. This policy allows families the full term (60 days, or more with extensions) to lease a unit, not penalizing them for the period during which an owner may have failed to take action to make the unit available per their request. A family may not submit a second request for approval of tenancy before the Housing Authority finalizes action on the first request unless the family or owner voids the first request.

6.5 APPROVAL TO LEASE A UNIT

The Waterloo Housing Authority will approve a lease if all of the following conditions are met:

- A. The unit is eligible;
- B. The unit is registered under the City of Waterloo's rental registration program (beginning November 1, 2021);
- C. The unit is inspected by the Housing Authority and passes HQS;
- D. The lease is approvable and includes the language of the tenancy addendum;
- E. The rent to owner is reasonable;
- F. The family's share of rent does not exceed 40% of their monthly adjusted income;
- G. The owner has not been found to be debarred, suspended, or subject to a limited denial of participation by HUD or the Housing Authority; and

- H. The family continues to meet all eligibility and screening criteria.
- I. The family is not a family member related to the owner as defined by HUD.
If tenancy approval is denied, the Housing Authority will advise the owner and the family in writing and advise them also of any actions they could take that would enable the Housing Authority to approve the tenancy.

The lease term may begin only after all of the following conditions are met:

- A. The unit passes the Housing Authority HQS inspection;
- B. **The family's share of rent does not exceed 40% of their monthly-adjusted income;**
- C. The landlord and tenant sign the lease to include the HUD required addendum;
and
- D. The Housing Authority approves the leasing of the unit.

The Housing Authority will prepare the contract when the unit is approved for tenancy.

Generally, the landlord, simultaneously with the signing of the lease and the HUD required tenancy addendum, will execute the contract. Upon receipt of the executed lease and the signed contract by the landlord, the Housing Authority will execute the contract. The Housing Authority will not pay any housing assistance to the owner until the contract is executed.

In no case will the contract be executed later than 60 days after the beginning of the lease term. Any contract executed after the 60-day period will be void and the Housing Authority will not pay housing assistance to the owner.

6.6 WATERLOO HOUSING AUTHORITY DISAPPROVAL OF OWNER

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

- A. The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract, including failing to maintain the unit resulting in family injury or loss;

- B. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program will result in debarment with no new Section 8 Contracts for 2 years;
- C. The owner has engaged in drug-related criminal activity or any violent criminal activity. Debarment for this reason will result in termination of existing Section 8 contracts at re-exam and no new Section 8 contracts for 5 years;
- D. The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program. Examples include but are not limited to:
 - 1. Owner non-compliance with HQS results in relocation of two or more tenants during a 2-year period,
 - 2. Repeated complaint inspections due to inadequate repairs Section 8 tenants will be counseled to consider a higher quality unit. No new units will be accepted for at least two years or until a marked improvement is noted in the quality and condition of units submitted for tenancy approval.
- E. The owner has a history or practice of renting units that fail to meet State or local codes; or
- F. The owner has not paid State or local real estate taxes, fines, or assessments.
- G. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the:
 - 1. Premises by tenants, Waterloo Housing Authority employees or owner employees; or
 - 2. residences by neighbors;
- H. Other conflicts of interest under Federal, State, or local law.

6.7 INELIGIBLE/ELIGIBLE HOUSING

The following types of housing cannot be assisted under the Section 8 Tenant-Based Program:

- A. A public housing or Indian housing unit;

- B. A unit receiving project-based assistance under a Section 8 Program;
- C. Nursing home board and care homes, or facilities providing continual psychiatric, medical or nursing services;
- D. College or other school dormitories;
- B. Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
- C. Units owned by an owner (including a principal or other interested party) who is a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the Housing Authority has determined that (and has notified the owner and the family of such determination) that approving the rental of the unit notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.
- H. A unit occupied by its owner. This restriction does not apply to assistance on behalf of a manufactured home owner.
- I. A unit receiving any duplicative Federal, State, or local housing subsidy. This does not prohibit renting a unit that has a reduced rent because of a tax credit.

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

- A. Congregate housing
- B. Group homes
- C. Shared housing
- E. Single room occupancy housing
- F. Mobile home lots

With participants or caregivers request, special accommodations can be arranged. The Waterloo Housing Authority will verify that there is in fact a disability and that the accommodation they are requesting is necessary based on the disability.

1. Separate contract with landlord for the unit.
2. Utilities are included in the rent.
3. Has to be staffed.
4. Inspect participants living arrangements (bedroom) as a unit.

5. Place a # on the bedroom door.
6. The PHA will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

The Waterloo Housing Authority will approve leases for the following housing types:

- A. Single family dwellings
- B. Apartments, Duplexes, Townhouses, etc.
- C. Manufactured housing

Manufactured Homes [24 Cfr 982.620]

The Waterloo Housing Authority will permit a family to lease a manufactured home but will not provide assistance for a family that owns the manufactured home and leases only the space.

6.8 SECURITY DEPOSIT

The owner may collect a security deposit from the tenant in an amount not in excess of amounts charged in private market practice and not in excess of amounts charged by the owner to unassisted tenants.

When the tenant moves out of the dwelling unit, the owner, subject to State or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.

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

7.0 MOVES WITH CONTINUED ASSISTANCE

Participating families are allowed to move to another unit if the landlord and the participant have mutually agreed to terminate the lease (during the initial term or any successive term) or if the Housing Authority has terminated the HAP contract. The Waterloo Housing Authority will issue the family a new voucher if the family does not

owe the Waterloo Housing Authority or any other Housing Authority money, has not violated a Family Obligation, has not moved or been issued a Voucher involved in portability within the last 12 months, and if the Waterloo Housing Authority has sufficient funding for continued assistance. If the move is necessitated for a reason other than family choice or when a mutual rescission has been provided the Authority documenting that the landlord and the participant have mutually agreed to terminate the lease, the 12-month requirement will be waived.

7.1 *WHEN A FAMILY MAY MOVE WITH CONTINUED ASSISTANCE*

For families already participating in the Voucher Program, the Waterloo Housing Authority will allow the family to move to a new unit if:

- A. The assisted lease for the old unit has terminated
- B. The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner); or
- C. The family does not owe money to the Waterloo Housing Authority.

7.2 *WHEN A FAMILY MAY NOT MOVE WITH CONTINUED ASSISTANCE*

For families already participating in the Voucher Program, the Waterloo Housing Authority will not allow the family to move to a new unit if:

- A. The owner has given the tenant a notice to vacate, has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant for reasons of tenant actions or failure to act.
- B. If a family owes the Housing Authority, they may not move outside of the Waterloo Housing Authority's jurisdiction until the balance is paid in full. Families may move within the Waterloo Housing Authority's jurisdiction if payments are current.

7.3 *Procedures Regarding Family Moves*

Families considering transferring to a new unit will be scheduled to attend a mover's briefing at the Housing Authority's office. All families who are moving, including any families moving into or out of the Waterloo Housing Authority's jurisdiction, will be required to attend a mover's briefing prior to the Waterloo Housing Authority issuing a new Housing Voucher, or forwarding portability forms to another Authority or entering a new HAP contract on their behalf.

This briefing is intended to provide the following:

- A. A refresher on program requirements and the family's responsibilities. Emphasis will be on giving proper notice and meeting all lease requirements such as leaving the unit in good condition;
- B. Information about finding suitable housing and the advantages of moving to an area that does not have a high concentration of poor families;
- C. Payment standards, exception payment standard rent areas, and the utility allowance schedule;
- D. An explanation that the family share of rent may not exceed 40% of the family's monthly adjusted income;
- E. An explanation that the family may not rent units owned by family members
- F. Portability requirements and opportunities;
- G. The need to have a reexamination completed prior to the move;
- H. An explanation and copies of the forms required to complete the move; and
- I. Explained at the briefing: HUD will not approve such payment standard amounts if the family share for more than 40 percent of voucher participants exceeds 30 percent of monthly-adjusted income. This is a regulatory, not statutory, requirement
- J All forms and brochures provided to applicants at the initial briefing.

Families are required to give a proper 30-day written notice of their intent to terminate the lease. In accordance with HUD regulations, no notice requirement may exceed 60 days. During the initial term, families may not end the lease unless they and the owner mutually agree to end the lease. If the family moves from the unit before the initial term of the lease ends without the owner's and the Waterloo Housing Authority's approval, it will be considered a serious lease violation and subjects the family to termination from the program.

The family is required to give the Waterloo Housing Authority a copy of the notice to terminate the lease at the same time as it gives the notice to the landlord, but in no event less than 30 days prior to the proposed end to the lease. A family's failure to provide a copy of the lease termination notice to the Waterloo Housing Authority will be considered a violation of Family Obligations and will cause the family to be terminated from the program.

A family who gives notice to terminate the lease must mail the notice by certified mail or have the landlord or his agent sign a statement stating the date and time received. The family will be required to provide the certified mail receipt and a copy of the lease termination notice to the Waterloo Housing Authority, or a copy of the lease termination notice and the signed statement stating the date and time the notice was received. If the landlord or his/her agent does not accept the certified mail receipt, the family will be required to provide the receipt and envelope showing that the attempt was made.

Failure to follow the above procedures may subject the family to termination from the program.

8.0 Portability

8.1 GENERAL POLICIES OF THE WATERLOO HOUSING AUTHORITY

A family whose head or spouse has a domicile (legal residence) in the jurisdiction of the Waterloo Housing Authority at the time the family first submits its application for participation in the program to the Waterloo Housing Authority may lease a unit anywhere in the jurisdiction of the Waterloo Housing Authority or outside the Waterloo Housing Authority jurisdiction as long as there is another entity operating a tenant-based Section 8 program covering the location of the proposed unit.

If the head or spouse of the assisted family did not have a legal residence in the jurisdiction of the Waterloo Housing Authority at the time of its application, the family will not have any right to lease a unit outside of the Waterloo Housing Authority jurisdiction for a 12-month period beginning when the family is first admitted to the program. During this period, the family may only lease a unit located in the jurisdiction of the Waterloo Housing Authority.

Families participating in the Voucher Program will not be allowed to move more than once in any 12-month period and under no circumstances will the Waterloo Housing Authority allow a participant to improperly break a lease. Under extraordinary circumstances the Waterloo Housing Authority may consider allowing more than one move in a 12-month period.

Families may only move to a jurisdiction where a Section 8 Program is being administered.

If a family has moved out of their assisted unit in violation of the lease, the Waterloo Housing Authority will not issue a voucher, and will terminate assistance in compliance with Section 17.0, Grounds for Termination of the Lease and Contract.

The PHA may opt to deny portability moves, and moves within the PHA jurisdiction, if the PHA does not have sufficient funds 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 (e.g., the receiving PHA issues a 3-bedroom voucher to a family that received a 2-bedroom voucher from the initial PHA). This is a denial to move for insufficient funding under §982.314(e)(1). In such cases, the PHA must determine that based on its current funding level, it has insufficient funds to pay for higher subsidy amounts for families wishing to move to more expensive areas or units. Note also that in the case of portability moves, the PHA would need to contact the receiving PHA and confirm that the receiving PHA will not absorb the family. If the receiving PHA is willing to absorb, there are no grounds to deny the portability move under §982.314(e)(1). PHAs must provide written notification to the HUD office within 10 business days of determining it is necessary to deny moves to a higher-cost unit based on insufficient funding.

8.2 INCOME ELIGIBILITY

A. Admission

A family must be income-eligible in the area where the family first leases a unit with assistance in the Voucher Program.

B. If a portable family is already a participant in the Initial Housing Authority's Voucher Program, income eligibility is not re-determined.

8.3 PORTABILITY: ADMINISTRATION BY RECEIVING HOUSING AUTHORITY

A. When a family utilizes portability to move to an area outside the Initial Housing Authority jurisdiction, another Housing Authority (the Receiving Housing Authority) must administer assistance for the family if that Housing Authority has a tenant-based program covering the area where the unit is located.

- B. A receiving PHA cannot refuse to assist incoming portable families or direct them to a neighboring PHA for assistance. If there is more than one such PHA, the initial PHA provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. In cases where the family prefers not to select the receiving PHA, the initial PHA selects the receiving PHA on behalf of the family.

8.4 PORTABILITY PROCEDURES

A. When the Waterloo Housing Authority is the Initial Housing Authority:

1. The Waterloo Housing Authority will brief the family on the process that must take place to exercise portability. The family will be required to attend an applicant or mover's briefing at the Housing Authority's office.
2. The Waterloo Housing Authority will determine whether the family is income-eligible in the area where the family wants to lease a unit (if applicable).
3. The Waterloo Housing Authority will contact the receiving PHA, via email or other confirmed delivery method, prior to approving the family's request to move in order to determine whether the voucher will be absorbed or billed by the receiving PHA. The receiving PHA must advise the initial PHA in writing, via email, or other confirmed delivery method, of its decision.
4. If the receiving PHA notifies the initial PHA that it will absorb the voucher, the receiving PHA cannot reverse its decision at a later date without the consent of the initial PHA.
5. The Waterloo Housing Authority will immediately mail to the Receiving Housing Authority the form HUD-52665, the most recent form HUD 50058 (Family Report) for the family, and related verification information.
6. The family must promptly contact the receiving PHA in order to be informed of the receiving PHA's procedures for incoming portable families and comply with these procedures. The family's failure to comply may result in denial or termination of the receiving PHA's voucher.

B. When the Waterloo Housing Authority is the Receiving Housing Authority:

1. When the portable family requests assistance from the Waterloo Housing Authority, the Waterloo Housing Authority will within ten (10) business days inform the Initial Housing Authority that it will absorb the family into its own program. When the Waterloo Housing Authority receives a portable family, the family will be absorbed and a voucher will be issued.
2. The Waterloo Housing Authority will issue a voucher to the family. The term of the Waterloo Housing Authority's voucher will not expire before 30 calendar days from the expiration date of the Initial Housing Authority's voucher. The Waterloo Housing Authority will determine whether to extend the voucher term. The family must submit a request for tenancy approval to the Waterloo Housing Authority during the term of the Waterloo Housing Authority's Housing Voucher. The WHA will suspend the initial or any extended term of the voucher from the date that the family submits the request until the date the Waterloo Housing Authority notifies the family whether the request has been approved or denied.
3. The Waterloo Housing Authority will determine the family unit subsidy size for the portable family. The family unit subsidy size is determined in accordance with The Waterloo Housing Authority's subsidy standards.
4. The Waterloo Housing Authority will within ten (10) business days notify the Initial Housing Authority if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher.
5. If the Waterloo Housing Authority opts to conduct a new reexamination, the Waterloo Housing Authority will not delay issuing the family a voucher or otherwise delay approval of a unit unless the re-certification is necessary to determine income eligibility.
6. In order to provide tenant-based assistance for portable families, the Waterloo Housing Authority will perform all Housing Authority program functions, such as reexaminations of family income and composition. At

any time, either the Initial Housing Authority or the Waterloo Housing Authority may make a determination to deny or terminate assistance to the family in accordance with 24 CFR 982.552.

C. Absorption by the Waterloo Housing Authority

1. If funding is available under the consolidated ACC for the Waterloo Housing Authority's Voucher Program when the portable family is received, the Waterloo Housing Authority will absorb the family into its Voucher Program. After absorption, the family is assisted with funds available under the consolidated ACC for the Waterloo Housing Authority's Tenant-Based Program.

D. Portability Billing

1. To cover assistance for a portable family, the Receiving Housing Authority may bill the Initial Housing Authority for housing assistance payments and administrative fees. The billing procedure will be as follows:
 - a. As the Initial Housing Authority, the Waterloo Housing Authority will promptly reimburse the Receiving Housing Authority for the full amount of the housing assistance payments made by the Receiving Housing Authority for the portable family. The amount of the housing assistance payment for a portable family in the Receiving Housing Authority's program is determined in the same manner as for other families in the Receiving Housing Authority's program.
 - b. The Waterloo Housing Authority will promptly reimburse the receiving PHA for the lesser of 80% of the Initial Housing Authority's on-going administrative fee or 100% of the receiving PHA's ongoing administrative fee for each program unit under HAP contract on the first day of the month for which the receiving PHA is billing the initial PHA. If administrative fees are prorated

for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill under this section. If both Housing Authorities agree, a different amount of reimbursement may be negotiated.

- E. When a Portable Family Moves
When a portable family moves out of the tenant-based program of a Receiving Housing Authority that has not absorbed the family, the Housing Authority in the new jurisdiction to which the family moves becomes the Receiving Housing Authority, and the first Receiving Housing Authority is no longer required to provide assistance for the family.
- G. The Housing Authority/family must not provide/receive section 8 tenant based program housing assistance while providing/receiving subsidy, for the same unit or a different unit under any other Federal, State or Local housing assistance program.

9.0 DETERMINATION OF FAMILY INCOME

9.1 INCOME, EXCLUSIONS FROM INCOME, DEDUCTIONS FROM INCOME

To determine annual income, the Waterloo Housing Authority counts the income of all family members, excluding the types and sources of income that are specifically excluded. Once the annual income is determined, the Waterloo Housing Authority subtracts out all allowable deductions (allowances) as the next step in determining the Total Tenant Payment.

9.2 INCOME

- A. Annual income means all amounts, monetary or not, that:
 1. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member, or
 2. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
 3. Are not specifically excluded from annual income.

- B. Annual income includes, but is not limited to:
1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
 2. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
 3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$50,000, annual income includes the actual income of all assets that can be calculated and imputed income using the rate as determined by HUD for those assets that cannot be calculated (i.e. the value of a 2nd vehicle or jewelry). Asset income will be the total of both actual asset income and imputed asset income.
- Should the family acquire property suitable for occupancy after admission to the public housing program, it must be sold no more than 6 months following the effective date of the next annual or interim or reexamination. Likewise, if net assets have increased to over \$100,000 at an interim or annual reexamination date, the amount must fall below this maximum no

more than 6 months following the effective date of the reexamination. If these requirements are not met, the Lease Agreement will be terminated at the end of the 6-month period.

4. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. (However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.)
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. (However, lump sum additions such as insurance payments from worker's compensation are excluded.)
6. Welfare assistance.
 - a. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:
 - i. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - ii. The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.
 - b. If the amount of welfare is reduced due to an act of fraud by a family member, failure to comply with requirements for

reexamination of need, or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

- c. If the amount of welfare assistance is reduced as a result of a lifetime limit, the reduced amount is the amount that shall be counted.
7. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
 8. All regular pay, special pay, and allowances of a member of the Armed Forces. (Special pay to a member exposed to hostile fire is excluded.)

ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview

Assets may not exceed a cash value of \$100,000 under the HCV program. HUD requires that WHA include in annual income the “interest, dividends, and other net income of any kind from real or personal property” [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, WHA must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-4 provides the regulatory definition of *net family assets* as well as a chart from the *HCV Guidebook* that summarizes asset inclusions and exclusions. This section begins with a discussion of general policies related to assets and then provides HUD rules and WHA policies related to each type of asset.

General Policies

Waterloo Housing Administrative Plan (Revised 6/09)

Section 8 Housing Choice Voucher Program

6-12

Income from Assets

WHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes WHA to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or (3) WHA believes that past income is the best indicator of anticipated income.

Valuing Assets

The calculation of asset income sometimes requires WHA to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth (e.g., the amount a buyer would pay for real estate or the balance in an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash. Examples of acceptable costs include penalties for premature withdrawal, or broker and legal fees.

Lump-Sum Receipts

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIP FAQs]. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets [24 CFR 5.609(b)(3)]

When net family assets are \$50,000 or less, WHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of \$50,000, WHA will include in annual income the total of actual income for those assets that can be calculated, plus imputed income for those assets that cannot be calculated.

Imputed income from assets is calculated by multiplying the cash value of the asset by the current HUD-established passbook savings rate.

Determining Actual Anticipated Income from Assets

To determine actual income from assets, the cash value of the asset is multiplied by the actual interest rate being earned. In the case of dividends from stocks, bonds, etc., the total of all dividends received during the previous year will be used as the asset income.

Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement fund.

Jointly Owned Assets

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes “amounts derived (during the 12-month period) from assets to which any member of the family has access.”

If an asset is owned by more than one person and any family member has unrestricted access to the asset, the PHA will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, WHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, WHA will prorate the asset evenly among all owners.

Assets Disposed Of for Less than Fair Market Value [24 CFR 5.603(b)]

HUD regulations require WHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

Waterloo Housing Administrative Plan (Revised 6/09)

Section 8 Housing Choice Voucher Program

6-14

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value.

WHA may verify the value of the assets disposed of if other information available to WHA does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

In determining the value of a checking account, WHA will use the average monthly balance for the last six months.

In determining the value of a savings account, WHA will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account, WHA will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by

deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

In determining the market value of an investment account, WHA will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), WHA will calculate asset income based on the earnings for the most recent reporting period.

Equity in Capital Investments

Equity (cash value) in a capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs that would be incurred in selling the asset. Equity in capital investments is considered in the calculation of asset income except for the following types of assets:

- Equity in real property when a family member's main occupation is real estate [HCV GB, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.
- Interests in Indian Trust lands [24 CFR 5.603(b)]
- Real property and capital assets that are part of an active business or farming operation [HCV GB, p. 5-25]

Trusts

A *trust* is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Revocable Trusts

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [HCV GB, p. 5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

Nonrevocable Trusts

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR Waterloo Housing Administrative Plan (Revised 6/09)

Section 8 Housing Choice Voucher Program

6-16

5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, WHA must know whether the money is accessible before retirement [HCV GB, p. 5-26].

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [HCV GB, p. 5-26].

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [HCV GB, p. 5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [HCV GB, p. 5-25].

Personal Property

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [HCV GB, p. 5-25].

In determining the value of personal property held as an investment, WHA will use the family's estimate of the value. However, WHA also may obtain an appraisal if appropriate to confirm the value of the asset. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)]. Necessary personal property consists of items such as clothing, furniture, household furnishings, jewelry that is not held as an investment, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance

Waterloo Housing Administrative Plan (Revised 6/09)

Section 8 Housing Choice Voucher Program

6-17

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets [HCV GB 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

Periodic Payments Included in Annual Income

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14]

Lump-Sum Payments for the Delayed Start of a Periodic Payment

Most lump sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not

counted as income [CFR 5.609(b)(4)].

Periodic Payments Excluded from Annual Income

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone) [24 CFR 5.609(c)(2)]

WHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)]
- Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)]

Waterloo Housing Administrative Plan (Revised 6/09)

Section 8 Housing Choice Voucher Program

6-18

- Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)].
Note: EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.
- Lump sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.J.) [24 CFR 5.609(b)(4)].

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

WHA must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was receiving HCV assistance at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance” [24 CFR 5.615(b)]

Imputed Income

When a welfare agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, WHA must include in annual income “imputed” welfare income. WHA must request that the welfare agency inform WHA when the benefits of an HCV Waterloo Housing Administrative Plan (Revised 6/09)

Section 8 Housing Choice Voucher Program

6-19 participant family are reduced. The imputed income is the amount the family would have received if the family had not been sanctioned.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

Offsets

The amount of the imputed income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with an assisted family.

Alimony and Child Support

WHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.

WHA will count court-awarded amounts for alimony and child support unless WHA verifies that (1) the payments are not being made and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments [HCV GB, pp. 5-23 and 5-47].

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

Regular Contributions or Gifts

WHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with an assisted family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such as groceries and clothing provided to a family on a regular basis.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by WHA. For contributions that may vary from month to month (e.g., utility payments), WHA will include an average amount based upon past history.

Waterloo Housing Administrative Plan (Revised 6/09)

Section 8 Housing Choice Voucher Program

9.3 EXCLUSIONS FROM INCOME

Annual income does not include the following:

- A. Income from employment of children (including foster children) under the age of 18 years;
- B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensations), capital gains, and settlement for personal or property losses;
- D. Any income earned on retirement plans recognized by the Internal Revenue Service, including IRAs, employer retirement plans, and retirement plans for self-employed individuals.
- E. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- F. Income of a live-in-aide;
- G. The full amount of student financial assistance paid directly to the student or to the educational institution;
- H. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- I. The amounts received from the following programs:
 1. Amounts received under training programs funded by HUD;
 2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;

4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed over \$200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, all monitoring, lawn maintenance, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;
6. Temporary, nonrecurring or sporadic income (including gifts);
7. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
8. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
9. Adoption assistance payments in excess of \$480 per adopted child;
10. For family members who enrolled in certain training programs prior to 10/1/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:
 - b. Comparable Federal, State or local law means a program providing employment training and supportive services that:
 - i. Is authorized by a Federal, State or local law;
 - ii. Is funded by the Federal, State or local government;

- iii. Is operated or administered by a public agency; and
 - iv. Has as its objective to assist participants in acquiring employment skills.
- b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.
 - c. Earnings and benefits mean the incremental earnings and benefits resulting from a qualifying employment-training program or subsequent job.
11. Deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in perspective monthly amounts.
 12. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
 13. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
 14. Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits. These exclusions include:
 - a. The value of the allotment of food stamps
 - b. Payments to volunteers under the Domestic volunteer Services Act of 1973
 - c. Payments received under the Alaska Native Claims Settlement Act
 - d. Income from sub marginal land of the U.S. that is held in trust for certain Indian tribes

- e. Payments made under HHS's Low-Income Energy Assistance Program
- f. Payments received under the Job Training Partnership Act
- g. Income from the disposition of funds of the Grand River Band of Ottawa Indians
- h. The first \$2000 per capita received from judgment funds awarded for certain Indian claims
- i. Amount of scholarships awarded under Title IV including Work Study
- j. Payments received under the Older Americans Act of 1965
- k. Payments from Agent Orange Settlement
- l. Payments received under the Maine Indian Claims Act
- m. The value of child care under the Child Care and Development Block Grant Act of 1990
- n. Earned income tax credit refund payments
- o. Payments for living expenses under the Americorps Program

15. The Earned Income Disregard (EID) will not apply to any family who is not eligible for **and already participating in** the disallowance by December 31, 2023.

Families who were already receiving the EID benefit as of December 31, 2023 may continue to receive the full benefit until the remaining timeframe for an individual family's EID expires.

The Housing Authority will not provide exclusions from income in addition to those already provided for by HUD.

9.4 DEDUCTIONS FROM ANNUAL INCOME

The following deductions will be made from annual income:

- A. \$480 for each dependent, which will be adjusted annually for inflation;
- B. \$525 for any elderly family or disabled family, which will be adjusted annually for inflation;
- C. For any family that is not an elderly or disabled family but has a member (other than the head or spouse) who is a person with a disability, disability assistance expenses to enable a family member/s to work excess of 10% of annual income.

This allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the person with disabilities.

D. For any elderly or disabled family:

1. That has no disability assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed 10% of annual income;
2. That has disability expenses greater than or equal to 10% of annual income, an allowance for disability assistance expenses computed in accordance with paragraph C, plus an allowance for medical expenses that equal the family's medical expenses;
3. That has disability assistance expenses that are less than 10% of annual income, an allowance for combined disability assistance expenses and medical expenses that is equal to the total of these expenses less 10% of annual income.
4. An elderly or disabled family may request a general hardship to this 10% standard, due to unusual circumstances. If, when using the 10% standard, the family's TTP increases by more than 15%, the family will be eligible for the general 5% hardship for 90 days. The family may request one extension for an additional 90 days.
5. Any elderly or disabled family that was eligible for a deduction in medical expenses under the previous 3% rule will receive the phased-in hardship beginning with their 1st regularly scheduled reexamination following the Waterloo Housing Authority's HOTMA compliance date as follows:
 - a. For the 1st 12 months, expenses in excess of 5% will be deducted.
 - b. For the 2nd 12 months, expenses in excess of 7.5% will be deducted.
 - c. After 24 months, expenses in excess of the full 10% will be deducted.

E. Child care expenses.

1. Up to \$400 per month per child for childcare expenses may

be deducted. If the child is under the age of two, up to \$480.00 may be deducted. Care cost for a disabled adult for whom you receive FIP may also be deducted up to \$500.00. Written proof must be provided. You must provide written proof of care costs to receive a deduction. There is no childcare deduction for a family member to go to therapy. Cannot claim as a medical expense.

2. Request for Hardship

A family may request a hardship exemption to continue the child care expense reduction for 90 days beyond any of the above reasons, due to extenuating circumstances. Approval will be on a case-by-case basis. A maximum of one 90-day extension to this hardship may be give if the circumstances continue beyond the initial 90 days.

10.0 VERIFICATION

The Waterloo Housing Authority will verify information related to waiting list preferences, eligibility, admission and level of benefits prior to admission. Periodically during occupancy, items related to eligibility and rent determination shall also be reviewed and verified. Income, assets, and expenses will be verified, as well as disability status, need for a live-in aide and other reasonable accommodations, full time student status of family members 18 years of age and older, Social Security Numbers, citizenship/eligible noncitizen status. Age and relationship will only be verified in those instances where needed to make a determination of level of assistance.

10.1 ACCEPTABLE METHODS OF VERIFICATION

Age, relationship, U.S. citizenship, and Social Security Numbers will generally be verified with documentation provided by the family. For citizenship, the family's certification will be accepted. (Or for citizenship documentation such as listed below will be required.) Verification of these items will include photo ID and photocopies of the Social Security cards and other documents presented by the family, the INS SAVE approval code, and forms signed by the family.

Other information will be verified by third party verification. The preferred method of 3rd party verification is documentation provided by the family from the source. This may

include pay stubs, payroll reports, hire or termination letters, letters/printouts from SSA, DHS or IowaWORKS, as well as other information. Written documentation (with forms sent directly to and received directly from a source, not passed through the hands of the family, will be sent if 3rd party documents are not provided by the family. This verification may also be direct contact with the source, in person or by telephone. It may also be a report generated by a request from the Waterloo Housing Authority or automatically by another government agency, i.e. the Social Security Administration. Verification forms and reports received will be contained in the applicant/tenant file. Oral third party documentation will include the same information as if the documentation had been written, i.e. name date of contact, amount received, etc.

As a last resort, when neither hand-carried 3rd party verification nor Housing Authority requested verification can be obtained, the Waterloo Housing Authority will accept a notarized statement signed by the head, spouse or co-head. Such documents will be maintained in the file.

10.2 TYPES OF VERIFICATION

The chart below outlines the factors that may be verified and gives common examples of the verification that will be sought. To obtain written third party verification, The Waterloo Housing Authority will send a request form to the source along with a release form signed by the applicant/participant via first class mail.

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
General Eligibility Items		
Social Security Number	Letter from Social Security, electronic reports	Social Security card Self-certification by adult household member plus lt

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
		least one third-party statement, utility or cell phone bill, benefit letter, etc. that contains the name of the individual. (ONLY FOR EXTENUATING CIRCUMSTANCES)
Citizenship	N/A	Signed certification, voter's registration card, birth certificate, etc.
Eligible immigration status	INS SAVE confirmation #	INS card
Disability	Letter from medical professional, SSI or SSD, other professional knowledgeable of condition, etc	Proof of SSI or Social Security disability payments
Full time student status (if >18)	Letter from school	For high school students, any document proving enrollment
Need for a live-in aide	Letter from doctor or other professional knowledgeable of condition	N/A
Child care costs	Letter from care provider	Bills and receipts

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
Disability assistance expenses	Letters from suppliers, care givers, etc.	Bills and records of payment
Medical expenses	Letters from providers, prescription record from pharmacy, medical professional's letter stating assistance or companion animal is needed	Bills, receipts, records of payment, dates of trips, mileage log, receipts for fares and tolls
Value of and Income from Assets - – Self-Certification of assets below \$50,000 will not be accepted		
Savings, checking accounts	Letter from institution	Passbook, most current statements
CDs, bonds, etc	Letter from institution	Tax return, information brochure from institution, the CD, the bond
Stocks	Letter from broker or holding company	Stock or most current statement, price in newspaper or through Internet
Real property	Letter from tax office, assessment,	Property tax statement (for current value), assessment,

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
	etc Self-certification allowed if do not own real property.	records or income and expenses, tax return
Personal property	Assessment, bluebook, etc	Receipt for purchase, other evidence of worth
Cash value of life insurance policies	Letter from insurance company	Current statement
Assets disposed of for less than fair market value	N/A	Original receipt and receipt at disposition, other evidence of worth
Income		
Earned income	Letter from employer	Multiple pay stubs
Self-employed	N/A	Tax return from prior year, books of accounts
Regular gifts and contributions	Letter from source, letter from organization receiving gift (i.e., if	Bank deposits, other similar evidence

Verification Requirements for Individual Items		
Item to Be Verified	3 rd party verification	Hand-carried verification
	grandmother pays day care provider, (the day care provider could so state)	
Alimony/child support	Court order, letter from source, letter from Human Services	Record of deposits, divorce decree
Periodic payments (i.e., social security, welfare, pensions, workers' comp, unemployment)	Letter or electronic reports from the source	Award letter, letter announcing change in amount of future payments
Training program participation	Letter from program provider indicating <ul style="list-style-type: none"> - whether enrolled - whether training is HUD-funded - whether State or local program - whether it is employment training - whether payments are for out- of-pocket expenses incurred in order to participate in a program 	N/A

ALTHOUGH ALLOWED BY HOTMA, THE WATERLOO HOUSING AUTHORITY WILL NOT USE OTHER ASSISTANCE AGENCIES' VERIFICATION OF INCOME FOR OUR PROGRAM (SAFE HARBOR).

10.3 ZERO INCOME STATUS

Families claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. A zero income questionnaire must be completed, and documentation of how expenses are being paid may be requested at annual reexamination.

10.4 VERIFICATION OF CITIZENSHIP OR ELIGIBLE NONCITIZEN STATUS

The citizenship/ eligible noncitizen status of each family member regardless of age must be determined.

Prior to being admitted, all citizens and nationals will be required to sign a declaration under penalty of perjury. (They will be required to show proof of their status by such means as photo ID and Social Security card, birth certificate, military ID or military DD 214 Form.)

Prior to being admitted, all eligible noncitizens who are 62 years of age or older will be required to sign a declaration under penalty of perjury. They will also be required to show proof of age.

Prior to being admitted or at the first reexamination, all eligible noncitizens must sign a declaration of their status and a verification consent form and provide their original INS documentation. The Waterloo Housing Authority will make a copy of the individual's INS documentation and place the copy in the file. The Waterloo Housing Authority also will verify their status through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, the Waterloo Housing Authority will mail information to the INS so a manual check can be made of INS records.

Family members who do not claim to be citizens, nationals or eligible non-citizens, or whose status cannot be confirmed, must be listed on a statement of non-eligible members and the list must be signed by the head of the household.

Non-citizen students on student visas, though in the country legally, are not eligible to be

admitted to the Section 8 Program.

Any family member who does not choose to declare their status must be listed on the statement of non-eligible members.

If no family member is determined to be eligible under this Section, the family's admission will be denied.

The family's assistance will not be denied, delayed, reduced or terminated because of a delay in the process of determining eligible status under this Section, except to the extent that the delay is caused by the family.

If the Waterloo Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 36 months from the date of termination.

10.5 VERIFICATION OF SOCIAL SECURITY NUMBERS

Disclosure and Verification of Social Security Number (SSN)

1. Requires that all members of the household must provide appropriate documentation of his or her Social Security Number before the household is admitted to the program. The final rule provides that if the participant's household adds a new member, including a child or children, the participant must submit the new member's Social Security Number at the time of the request for assistance or at the time of processing the interim reexamination of family composition. Applicants who cannot provide Social Security Numbers for all family members are allowed to be placed on the waiting list provided the Head of Household discloses theirs. Applicants will retain their position on the waiting list; however, no family will be admitted until verification has occurred for all members. The best verification of the Social Security Number is the original Social Security card. If the card is not available, the Waterloo Housing Authority will accept letters from Social Security that establish and state the number. Documentation from other governmental agencies will also be accepted that establish and state the number. Driver's license, military ID, passports, or other official documents that establish and state the number are also acceptable.

If an individual states that they do not have a Social Security Number they will be

required to sign a statement to this effect. The Waterloo Housing Authority will not require any individual who does not have a Social Security Number to obtain a Social Security Number.

If a member of an applicant family indicates they have a Social Security Number, but cannot readily verify it, the family cannot be assisted until verification is provided.

If a member of a tenant family indicates they have a Social Security Number, but cannot readily verify it, they shall be asked to certify to this fact and shall up to 60 days to provide the verification. If the individual is at least 62 years of age, they will be given 120 days to provide the verification. If the individual fails to provide the verification within the time allowed, the family will be denied assistance or will have their assistance terminated.

In extenuating circumstances only, a self-certification by an adult household member plus at least one third-party statement, utility or cell phone bill, benefit letter, etc. that contains the name of the individual.

10.6 TIMING OF VERIFICATION

Verification must be dated within 90 days of certification or reexamination. If the verification is older than this, the source will be contacted and asked to provide information regarding any changes.

When an interim reexamination is conducted, the Housing Authority will verify and update only those elements reported to have changed.

10.7 FREQUENCY OF OBTAINING VERIFICATION

For each family member, citizenship/eligible non-citizen status will be verified only once. This verification will be obtained prior to admission. If the status of any family member was not determined prior to admission, verification of their status will be obtained at the next regular reexamination. Prior to a new member joining the family, their status will be verified.

For each family member age 6 and above, verification of Social Security Number will be obtained only once. This verification will be accomplished prior to admission. When a family member who did not have a Social Security Number at admission receives a Social Security Number, that number will be verified at the next regular reexamination.

Likewise, when a child turns six, their verification will be obtained at the next regular reexamination.

11.0 RENT AND HOUSING ASSISTANCE PAYMENT

11.1 GENERAL

After October 1, 1999, the Waterloo Housing Authority will issue only vouchers to applicants, movers, and families entering the jurisdiction through portability. Certificates currently held will continue to be honored until the transition of the merger of the Section 8 Certificate and Voucher programs as outlined in 24 CFR 982.502 is complete (see Section 20.0 for additional guidance).

1.2 RENT REASONABLENESS

Annual increases are permitted. The Housing Authority will not approve an initial rent or a rent increase in any of the tenant-based programs without determining that the rent amount is reasonable. Reasonableness is determined prior to the initial lease and at the following times:

- A. Before any increase in rent to owner is approved;
- B. If 60 days before the contract anniversary date there is a 5% decrease in the published FMR as compared to the previous FMR; and
- C. If the Housing Authority or HUD directs that reasonableness be re-determined.

11.3 COMPARABILITY

In making a rent reasonableness determination, the Housing Authority will compare the rent for the unit to the rent of comparable units in the same or comparable neighborhoods. The Housing Authority will consider the location, quality, size, number of bedrooms, age, amenities, housing services, maintenance and utilities of the unit and the comparable units.

The Housing Authority will maintain current survey information on rental units in the jurisdiction. The Housing Authority will also obtain from landlord associations and management firms the value of the array of amenities.

The Housing Authority will establish minimum base rent amounts for each unit type and bedroom size. To the base the Housing Authority will be able to add or subtract the dollar value for each characteristic and amenity of a proposed unit.

Owners are invited to submit information to the survey at any time. Owners may review the determination made on their unit and may be required to submit additional information or make improvements to the unit that will enable the Housing Authority to establish a higher value.

The owner must certify the rents charged for assisted units are the same as their other unassisted units. By accepting the housing assistance payment each month the owner is certifying that the rent to owner is not more than the rent charged by the owner for comparable unassisted units in the premises.

11.4 MAXIMUM SUBSIDY

The Fair Market Rent (FMR) published by HUD or the exception payment standard rent (requested by the Waterloo Housing Authority and approved by HUD) determines the maximum subsidy for a family

For the Voucher Program, the payment standard may be set at 90 - 110% of the FMR without prior approval from HUD, or the exception payment standard approved by HUD. For a voucher tenancy in an insured or noninsured 236 project, a 515 project of the Rural Development Administration, or a Section 221(d)(3) below market interest rate project the payment standard may not exceed the basic rent charged including the cost of tenant-paid utilities.

For manufactured home is based upon the Fair Market Rent for the space as outlined in 24 CFR 982.888. **Does not apply to Waterloo Housing Authority.**

11.4.1 Setting the Payment Standard

HUD requires that the payment standard be set by the Housing Authority at between 90 and 110% of the FMR. The Waterloo Housing Authority will review its determination of the payment standard annually after publication of the FMRs. The Waterloo Housing Authority will consider vacancy rates and rents in the market area, size and quality of units leased under the program, rents for units leased under the program, success rates of voucher holders in finding units, and the percentage of annual income families are paying for rent under the Voucher Program. If it is determined that success rates will suffer or that families are having to rent low quality units or pay over 40% of income for rent, the payment standard may be raised to the level judged necessary to alleviate these hardships. Payment standards will not be raised solely to allow the renting of luxury quality units.

If success levels are projected to be extremely high and rents are projected to be at or below 30% of income, the Housing Authority will reduce the payment standard. Payment standards for each bedroom size are evaluated separately so that the payment standard for one bedroom size may increase or decrease while another remains unchanged. The Waterloo Housing Authority may consider adjusting payment standards at times other than the annual review when circumstances warrant.

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

11.4.2 Selecting the Correct Payment Standard for a Family

- A. For the voucher tenancy, the payment standard for a family is the lower of:
 - 1. The payment standard for the family voucher unit size; or
 - 2. The payment standard for the unit size rented by the family.
- B. If the unit rented by a family is located in an exception rent area, the Housing Authority will use the appropriate payment standard for the exception rent area.
- C. During the HAP contract term for a unit, the amount of the payment standard for a family is the higher of:
 - 1. The initial payment standard (at the beginning of the lease term) minus any amount by which the initial rent to owner exceeds the current rent to owner; or
 - 2. The payment standard as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
- D. At the next annual reexamination following a change in family size or composition during the HAP contract term and for any reexamination thereafter, paragraph C above does not apply.
- E. If there is a change in family voucher unit size resulting from a change in family size or composition, the new family unit size will be considered when determining the payment standard at the next annual reexamination.

11.4.3 Area Exception Rents

In order to help families find housing outside areas of high poverty or when voucher holders are having trouble finding housing for lease under the program, the Housing Authority may request that HUD approve an exception payment standard rent for certain areas within its jurisdiction. The areas may be of any size, though generally not smaller than a census tract. The Housing Authority may request one such exception payment standard area or many. Exception payment standard rent authority may be requested for all or some unit sizes, or for all or some unit types.

When an exception payment standard rent has been approved and the FMR increases, the exception rent remains unchanged until such time as the Housing Authority requests and HUD approves a higher exception payment standard rent. If the FMR decreases, the exception payment standard rent authority automatically expires.

11.5 ASSISTANCE AND RENT FORMULAS

A. Total Tenant Payment

The total tenant payment is equal to the highest of:

1. 10% of monthly income
2. 30% of adjusted monthly income
3. Minimum rent
4. The welfare rent

Plus any rent above the payment standard.

B. Minimum Rent.

The Waterloo Housing Authority has set the minimum rent at \$ 50.00

1. A hardship exists in the following circumstances:
 - a. When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State or local assistance program;
 - b. When the family would be evicted as a result of the imposition of the minimum rent requirement;
 - c. When the income of the family has decreased because of changed circumstances, including loss of employment;

- d. When the family has an increase in expenses because of changed circumstances, for medical costs, childcare, transportation, education, or similar items;
 - e. When a death has occurred in the family.
2. No hardship. If the Housing Authority determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring back payment of minimum rent to the Housing Authority for the time of suspension.
 3. Temporary hardship. If the Housing Authority determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of 90 days from the date of the family's request. At the end of the 90-day period, the minimum rent will be imposed retroactively to the time of suspension. The Housing Authority will offer a reasonable repayment agreement for any minimum rent back payment paid by the Housing Authority on the family's behalf during the period of suspension.
 4. Long-term hardship. If the Housing Authority determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists.
 5. Appeals. The family may use the informal hearing procedure to appeal the Housing Authority's determination regarding the hardship. No escrow deposit will be required in order to access the informal hearing procedures.
- C. Section 8 Merged Vouchers
1. The payment standard is set by the Housing Authority between 90% and 110% of the FMR or higher or lower with HUD approval.
 2. The participant pays the greater of the Total Tenant Payment or the minimum rent, plus the amount by which the gross rent exceeds the payment standard.
 3. No participant when initially receiving tenant-based assistance on a unit shall pay more than 40% of their monthly-adjusted income.
- D. Section 8 Preservation Vouchers

1. Payment Standard
 - a. The payment standard is the lower of:
 - i. The payment standard amount for the appropriate family unit size; or
 - ii. The payment standard amount for the size of the dwelling unit actually rented by the family.
 - b. If the dwelling unit is located in an exception area, the Waterloo Housing Authority will use the appropriate payment standard for the exception area.
 - c. During the HAP contract term, the payment standard for the family is the higher of:
 - i. The initial payment standard (at the beginning of the HAP contract term), as determined in accordance with paragraph (1)(a) or (1)(b) of this section, minus any amount by which the initial rent to the owner exceeds the current rent to the owner; or
 - ii. The payment standard as determined in accordance with paragraph (1)(a) or (1)(b) of this section, as determined at the most recent regular reexamination of family income and composition effective after the beginning of the HAP contract term.
 - d. At the next regular reexamination following a change in family composition that causes a change in family unit size during the HAP contract term, and for any examination thereafter during the term:
 - i. Paragraph (c)(i) of this section does not apply; and
 - ii. The new family unit size must be used to determine the payment standard.
2. The Waterloo Housing Authority will pay a monthly housing assistance payment on behalf of the family that equals the lesser of:
 - a. The payment standard minus the total tenant payment; or

b. The gross rent minus the total tenant payment.

E. **Manufactured Home Space Rental: Section 8 Vouchers (does not apply to Waterloo Housing Authority).**

1. The payment standard for a participant renting a manufactured home space is the published FMR for rental of a manufactured home space.
2. The space rent is the sum of the following as determined by the Housing Authority:
 - a. Rent to the owner for the manufactured home space;
 - b. Owner maintenance and management charges for the space; and
 - c. Utility allowance for tenant paid utilities.
3. The participant pays the rent to owner less the HAP.
4. **HAP equals the lesser of:**
 - a. The payment standard minus the total tenant payment; or
 - b. The rent paid for rental of the real property on which the manufactured home owned by the family is located.

F. **Rent for Families under the Non-citizen Rule**

A mixed family will receive full continuation of assistance if all of the following conditions are met:

1. The family was receiving assistance on June 19, 1995;
2. The family was granted continuation of assistance before November 29, 1996;
3. The family's head or spouse has eligible immigration status; and
4. The family does not include any person who does not have eligible status other than the head of household, the spouse of the head of household, any parent of the head or spouse, or any child (under the age of 18) of the head or spouse.

If a mixed family qualifies for prorated assistance but decides not to accept it, or if the family has no eligible members, the family may be eligible for temporary deferral of termination of assistance to permit the family additional time for the orderly transition of some or all of its members to locate other affordable housing. Under this provision the family receives full assistance.

If assistance is granted under this provision prior to November 29, 1996, it may last no longer than three years. If granted after that date, the maximum period of time for assistance under the provision is 18 months. The Waterloo Housing Authority will grant each family a period of 6 months to find suitable affordable housing. If the family cannot find suitable affordable housing, The Waterloo Housing Authority will provide additional search periods up to the maximum time allowable.

Suitable housing means housing that is not substandard and is of appropriate size for the family. Affordable housing means that it can be rented for an amount not exceeding the amount the family pays for rent, plus utilities, plus 25%.

The family's assistance is prorated in the following manner:

1. Find the prorated housing assistance payment (HAP) by dividing the HAP by the total number of family members, and then multiplying the result by the number of eligible family members.
2. Obtain the prorated family share by subtracting the prorated HAP from the gross rent (contract rent plus utility allowance).
3. The prorated tenant rent equals the prorated family share minus the full utility allowance.

11.6 UTILITY ALLOWANCE

The Housing Authority maintains a utility allowance schedule for all tenant-paid utilities (except telephone), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)).

The utility allowance schedule is determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the Housing Authority uses HUD consumption schedules and current utility rates.

The Housing Authority reviews the utility allowance schedule annually and revises any allowance for a utility category if there has been a change of 10% or more in the utility rate since the last time the utility allowance schedule was revised. The Housing Authority maintains information supporting the annual review of utility allowances and any revisions made in its utility allowance schedule.

The Housing Authority uses the appropriate utility allowance for the voucher size of the family determined under the Housing Authority subsidy standards (rather than the actual size of the dwelling unit).

At each reexamination, the Housing Authority applies the utility allowance from the most current utility allowance schedule.

The Housing Authority will approve a request for a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is documented as needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.

The utility allowance will be subtracted from the family's share to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the owner. The amount of the utility allowance is then still available to the family to pay the cost of their utilities. Any utility cost above the allowance is the responsibility of the tenant. Any savings resulting from utility costs below the amount of the allowance belong to the tenant.

11.7 DISTRIBUTION OF HOUSING ASSISTANCE PAYMENT

The Housing Authority pays the owner the lesser of the housing assistance payment or the rent to owner. If payments are not made when due, the owner may charge the Waterloo Housing Authority a late payment, agreed to in the Contract and in accordance with generally accepted practices in the Waterloo jurisdiction.

The method of payment shall be by direct deposit to the owner's account. Owners who fail to provide requested bank routing or account information will have the housing payments escrowed by the Waterloo Housing Authority until such time as the bank information has been provided. These payments will be considered as made when due and not subject to the late payment charge. Once fully implemented, the Authority will not use paper checks. This method was determined by the Authority to be more cost effective in terms of postage, materials, and labor, and also provides that owner with a convenience, a secure delivery method and quicker access to their funds.

All Section 8 participants who have utility reimbursement payments will be sent directly to the utility company. The participant will need to indicate which utility service provider they want to receive their direct deposit of utility reimbursement payments.

11.8 CHANGE OF OWNERSHIP

The Waterloo Housing Authority requires a written request by the owner who executed the HAP contract in order to make changes regarding who is to receive the Waterloo Housing Authority's rent payment or the address as to where the rent payment should be sent.

In addition, the Waterloo Housing Authority requires a written request from the new owner to process a change of ownership in the form of the Change in Ownership Form provided by the Authority. The following documents must accompany the written request:

- A. Deed of Trust showing the transfer of title;
- B. Tax Identification Number or Social Security Number; and
- C. Bank Direct Deposit Agreement with routing and bank account number.

New owners will be required to execute IRS form W-9. The Waterloo Housing Authority may withhold the rent payment until the taxpayer identification number is received.

12.0 Inspection Policies, Housing Quality Standards, AND DAMAGE cLAIMS

The Waterloo Housing Authority will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Section 8 Existing Program unless the HQS is met. Units will be inspected at least annually, and at other times as needed, to determine if the units meet HQS.

The Waterloo Housing Authority must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by first class mail, by telephone or arrangements made in person. If the family cannot be at home for the scheduled inspection appointment, the family must call and reschedule prior to the inspection or make arrangements to enable the Housing Authority to enter the unit and complete the inspection.

The inspections process may involve an initial inspection, a reinspection and a final inspection for any type of inspection, here referred to as an inspection cycle. If the family misses a scheduled inspection (defined as the failure to permit the inspector access to the unit to complete an inspection) and has failed to reschedule prior to the inspection, the Waterloo Housing Authority will count this as a missed inspection and will schedule another inspection. Rent assistance will be terminated upon the family's third missed inspection during any type of inspection cycle. Upon a third failure to permit inspection during the inspection process from initial to final inspection, rent assistance will be terminated. The Waterloo Housing Authority will determine that the family to has violated the Family Obligation to permit inspection as the grounds for the termination.

12.1 Types of Inspections

There are seven types of inspections the Waterloo Housing Authority will perform:

- A. Initial Inspection - An inspection that must take place to insure that the unit passes HQS before assistance can begin.
- B. Annual Inspection - An inspection to determine that the unit continues to meet HQS.
- C. Complaint Inspection - An inspection caused by the Authority receiving a complaint on the unit by anyone.
- D. Special Inspection - An inspection caused by a third party, i.e. HUD, needing to view the unit.
- E. Emergency - An inspection that takes place in the event of a perceived emergency. These will take precedence over all other inspections.

- F. Move Out Inspection (if applicable) - An inspection required for units in service before October 2, 1995, and optional after that date. These inspections document the condition of the unit at the time of the move-out.
- G. Quality Control Inspection - Supervisory inspections on at least 5% of the total number of units that were under lease during the Housing Authority's previous fiscal year.

12.2 OWNER AND FAMILY RESPONSIBILITY(UTILITIES ETC.)

- A. Owner Responsibility for HQS
 - 1. The owner must maintain the unit in accordance with HQS.
 - 2. If the owner fails to maintain the dwelling unit in accordance with HQS, the Waterloo Housing Authority will take prompt and vigorous action to enforce the owner obligations. The Waterloo Housing Authority's remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.
 - 3. The Waterloo Housing Authority will not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the Waterloo Housing Authority and the Waterloo Housing Authority verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects the owner must correct the defect within no more than 30 business days (or any Waterloo Housing Authority approved extension).

4. The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible. Furthermore, the Waterloo Housing Authority may terminate assistance to a family because of the HQS breach caused by the family.

B. Family Responsibility for HQS

1. The family is responsible for a breach of the HQS that is caused by any of the following:
 - a. The family fails to pay for any utilities that the owner is not required to pay, but which are to be paid by the tenant;
 - b. The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
 - c. Any member of the household or a guest damages the dwelling unit or premises (damage beyond ordinary wear and tear).
3. **“Emergency Repair”** If an HQS breach caused by the family is life threatening, such as the utilities off. For utilities off from (1-30 days) the family is given 7 days to restore disconnected utilities, after 30 days the family must correct or reconnect within 24 hours. For other family-caused defects, such as termination of cold or hot Water the family must correct.
4. If the Water is off 1-30 days the family has 7 days to restore, after 30 days family has 24 hours to restore.
3. If the family has caused a breach of the HQS, The Waterloo Housing Authority will take prompt and vigorous action to enforce the family obligations. The Waterloo Housing Authority may terminate assistance for the family in accordance with 24 CFR 982.55

12.3 HOUSING QUALITY STANDARDS (HQS) 24 CFR 982.401

This Section states performance and acceptability criteria for these key aspects of the following housing quality standards:

- A. Sanitary Facilities

1. Performance Requirements

The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

2. Acceptability Criteria

- a. The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
- b. The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.
- c. The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
- d. The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

- B. Food Preparation and Refuse Disposal

1. Performance Requirements

- a. The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.
- b. There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

2. Acceptability Criteria

- a. The dwelling unit must have an oven, a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. Either the owner or the family may supply the equipment. A microwave oven may be substituted for a tenant-supplied oven and stove or range. A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are

furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.

- b. The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.
- c. The dwelling unit must have space for the storage, preparation, and serving of food.
- d. There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

C. Space and security

1. Performance Requirement

The dwelling unit must provide adequate space and security for the family.

2. Acceptability Criteria

- a. At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.
- b. The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.
- c. Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.
- d. The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

D. Thermal Environment

1. Performance Requirement

The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

2. Acceptability Criteria

- a. There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.
- b. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

E. Illumination and Electricity

1. Performance Requirement

Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

2. Acceptability Criteria

- a. There must be at least one window in the living room and in each sleeping room.
- b. The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
- c. The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets.

F. Structure and Materials

1. Performance Requirement

The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

2. Acceptability Criteria

- a. Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.
- b. The roof must be structurally sound and weather tight.
- c. The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.
- d. The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.
- e. Elevators must be working and safe.

G. Interior Air Quality

1. Performance Requirement

The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

2. Acceptability Criteria

- a. The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.
 - i. All dwellings units having a fuel-fired heater or appliance, a fireplace, or an attached garage, must have carbon monoxide alarms.
 - ii. A carbon monoxide alarm shall be installed outside of each sleeping area in the immediate vicinity of the bedrooms.

iii. Carbon monoxide alarms may be battery-operated or plug into an electrical outlet. Combination smoke detector/carbon monoxide alarms will be permitted.

- b. There must be adequate air circulation in the dwelling unit.
- c. Bathroom areas must have one window that can be opened or other adequate exhaust ventilation.
- d. Any room used for sleeping must have at least one window. If the window is designed to be opened, the window must work.

H. Water Supply

1. Performance Requirements

The water supply must be free from contamination.

2. Acceptability Criteria

The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

I. Lead-based Paint

1. Definitions

- a. Chewable surface: Protruding painted surfaces up to five feet from the floor or ground that are readily accessible to children under six years of age; for example, protruding corners, window sills and frames, doors and frames, and other protruding woodwork.
- b. Component: An element of a residential structure identified by type and location, such as a bedroom wall, an exterior window sill, a baseboard in a living room, a kitchen floor, an interior window sill in a bathroom, a porch floor, stair treads in a common stairwell, or an exterior wall.
- c. Defective paint surface: A surface on which the paint is cracking, scaling, chipping, peeling, or loose.
- d. Elevated blood level (EBL): Excessive absorption of lead.
Excessive absorption is a confirmed concentration of lead in whole

- blood of 20 ug/dl (micrograms of lead per deciliter) for a single test or of 15-19 ug/dl in two consecutive tests 3-4 months apart.
- e. HEPA: A high efficiency particle accumulator as used in lead abatement vacuum cleaners.
 - f. Lead-based paint: A paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 milligram per centimeter squared (mg/cm^2), or 0.5 % by weight or 5000 parts per million (PPM).

2. Performance Requirements

- a. The purpose of this paragraph of this Section is to implement Section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4822, by establishing procedures to eliminate as far as practicable the hazards of lead-based paint poisoning for units assisted under this part. This paragraph is issued under 24 CFR 35.24(b)(4) and supersedes, for all housing to which it applies, the requirements of subpart C of 24 CFR part 35.
- b. The requirements of this paragraph of this Section do not apply to 0-bedroom units, units that are certified by a qualified inspector to be free of lead-based paint, or units designated exclusively for the elderly. The requirements of subpart A of 24 CFR part 35 apply to all units constructed prior to 1978 covered by a HAP contract under part 982.
- c. If a dwelling unit constructed before 1978 is occupied by a family that includes a child under the age of six years, the initial and each periodic inspection (as required under this part), must include a visual inspection for defective paint surfaces. If defective paint surfaces are found, such surfaces must be treated in accordance with paragraph k of this Section.
- d. The Housing Authority may exempt from such treatment defective paint surfaces that are found in a report by a qualified lead-based paint inspector not to be lead-based paint, as defined in paragraph

1(f) of this Section. For purposes of this Section, a qualified lead-based paint inspector is a State or local health agency lead-based paint inspector certified or regulated by a State or local health agency, or an organization recognized by HUD.

- e. Treatment of defective paint surfaces required under this Section must be completed within 30 business days of Housing Authority notification to the owner. When weather conditions prevent treatment of the defective paint conditions on exterior surfaces within the 30-day period, treatment as required by paragraph k of this Section may be delayed for a reasonable time.
- f. The requirements in this paragraph apply to:
 - i. All painted interior surfaces within the unit (including ceilings but excluding furniture);
 - ii. The entrance and hallway providing access to a unit in a multi-unit building; and
 - iii. Exterior surfaces (including walls, stairs, decks, porches, railings, windows and doors, not excluding outbuildings such as garages and sheds).
- g. In addition to the requirements of paragraph c of this Section, for a dwelling unit constructed before 1978 that is occupied by a family with a child under the age of six years with an identified EBL condition, the initial and each periodic inspection (as required under this part) must include a test for lead-based paint on chewable surfaces. Testing is not required if previous testing of chewable surfaces is negative for lead-based paint or if the chewable surfaces have already been treated.
- h. Testing must be conducted by a State or local health or housing agency, an inspector certified or regulated by a State or local health or housing agency, or an organization recognized by HUD. Lead content must be tested by using an X-ray fluorescence analyzer

(XRF) or by laboratory analysis of paint samples. Where lead-based paint on chewable surfaces is identified, treatment of the paint surface in accordance with paragraph k of this Section is required, and treatment shall be completed within the time limits in paragraph c of this Section.

- i. The requirements in paragraph g of this Section apply to all protruding painted surfaces:
 - i. Within the unit;
 - ii. The entrance and hallway providing access to a unit in a multi-unit building; and
 - iii. Exterior surfaces (including walls, stairs, decks, porches, railings, windows and doors, including outbuildings such as garages and sheds).

- j. In lieu of the procedures set forth in paragraph g of this Section, the housing authority may not waive the testing requirement and require the owner to treat all interior and exterior chewable surfaces in accordance with the methods set out in paragraph k of this Section.

- k. Treatment of defective paint surfaces and chewable surfaces must consist of covering or removal of the paint in accordance with the following requirements:
 - i. A defective paint surface shall be treated if the total area of defective paint on a component is:
 - (1) More than 10 square feet on an exterior wall;
 - (2) More than 2 square feet on an interior or exterior component with a large surface area, excluding exterior walls and including, but not limited to, ceilings, floors, doors, and interior walls;
 - (3) More than 10% of the total surface area on an interior or exterior component with a small surface

area, including, but not limited to, windowsills, baseboards and trim.

- ii. Acceptable methods of treatment are the following: removal by wet scraping, wet sanding, chemical stripping on or off site, replacing painted components, scraping with infra-red or coil type heat gun with temperatures below 1100 degrees, HEPA vacuum sanding, HEPA vacuum needle gun, contained hydroblasting or high pressure wash with HEPA vacuum, and abrasive sandblasting with HEPA vacuum. Surfaces must be covered with durable materials with joint edges sealed and caulked as needed to prevent the escape of lead contaminated dust.
- iii. Prohibited methods of removal are the following: open flame burning or torching, machine sanding or grinding without a HEPA exhaust, uncontained hydroblasting or high pressure wash, and dry scraping except around electrical outlets or except when treating defective paint spots no more than two square feet in any one interior room or space (hallway, pantry, etc.) or totaling no more than twenty square feet on exterior surfaces.
- iv. During exterior treatment soil and playground equipment must be protected from contamination.
- v. All treatment procedures must be concluded with a thorough cleaning of all surfaces in the room or area of treatment to remove fine dust particles. Cleanup must be accomplished by wet washing surfaces with a lead solubilizing detergent such as trisodium phosphate or an equivalent solution.
- vi. Waste and debris must be disposed of in accordance with all applicable Federal, State, and local laws.

- l. The owner must take appropriate action to protect residents and their belongings from hazards associated with treatment procedures. Residents must not enter spaces undergoing treatment until cleanup is completed. Personal belongings that are in work areas must be relocated or otherwise protected from contamination.
- m. Prior to execution of the HAP contract, the owner must inform the Housing Authority and the family of any knowledge of the presence of lead-based paint on the surfaces of the residential unit.
- n. The Housing Authority must attempt to obtain annually from local health agencies the names and addresses of children with identified EBLs and must annually match this information with the names and addresses of participants under this part. If a match occurs, the Housing Authority must determine whether local health officials have tested the unit for lead-based paint. If the unit has lead-based paint, the Housing Authority must require the owner to treat the lead-based paint. If the owner does not complete the corrective actions required by this Section, the family must be issued a Voucher to move.
- o. The Housing Authority must keep a copy of each inspection report for at least three years. If a dwelling unit requires testing, or if the dwelling unit requires treatment of chewable surfaces based on the testing, the Housing Authority must keep the test results indefinitely and, if applicable, the owner certification and treatment. The records must indicate which chewable surfaces in the dwelling units have been tested and which chewable surfaces were tested or tested and treated in accordance with the standards prescribed in this Section, such chewable surfaces do not have to be tested or treated at any subsequent time.
- p. The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must

provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

J. Access

1. Performance Requirements

The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

K. Site and Neighborhood

1. Performance Requirements

The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.

2. Acceptability Criteria

The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

L. Sanitary Condition

1. Performance Requirements

The dwelling unit and its equipment must be in sanitary condition.

2. Acceptability Criteria

The dwelling unit and its equipment must be free of vermin and rodent infestation.

M. Smoke Detectors

1. Performance Requirements

a. Except as provided in paragraph b below of this Section, each dwelling unit must have at least one battery-operated or hard-wired

smoke detector, in proper operating condition, on each level of the dwelling unit, in each bedroom and one outside the sleeping rooms including the basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).

- b. For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993, in compliance with HUD's smoke detector requirements, including the regulations published on July 30, 1992, (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

12.4 EXCEPTIONS TO THE HQS ACCEPTABILITY CRITERIA

The Waterloo Housing Authority will utilize the acceptability criteria as outlined above and below with applicable State and local codes. Additionally, the Waterloo Housing Authority has received HUD approval to require the following additional criteria A-D:

- A. Bedrooms in basement rooms used for sleeping must have an operable window 44" from the finished floor to the bottom of the window sill or have a fixed ladder provided. The window must have a clear opening of not smaller than 20" wide x 24" high. "Comment" will be made to the tenant advising them to disassemble any beds that are found to be present and set up for sleeping or available for immediate use. Each bed must be removed or taken apart and stored in a manner that would not permit their use for sleeping by the time of the reinspection to discourage the use of these beds for guests.

- B. Countertops in kitchens which are assumed to be used for food preparation even if a table is present shall be provided with a “cleanable surface” other than contact paper. Other durable materials that can be kept clean under normal household use will be considered, and if warranted, approved.
- C. Missing floor tiles and large areas of cracked (approximately 12 inches) vinyl floor coverings in habitable living space must be repaired to provide a cleanable surface.
- D. To be considered a bedroom for Fair Market Rent, Utility Allowances and Occupancy Standards for children over the age of 5 years, the room must be at least 70 square feet with walls not less than 7 feet in any dimension and must have a ceiling height of at least 7 feet. Where the ceilings slope, this ceiling height is required in only one-half the area thereof and no portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum floor space required.
- E. Owners will be required to scrape peeling paint and repaint all surfaces cited for peeling paint with 2 coats of non-lead paint. An extension may be granted as a severe weather related item as defined below.

Local Code Requirements

- F. Every door opening from a dwelling unit or habitable room directly to outdoor space shall have supplied screens with a supplied self-closing device, and openable windows in each habitable room shall have a screen. Storm doors should have no broken parts and to be in good working condition.
- G. Adequate heat shall be considered to be 68 degrees.
- H. In units where the tenant must pay for utilities, each unit must have separate metering device(s) for measuring utility consumption.
- I. A ¾” overflow pipe must be present and installed on the hot water heater temperature relief valve and installed down to within 6 inches of the floor.

12.5 TIME FRAMES AND CORRECTIONS OF HQS FAIL ITEMS

A. Correcting Initial HQS Fail Items

The Waterloo Housing Authority will schedule a timely inspection of the unit on the date the owner indicates that the unit will be ready for inspection, or as soon

as possible thereafter (within 5 working days) upon receipt of a Request for Tenancy Approval. The owner and participant will be notified in writing of the results of the inspection. If the unit fails HQS again, the owner and the participant will be advised to notify the Waterloo Housing Authority to reschedule a re-inspection when the repairs have been properly completed.

On an initial inspection, the owner will be given up to 30 days to correct the items noted as failed, depending on the extent of the repairs that are required to be made. No unit will be placed in the program until the unit meets the HQS requirements.

B. HQS Fail Items for Units under Contract

The owner or participant will be given time to correct the failed items cited on the inspection report for a unit already under contract. If the failed items endanger the family's health or safety (using the emergency item list below), the owner or participant will be given 24 hours to correct the violations. For less serious failures, the owner or participant will be given up to 30 days to correct the failed item(s).

If the owner fails to correct the HQS failed items after proper notification has been given, the Waterloo Housing Authority will abate payment and terminate the contract in accordance with Sections 12.7 and 17.0(B)(3).

If the participant fails to correct the HQS failed items that are family-caused after proper notification has been given, the Waterloo Housing Authority will terminate assistance for the family in accordance with Sections 12.2(B) and 17.0(B)(3).

C. Time Frames for Corrections

1. Emergency repair items must be abated within 24 hours.
2. Non-working refrigerators range and oven, or a major plumbing fixture supplied by the owner must be abated within 72 hours.
3. Non-emergency items must be re-inspected within 14 days of the initial inspection.
4. The owner will have up to 30 days to complete before abatement commences.

D. Extensions

At the sole discretion of the Waterloo Housing Authority, extensions of up to 30 days may be granted to permit an owner to complete repairs if the owner has made a good faith effort to initiate repairs. An example would be replacement of a specialty window that is documented to be on order but not available within 30 days. If repairs are not completed within 60 days after the initial inspection date, the Waterloo Housing Authority will abate the rent and cancel the HAP contract for owner noncompliance. Appropriate extensions will be granted if a severe weather condition exists for such items as exterior painting and outside concrete work for porches, steps, and sidewalks.

12.6 EMERGENCY FAIL ITEMS

The following items are to be considered examples of emergency items that need to be abated within 24 hours:

- A. No hot or cold water
- B. No electricity
- C. Inability to maintain adequate heat
- D. Major plumbing leak.
- E. Natural gas leak
- F. Broken lock (s) on first floor doors or windows
- G. Broken windows that unduly allow weather elements into the unit
- H. Electrical outlet smoking or sparking
- I. Exposed electrical wires, which could result in shock or fire
- J. Unusable toilet when only one toilet is present in the unit
- K. Security risks such as broken doors or windows that would allow intrusion.

The critical point between pass and fail is whether the window forms a reasonably tight seal against the weather and whether, if cracked, someone could cut themselves

- L. Utility Service(s) to the unit shut off by the utility provider(s)
- M. Other conditions which pose an immediate threat to health or safety

12.7 ABATEMENT AND SUSPENSIONS

A. Abatement for HQS Violations

When a unit fails to meet HQS and the owner has been given an opportunity to correct the deficiencies, but has failed to do so within in the required timeframe, the rent for the dwelling unit will be abated and the HAP contract terminated. The abatement period will not exceed 30 days. If the corrections of deficiencies are not made within the 30-day timeframe, the abatement will continue and the HAP contract is terminated without possibility for reinstatement. When the deficiencies are corrected, the Waterloo Housing Authority will end the abatement the day the unit passes inspection. Rent will resume the following day. During an abatement for HQS owner repairs, the tenant may move with continued assistance without further notice to the owner as the assisted lease and contract have been terminated unless the tenant also has failed to complete tenant HQS repairs.

For tenant caused HQS deficiencies, the owner will not be held accountable and the rent will not be abated. The tenant is held to the same standard and timeframes for correction of deficiencies as owners. If repairs are not completed by the deadline, the Waterloo Housing Authority will send a notice of termination to both the tenant and the owner. The tenant will be given the opportunity to request an informal hearing.

B Suspensions for HQS Violations.

When the HQS termination is caused by the owner or the family's failure to complete required HQS repairs within the time indicated by the Housing Authority and this results in abatement of assistance, a suspension is possible. If the Family and the Owner mutually agree to continue the assisted lease and the repairs are completed within a short period of time following the termination of the Owner's HAP contract and/or the family's Section 8 assistance, a reinstatement of Section 8 assisted lease and voucher contract may occur.

Unpaid suspension

The short period of time, limited to not more than 30 business days, during which the owner may complete the owner HQS repairs, the Section 8 payment is in abatement and the owner will not be paid. The tenant family may move or may stay but must not be charged by the owner for the Section 8 abatement amount. If the family has elected not to relocate, the abatement period will be defined as an unpaid suspension during which the assisted lease and housing contract are suspended pending a final termination. Upon verification of the completion of the repairs, through a physical inspection, the Section 8 suspension will be considered lifted and rent will resume the following day.

When the termination is caused by the family failure to complete HQS required repairs, including loss of tenant paid utilities, but the owner has not begun a court action to terminate the tenancy to enforce the tenant lease obligations, the owner has failed to perform the owner's obligations. The abatement of Section 8 payments to the owner will occur and continue until the tenant repairs are made or utilities are restored. The tenant may not contrive to move from the unit as a result of utility disconnection through a mutual agreement to end the lease with the owner because the obligation to maintain utility service is also a Section 8 Housing Voucher obligation. If the tenant fails to make repairs within the 30-day abatement period, the possibility of reinstatement of the owner's HAP Contract ends as does the tenant's possibility of reinstatement Section 8 eligibility.

When the termination of a HAP contract occurs because both the tenant and the owner have failed to make their required repairs, the abatement of Section 8 payments and termination of the Section 8 contract will occur. If the tenant completes their repairs and the owner has not, the tenant may move with continued assistance unless the owner has instituted a court action for family lease violations including non-payment of rent or loss of utilities. As the issuance of a new Housing Voucher will depend on the outcome of the court action, the Housing Voucher will only be issued if the owner fails to get a court judgement.

Owner failure to take court action to end the Section 8 tenancy and/or notify the Authority of that the tenant paid utilities have been disconnected will be result in sanction of the owner. The owner will be required to reimburse the Housing Authority for the Section 8 payments for as many months as it can be established that the owner knew of the situation (See Disapproval of Owner, Section 6.6 G) and the tenant was not using the unit as their principal place of residence.

Paid suspension

The decision to offer a reinstatement following a brief suspension period will be at the discretion of the Housing Authority and will be determined based on the severity of the unit condition as it posed a hazard to the Family or the health and safety or peacefully enjoyment of the premises by other residents and the effort made to correct the deficiencies prior to termination.

In no event will a suspension be allowed to extend beyond 30 business days following an initial termination. Owners and families are to be encouraged to Complete their respective repairs within the standard repair period stated in the Authority's notice. The suspension period is restrictive, is not intended to provide an additional grace period and exists only to permit for ease in reinstatement in those limited situations when it is determined by the Authority to be warranted.

13.0 OWNER CLAIMS FOR DAMAGES, UNPAID RENT, AND VACANCY LOSS AND PARTICIPANT'S INSURING RESPONSIBILITIES

This Section only applies to HAP contracts in effect before October 2, 1995. Certificates have a provision for damages, unpaid rent, and vacancy loss. Vouchers have a provision for damages and unpaid rent. No vacancy loss is paid on vouchers. No Damage Claims will be processed unless the Waterloo Housing Authority has performed a move-out inspection. Either the tenant or the owner can request the move-out inspection.

Ultimately, it is the owner's responsibility to request the move-out inspection if he/she believes there may be a claim.

Damage claims are limited in the following manner:

- A. In the Voucher Program, owners are allowed to claim up to one (1) month contract rent minus greater of the security deposit collected or the security deposit that should have been collected under the lease. There will be no payment for vacancy losses under the Voucher Program.
- B. No damage claims will be paid under either program where contracts were effective on or after October 2, 1995.

13.1 OWNER CLAIMS FOR PRE-OCTOBER 2, 1995, UNITS

In accordance with the HAP contract, owners can make special claims for damages, unpaid rent, and vacancy loss (vacancy loss can not be claimed for vouchers) after the tenant has vacated or a proper eviction proceeding has been conducted.

Owner claims for damages, unpaid rent, and vacancy loss are reviewed for accuracy and completeness. Claims are then compared to the move-in and move-out inspections to determine if an actual claim is warranted. No claim will be paid for normal wear and tear. Unpaid utility bills are not an eligible claim item.

The Waterloo Housing Authority will make payments to owners for approved claims. It should be noted that the tenant is ultimately responsible for any damages, unpaid rent, and vacancy loss paid to the owner and will be held responsible to repay the Waterloo Housing Authority to remain eligible for the Section 8 Program.

Actual bills and receipts for repairs, materials, and labor must support claims for damages. The Waterloo Housing Authority will develop a list of reasonable costs and charges for items routinely included on damage claims. This list will be used as a guide. Owners can claim unpaid rent owned by the tenant up to the date of HAP termination.

All claims and supporting documentation under this Section must be submitted to the Waterloo Housing Authority within thirty (30) days of the move-out inspection. Any reimbursement shall be applied first towards any unpaid rent. No reimbursement may be claimed for unpaid rent for the period after the family vacates.

13.2 PARTICIPANT RESPONSIBILITIES

If a damage claim or unpaid rent claim has been paid to an owner, the participant is responsible for repaying the amount to the Waterloo Housing Authority. This shall be done by either paying the full amount due immediately upon the Waterloo Housing Authority requesting it or through a Repayment Agreement that is approved by the Waterloo Housing Authority.

Promissory note to make overpayments:

If the participant is not current on the repayment agreements they will be notified after the first missed payment. If there is failure to communicate or make payments by the participant with the Housing Authority, the family may be terminated after two payment; family will only be allowed one formal repayment agreement. Extension of a repayment agreement may be considered on a case-by-case basis but only when 75% of the total amount due has been paid or where regular monthly payments have been made. The participant retains the right to request an informal hearing.

14.0 RECERTIFICATION

14.1 ANNUAL REEXAMINATION

At least annually the Waterloo Housing Authority will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family subsidy is correct based on the family unit size. **The Housing Authority will not conduct streamlined reexaminations for those families whose annual income is 90% from unearned sources.**

The Waterloo Housing Authority will send a notification letter to the family letting them know that it is time for their annual reexamination and scheduling an appointment. The letter includes instructions permitting the family to reschedule the interview if necessary. The letter tells families who may need to make alternate arrangements due to a disability that they may contact staff to request an accommodation of their needs.

During the interview, the family will provide all information regarding income, assets, expenses, and other information necessary to determine the family's share of rent. The family will sign the HUD consent form and other consent forms that later will be mailed to the sources that will verify the family circumstances.

Upon receipt of verification, the Waterloo Housing Authority will determine the family's annual income and will calculate their family share.

14.1.1 EFFECTIVE DATE OF RENT CHANGES FOR ANNUAL REEXAMINATIONS

The new family share will generally be effective upon the anniversary date with 30 days notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a 30 day notice of the amount. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date.

If the family caused the delay, then any increase will be effective on the anniversary date. Any reduction will be effective the first of the month after the rent amount is determined.

14.1.2 MISSED APPOINTMENTS

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in the Waterloo Housing Authority taking action to terminate the family's assistance.

14.2 REPORTING CHANGES

Families are required to report any interim increase in income that is greater than 10% of adjusted income, or decrease in expenses or other changes in family circumstances within 90 days of the change. If a family does not report increases in income within 90 days, the following will occur:

1. If a family reports between 120 and 150 days after the start of the additional income, the family will be sent a warning letter.

2. If a calculated overpayment is less than \$300.00, the family will receive a warning letter, unless they have failed to report this increase in income during other appointments with the Housing Authority. In that case, they will be terminated (see #4).
3. A family will be terminated if the amount of overpaid assistance is greater than \$3,000.00.
4. A family will be terminated if they have had other appointments with the Housing Authority since the start of the additional income, and failed to report.
5. All other families failing to report income will be offered a repayment agreement by the Housing Authority.
6. If a family has had a previous repayment agreement with the Waterloo Housing Authority (even if paid), the family will be terminated if they fail to report (resulting in an overpayment of any amount), for a 2nd time.

14.3 REPAYMENT AGREEMENTS

1. Tenants are required to reimburse the Waterloo Housing Authority if they were charged less rent than required by HUD's rent formula due to the tenant's substantial under-reporting or failure to report income. The tenant is required to reimburse the Housing Authority for the difference between the tenant rent that should have been paid, and the tenant rent that was charged.
2. Repayment agreements will be offered to all tenants owing between \$300 and \$3000 (see Section 14.3).
3. All repayment agreements must be signed by both the tenant and the Housing Authority within 30 days of notification of the required repayment. Tenants failing to sign their agreement with this time frame will be terminated from the program.
4. Repayment agreement amounts will be based on the following:
 - i. The tenant rent, utility allowance, and monthly repayment amount should equal no more than 40% of the tenant's monthly adjusted income.
 - ii. In cases where the tenant rent portion plus the utility allowance already equal or exceed 40% of monthly adjusted income, the payment amount will be based on 5%

of their monthly adjusted income.

- iii. The minimum monthly payment will be \$10.00, even for those reporting zero income.
5. Repayment agreements will be renegotiated based on increases in income at annual reexamination or any decrease in tenant income during the course of the agreement.
- i. Renegotiated repayment agreements must be signed by both the tenant and the Housing Authority.
 - ii. The renegotiated agreement may be signed during an appointment with the Housing Authority, or may be mailed to the tenant for return to the Waterloo Housing Authority office.
 - iii. As with the original agreement, renegotiated repayment agreements must be signed within 30 days of notification to the tenant, or termination of assistance will result.
6. Lump sum payments of a portion of the total amount to be repaid will be accepted. However, the tenant must continue to make their regular monthly payment to the Housing Authority. In other words, they may not skip future payments due to a large payment made previously.
7. A tenant will be terminated if they miss two (2) consecutive payments, and have not reported a decrease in income to the Housing Authority.

14.4 INTERIM REEXAMINATIONS

1. Families are required to report changes in income, allowances and household composition in accordance with **Waterloo Housing Authority** Administrative Plan.
2. Families will be required to report within 90 days any increase in income or decreases in allowable expenses between annual reexaminations.
3. Families are required to report any interim increase in income (earned or unearned) or decrease in expenses or other changes in family circumstances. Upon such changes, the Waterloo Housing Authority will take timely action to calculate whether these changes will result in more than a 10% increase in adjusted family income. If so, an interim reexamination will be processed. If several separate increases are reported throughout the year, an interim change will be processed once the cumulative change is over 10% of adjusted income.

4. Once a change has been reported via appointment, walk in for waiting list or other means, the family will be required to complete a change of information form and provide documentation of the change.
5. PHA will verify the change(s) only – You are not required to verify any other factors.

Changes due to a household composition:

1. Someone moving into the household
 - a. Obtain proof of identity; Drivers license, State issued ID, or other acceptable form of identification approved by the Program Manager.
 - b. Obtain a Birth Certificate or Naturalization Certificate for U.S. Citizens or Nationals of the U.S.
 - c. For legal immigrants obtain their INS (Immigration and Naturalization Services) documents as proof of their status.
 - d. All additions regardless of age; obtain a declaration of status in accordance with Section 214 (Citizen, legal immigrant, non-contending) and all other forms as required by HUD regulations to verify immigration status.
 - e. Obtain and verify social security numbers for all members who live in house hold. If no number has been assigned, that person must sign a certification that they have no SSN and will obtain a SSN. An adult (parent or guardian) will sign on behalf of minor children.
 - f. If the new member is an adult they must sign and date the form HUD-9886 and other consent forms required by the PHA to obtain criminal records and verification of income, assets and allowances.
 - g. Families must report within **90** days to the PHA any additions due to birth, adoption or court awarded custody.
 - h. Families must obtain approval from the PHA prior to adding any other person, including a spouse, that is not listed in (g) under this section.
 - i. The household must obtain written approval from their landlord/owner allowing the new member(s) to move in.
 - j. If the new household member has any income, assets or applicable expenses: these must be verified using third party processing in accordance with this manual prior to approving the move in.

- k. If the addition to the household changes the family unit size of the Voucher, i.e. 2-bedroom now becomes a 3-bedroom, provide written notice to the family that the new Voucher size will go into effect as of their next annual reexamination – payment standards cannot be changed as of an interim.
- l. If additional household members would overcrowd the unit (more than 2 people per bedroom/ living/ sleeping room) then the addition to the household may not be approved under any circumstances until the family moves to an appropriate size unit.
2. Someone moves out of the household
 - a. Obtain a written certification by the family, which household member(s) have moved out of the household. The certification should state the reason for the removal of this person. (The PHA must determine if this person is temporarily absent or permanently absent from the household)
 - b. Temporarily absent is defined as:
 1. Spouse is considered temporarily gone due to schooling or employment, including military.
 2. Children were placed in foster care but will be returning within **6 months** (verification must be provided)
 3. The individual will be returning home within **180** days.
 4. **Any other situations you can think of or wish to address**
 - c. Permanently absent is defined as:
 1. Leaving the home due to death;
 2. Entering into a nursing home or long term care facility and is not expected to return within **6 months**
 3. An individual has left the household with no intention of returning
 4. **Other situations at the discretion of the Waterloo Housing Authority.**
 - d. For the purposes of defining temporarily absent and permanently absent, this applies to an individual and not the entire household.
 - e. Obtain verification of absence. (3rd party is not required)

- f. In cases where an adult household member has moved out and left no forwarding address (abandonment) and the family cannot provide proof due to it being beyond their control, a written certification signed and dated by the head of household will be sufficient verification.
- g. If the deletion of a household member changes the family unit size of the Voucher, i.e. 3-bedroom now becomes a 2-bedroom, provide written notice to the family that the new Voucher size will go into effect as of their next annual reexamination – payment standards can not be changed as of an interim.

Caretaker for a child

When the WHA approves a person to reside in the unit as caretaker for the child/ren, the income of the caretaker should be counted pending a final disposition. The WHA will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 6 months, the person will be considered permanently absent and terminated from the program

Visitors

Any adult not included on the HUD Form 50058 who has been in the unit more than 14 consecutive days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

Absence of evidence of any other address will be considered verification that the visitor is a member of the household. Statements from neighbors and/or the landlord will be considered in making the determination. Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the WHA will terminate assistance since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 30 days per year without being considered a member of the household.

In a joint custody arrangement, if the minor is in the household less than 184 days per year, the minor will be considered to be an eligible visitor and not a family member.

In the event of a federally declared disaster, the WHA, at its discretion, may allow families from the affected disaster area to be housed with voucher if available or as a tenant visitor, up to 180 days. If visitor proof of residence from the affected area, along with a signed WHA Visitor Waiver, is required.

Reporting Additions to Owner and WHA

Reporting changes in household composition to the WHA is both a HUD and a WHA requirement.

The family obligations require the family to request WHA approval to add any other family member as an occupant of the unit and to inform the WHA of the birth, adoption or court-awarded custody of a child. The family must request prior approval of additional household members in writing. If any new family member is added, the income of the additional member will be included in the family income as applicable under HUD regulations.

If the family does not obtain prior written approval from the WHA, any person in the family that is permitted to move in will be considered an unauthorized household member.

In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must report it to the WHA in writing within 5 days of the maximum allowable time.

The Housing Authority Will Require Verification Of Cause.

The Housing Authority will not grant an extension in cases where good cause is not shown, such as a vacation. The family or members of the family must notify the HA for absences longer than 14 days. Unless a family can prove extenuating circumstances, the Authority will also not grant an extension to families with good cause who **did not inform the Agency that they would be absent from their unit for more than 30 consecutive days.**

Except in cases where the family can show both good cause and extreme circumstance (such as hospitalization for more than 180 consecutive days), a family whose housing assistance payment has ceased, will be terminated from the Section 8 program. In cases where the family can show both good cause and extreme circumstance, the Housing Authority may allow the family to remain on the program even if their housing assistance payment has ceased. The family will be issued a new voucher, which will then be suspended for the appropriate period of time. To receive this allowance, the family must be able to show that there is a reasonable target date for their return. It is expected that this allowance will be granted very rarely, if at all. With good cause Voucher may be suspended for 180 consecutive day.

Anticipating Annual Income

WHA is required to count all income “anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date” [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

14.5 DE MINIMIS ERRORS

- a. Should the Housing Authority’s determination of a family’s income deviate from the corrected income by more than \$30/month in monthly adjusted income (or \$360 in annual adjusted income), the Housing Authority will take corrective active to reimburse overpaid tenant rent.
- b. In the Housing Choice Vouche program, these reimbursements will be made by check directly to the participant.

15.0 VERIFYING INCOME AND ASSETS

Chapter 6, Part I of this plan describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides WHA policies that supplement the general verification procedures specified in Part I of this chapter.

7-III.A. EARNED INCOME

Tips

Tips will be verified and included in earned income

Basis of Annual Income Projection

WHA generally will use the previous 12 months to anticipate income for the coming 12-month period, unless the family disputes this information. In this case, the family must provide verification of any change in income.. HUD authorizes WHA to use other than current circumstances to anticipate

income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- WHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

When WHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), WHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income. Anytime current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to WHA to show why the historic pattern does not represent the family's anticipated income.

15.1 Verification Procedures

PHAs are required to verify family income, assets, allowances and any other factors that affect adjusted annual income. The verification process shall incorporate HUD regulations and HUD guidance. The PHA may refer to PIH notice 2017-12 for HUD's hierarchy of acceptable methods of verification.

1. **Upfront Income Verification (UIV):** The verification of income before or during a family reexamination, through an independent source that systematically and uniformly maintains income information in computerized form for a number of individuals.
 - a. HUD's EIV (Enterprise Income Verification System) will be as a UIV technique.
 - b. If possible, the Waterloo Housing Authority will utilize other non-HUD UIV tools, such as The Work Number and state government databases, to validate tenant-reported income.
2. **Written Third Party Verification:** If UIV is not available to verify information, an original or authentic document generated by a 3rd party source dated either within the 60-day period preceding the reexamination or Housing Authority request date will be used. Such documentation may be in possession of the tenant (or applicant), and is commonly referred to as tenant-provided documents. It is HUD's position that such tenant-provided documents are written 3rd party verification since these documents originated from a 3rd party source. The Waterloo Housing Authority may, at its discretion, reject any tenant-provided documents and follow up directly with the source to obtain necessary verification of information.
 - a. Examples of acceptable tenant-provided documentation (generated by a 3rd party source) include, but are not limited to: pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit verification letter, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Current acceptable tenant-provided documents will be used for income and rent determinations.
 - b. The Waterloo Housing Authority is required to obtain at a minimum, two (2) current and consecutive pay stubs for determining annual income from wages. For new income sources or when two pay stubs are not available, the Housing

Authority will project income based on the information from a traditional written 3rd party verification form or the best available information.

3. **Written Third Party Verification Form:** (Known as traditional third party verification.)
If UIV, or tenant-provided documents are not available, the Waterloo Housing Authority will use this standardized form to collect information from a 3rd party source, by sending it directly to the source by mail, fax, or email
If the completed form is not returned within 14 days, the Housing Authority will follow up with the source to obtain the information.
4. **Oral Third Party Verification:** Independent verification of information by contacting the individual income/expense source(s), as identified, via telephone or in-person visit. Housing Authority staff will document in the tenant file, the date and time of the telephone call (or visit), the name of the person contacted and the telephone number, along with the confirmed information. This verification technique will be used in the event that a written verification form is not returned, further information is needed, or due to time constraints for processing interim reexaminations.
5. **Tenant Declaration:** The tenant submits an affidavit or notarized statement of reported income and/or expenses to the Housing Authority. This verification method will only be used as a last resort when the Housing Authority has not been successful in obtaining information via all other verification techniques. When the Waterloo Housing Authority relies on tenant declaration, staff will document in the tenant file why 3rd party verification was not available.

Enough information must be obtained through the verification process in order to correctly and accurately calculate family share and subsidy. Without proper verification, a Housing Authority cannot anticipate annual and adjusted income accurately.

A. INTRODUCTION

MANDATED USE OF HUD'S ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM

Requires that PHAs implement and use HUD's EIV system for verifying income of current participants only.

HUD regulations require Waterloo Housing Authority to verify the factors of eligibility and Total Tenant Payment/Family Share. Applicants and program participants must provide true and

complete information to Waterloo Housing Authority whenever information is requested. Waterloo Housing Authority verification requirements are designed to maintain program integrity. This Chapter explains Waterloo Housing Authority procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. Waterloo Housing Authority will obtain proper authorization from the family before requesting information from independent sources.

Waterloo Housing Authority staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was not obtained as well as the manner in which the eligibility factors were verified.

Revision to 24 CFR Part 908

Electronic transmission of required family data for Public Housing, Indian Housing, and the Section 8 Rental Voucher Program.

5.Requires that PHAs maintain the form HUD-50058 in its tenant's files
(either electronically or paper) during the term of each assisted lease, and for at least 3
years thereafter.

B. ITEMS TO BE VERIFIED [24 CFR 982.516]

All income not specifically excluded by the regulations.

Zero-income status of household.

Full-time student status including High School students who are 18 or over.

Current assets including assets disposed of for less than fair market value in the preceding two years.

Childcare expenses when it allows an adult family member to be employed, to actively seek employment or to further his/her education.

Medical expenses of all family members in households whose head or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an *adult* family member to be employed.

Disability for determination of preferences, allowances or deductions.

U.S. citizenship/eligible immigrant status

Social Security Numbers for all family members 6 years of age or older who have been issued a social security number.

"Preference" status, as applicable.

Marital status when needed for head or spouse definition.

Verification of Reduction in Benefits for Noncompliance:

Before granting a family's request for rent reduction because of a decrease in benefits, Waterloo Housing Authority will obtain written verification from the Welfare agency stating that the family's benefits were not reduced because of fraud or non-compliance with an economic self-sufficiency requirement.

C. VERIFICATION OF INCOME [24 CFR 982.516]

This section defines the methods Waterloo Housing Authority will use to verify various types of income.

1. Employment Income

Verification forms request the employer to specify the:

- Dates of employment
- Amount and frequency of pay
- Date of the last pay increase

- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Annual earnings
- Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification in addition to UIV include:

- Employment verification form completed by the employer.
- Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.
- W-2 forms plus income tax return forms.
- Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income, IRS Form 8121. In cases where there are questions about the validity of information provided by the family, Waterloo Housing Authority will require the most recent federal income tax statements. Confirmation may be made on a case-by-case basis.

2. Social Security, Pensions, Supplementary Security Income (SSI), Disability Income

Acceptable methods of verification in addition to UIV include:

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

3. Unemployment Compensation

Acceptable methods of verification in addition to UIV include:

- Verification form completed by the unemployment compensation agency.
- Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.
- Payment stubs.

4. Welfare Payments or General Assistance

Acceptable methods of verification in addition to UIV include:

- Waterloo Housing Authority verification form completed by payment provider.
- Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
- Computer-generated Notice of Action.
- Computer-generated list of recipients from Welfare Department.

5. Alimony or Child Support Payments

Acceptable methods of verification in addition to UIV include:

- Copy of a separation or settlement agreement or a divorce decree stating amounts and types of support and payment schedules.
- A notarized letter from the person paying the support.
- Copy of latest check and/or payment stubs from Court Trustee. Waterloo Housing Authority must record the date, amount, and number of the check.
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If payments are irregular, the family must provide:

- A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.

- A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.
- A notarized affidavit from the family indicating the amount(s) received.
- A welfare notice of action showing amounts received by the welfare agency for child support.
- A written statement from an attorney certifying that a collection or enforcement action has been filed.

6. Net Income from a Business

In order to verify the net income from a business, Waterloo Housing Authority will review IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

- IRS Form 1040, including Schedule C (Small Business), Schedule E (Rental Property Income), Schedule F (Farm Income). Note: If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense computed using straight-line depreciation rules.
- Audited or un-audited financial statement(s) of the business.
- Credit report or loan application.
- Documents such as manifests, appointment books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
- Family's self-certification as to net income realized from the business during previous years.

7. Child Care Business

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

If the applicant/participant is operating a day care business which may or may not be licensed, Waterloo Housing Authority will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

Waterloo Housing Authority may conduct interim reevaluations every 120 days and require the participant to provide a log with the information about customers and income.

If childcare services were terminated, a third-party verification will be sent to the parent whose child was cared for.

If the child care business provides day care services for the State of Missouri, a third party income verification will be sent to the Family Support Division

8. Recurring Gifts

The family must furnish a self-certification, which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

10. Full-time Student Status

Only the first \$480 of the earned income of full time students, other than head, co-head, or spouse, will be included towards family income. Financial aid, scholarships and grants received by full time students are not family income. [24 CFR

5.609(c)(11)].

Verification of full time student status includes:

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

School records indicating enrollment for sufficient number of credits to be considered a student who is enrolled in an institution of higher education and is income eligible for Section 8 assistance may receive such assistance on his/her own only if (a) the student's parents are also income eligible for the program or (b) the student (1) is at least 24 years of age, (2) is a veteran, (3) is married, (4) has a dependent child, or (5) is a person with disabilities who was receiving assistance as of Nov. 30, 2005.

F. INCOME FROM ASSETS [24 CFR 982.516]

1. Savings Account Interest Income and Dividends

Acceptable methods of verification include:

- Account statements, passbooks, certificates of deposit, or Waterloo Housing Authority verification forms completed by the financial institution.
- Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
- IRS Form 1099 from the financial institution provided that Waterloo Housing Authority must adjust the information to project earnings expected for the next 12 months.
-

G. STUDENT ELIGIBILITY

Final Rule dated December 30, 2009 on Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937), and Supplementary Guidance published April 10, 2006.

Provides restrictions on providing HCV assistance to individuals enrolled (full-time or part-time) in an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) and who are seeking, or receive assistance separate from their parents.

Verify eligibility for students already on the program as soon as practicable but no later than annual reexamination. Ineligible student must be removed from household, or eligible remaining members issued a voucher to move.

- Section 8 rent assisted families are required to report all increases in income and decreases in expenses within 90 days of the change and at their annual reexamination.
- This could include having obtained employment, receiving child support payments, welfare benefits, SSI or unemployment, etc. to the Waterloo Housing Authority.
- The family must supply true and correct information, certification, or verifications as required for the administration of the program.
- Changes must be reported by the 15th of the month to have the family rent lowered by the 1st of the next month. Income will only be reviewed every 30 days in the event of consecutive decreases in household income.
- If the family is at zero income and receive income or wages from employment income must be reported within 90 days.

ELIGIBILITY FACTORS:

Students enrolled at an institution of higher education are **ineligible** to participate in the HCV program if they are:

- **under 24 years of age;**
- **not a veteran of the United States military;**

- **unmarried;**
- **without a dependent child; and**
- **are not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437(f)).**

OTHERWISE ELIGIBLE

If student is under the age of 24 (without veteran status, married, dependents), the PHA determines if the student is independent from parents. If the student is independent, their income (which includes all financial assistance, less tuition) is used to determine income eligibility for the program.

1. Individual must be of legal contract age under state law
2. Individual must have established a household separate from parents or legal guardians for at least 1 year prior to application or individual meets DOE's the definition of an independent student (Appendix A of supplemental guidance)
3. Individual must not be claimed as a dependent by parents or legal guardian
4. Individual must obtain a certification of amount of financial assistance that will be provided by parents, signed by individual providing the support (even if no assistance will be provided).

If the student is not independent, the parent's income (and location), individually or jointly, is used to determine income eligibility of the student for the program. PHAs have to verify income eligibility of parents at least annually. Terminate assistance to student if no longer income eligible.

Individually or Jointly – PHAs may adopt & implement the following to determine whether to obtain the declaration and certification of income from parents (biological or adoptive, or guardians), individually or jointly:

Married & living with each other – obtain income declaration and certification of income from each parent

Widowed or single – obtain the income declaration and certification of income from that parent

Divorced/Separated – obtain the income declaration and certification of income from the parent with whom the student lived more during the past 12 months (if lived exactly 6 months with each parent, obtain from parent who provided more financial assistance.

PHAs may accept from parents a declaration and certification of income.

PHAs may request and review supporting documentation at any time PHA determines the declaration, certification or eligibility in question (IRS tax returns, consecutive & original pay stubs, bank statements, income award letters)

INCOME FACTORS:

Count as income any assistance (in excess of tuition received) under –

- Higher Education Act of 1965 (i.e., Pell Grant, FSEOG, federal Work-Study programs)
- Private sources
- Institute of Higher Education

May include federal, State and local grants & scholarships (athletic & academic) and student educational financial assistance from parents, guardians or other persons residing outside of student family household.

Although considered financial assistance under the Higher Education Act of 1965, Perkins loans, Stafford loans, and Plus loans are not considered income for purposes of determining student eligibility for Section 8 housing assistance.

ALL QUALIFIED STUDENTS

Any financial assistance, in excess of actual educational expenses (includes tuition, fees, books, supplies, room and board, etc.), that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual. Loan proceeds are not considered “financial assistance” under this section.

H. VERIFICATION OF ASSETS

1. Family Assets

Waterloo Housing Authority will require the information necessary to determine the current cash value of the family's assets, (the net amount the family would receive if the asset were converted to cash).

Acceptable verification may include any of the following:

- Verification forms, letters, or documents from a financial institution or broker.
- Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- Quotes from a stockbroker as to net amount family would receive if they liquidated securities
- Financial statements for business assets.
- Copies of closing documents showing the selling price and the distribution of the sales proceeds.
- Appraisals of personal property held as an investment.
- Family's self-certification describing assets or cash held at the family's home or in safe deposit boxes.

2. Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding Effective Date of Certification or Recertification

For all Certifications and Re-certifications, Waterloo Housing Authority will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the certification or re-certification.

If the family certifies that they have disposed of assets for less than fair market value, verification or certification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value

of the assets at the time of disposition. Third party verification will be obtained wherever possible.

I. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME

[24 CFR 982.516]

1. Child Care Expenses

Written verification from the person who receives the payments is required. If the childcare provider is an individual, s/he must provide a statement of the amount they charge and receive from the family for their services. Verifications must specify the child care provider's name, address, telephone number, Social Security Number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods. Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Child care expenses are deducted only to the extent that they are not reimbursed and reflect a reasonable charge; and are paid for the care of children under the age of 13.

As stated elsewhere in this document, child care is allowable for the following reasons:

➤ Child-Care to Work

The maximum child-care allowed will be based on the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

➤ Child-Care for School

The HA will compare the number of hours the family member is attending school relative to the number of child care hours to determine the number of child care hours that will be included in the rent calculation.

➤ Rate of Expense

The HA will survey the local day care providers in the area/community to determine a reasonableness standard. The determination will be made only on a reasonable hourly rate. The reasonable rate will be determined based upon the type of care chosen by the family, i.e., center-based or in-home care; State provided care or private care.

➤ Actively Seek Employment

The HA will obtain evidence that the individual is fulfilling welfare-to-work requirements or the requirements for receiving unemployment compensation; or is otherwise actively seeking employment. Written verification from a local or state government agency that oversees work-related activities will be accepted.

If third party verification is not possible, Waterloo Housing Authority will review documents provided by the family and/or a notarized statement from the family member attesting to his or her efforts to find employment.

2. Medical Expenses

Families, who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. One or more of the methods listed below will verify all expense claims:

- Written verification by a doctor, hospital or clinic personnel, dentist, Pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
- For attendant care:

Waterloo Housing Authority will require certification from a qualified professional having knowledge of the person's need for an attendant and who can verify the attendant is necessary as a medical expense.

Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled

checks the family used to make those payments) or stubs from the agency providing the services.

- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
- Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
- Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. Waterloo Housing Authority may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.
- Waterloo Housing Authority will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

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

- In All Cases:

Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.

Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

- Attendant Care:

Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.

Certification of family and attendant and/or copies of canceled checks family used to make payments.

➤ Auxiliary Apparatus:

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

VERIFYING NON-FINANCIAL FACTORS [24 CFR 982.153(b)(15)]

1. Verification of Legal Identity and Familial Relationships

Waterloo Housing Authority will require applicants to furnish verification of legal identity for all family members. The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required.

- **Certificate of Birth, naturalization papers**
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (DD 214)
- U.S. passport
- Voter's registration
- Company/agency Identification Card
- Government issued Identification Card
- Verification of guardianship is:
 - Court-ordered assignment
 - Affidavit of parent

- Verification from social services agency

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services ID
- School records

If none of these documents can be provided, a third party who knows the person may, at Waterloo Housing Authority's discretion, provide certification to be used as verification.

2. Verification of Marital Status (when necessary to determine custody of children)

- Verification of divorce status will be a certified copy of the divorce decree, signed by a Court Officer.
- Verification of a separation may be a copy of court-ordered maintenance or other records.
- Verification of marriage status is a marriage certificate.

3. Verification of Permanent Absence of Family Member

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

- Divorce Decree
- Legal separation agreement
- Order of protection/restraining order obtained by one family member against another

- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
- Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
- If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.
- If no other proof can be provided, Waterloo Housing Authority will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

5. Verification of Change in Family Composition

Waterloo Housing Authority may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

6. Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

G. VERIFICATION OF CITIZENSHIP/ELIGIBLE IMMIGRANT STATUS

Submission of evidence of citizenship or eligible immigration status

3. Requires that the PHA obtain verification of the signed declaration of U.S. Citizenship or U.S. nationality. For individuals who have declared to be a U.S. citizen or national, the PHA must obtain verification of the declaration by requiring presentation of a U.S. passport, U.S. birth certificate, Employment Authorization card, Temporary Resident card, or other appropriate documentation, as provided by section 214.

For non-citizens, adequate evidence consists of: (1) A signed declaration of eligible immigration status; and (ii) One of the Section 214 documents listed in 24 CFR 5.508(b)(1) and referred to in 24 CFR 5.510.

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to declare their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while Waterloo Housing Authority informal review is pending.

1. Citizens or Nationals of the United States

All applicants and participants are required to sign a declaration under penalty of perjury. Waterloo Housing Authority will require citizens to provide documentation of citizenship. Acceptable documentation will include at least one of the following original documents:

- United States birth certificate
- United States passport
- Resident alien/registration card
- Social Security card
- Other appropriate documentation as determined by Waterloo Housing Authority

2. Eligible Immigrants who were Participants and 62 or over on June 19, 1995

Eligible Immigrants who were Participants and 62 or over on June 19, 1995 are required to sign a declaration of eligible immigration status and provide proof of age.

3. Non-citizens with eligible immigration status

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back

and returned to the family. Waterloo Housing Authority verifies the status through the INS SAVE system. If this primary verification fails to verify status, Waterloo Housing Authority must request within ten days that the INS conduct a manual search.

4. Ineligible family members

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

5. Non-citizen students on student visas

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

6. Failure to Provide

If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

7. Time of Verification

For applicants, verification of U.S. citizenship/eligible immigrant status occurs at the same time as verification of other factors of eligibility for final eligibility determination at the time of initial application. Waterloo Housing Authority will not provide assistance to any family prior to the affirmative establishment and verification of the eligibility of the individual or at least one member of the family. Waterloo Housing Authority will verify the U.S. citizenship/eligible immigration status of all participants no later than the date of the family's first annual reexamination following the enactment of the Quality Housing and Work Responsibility Act of 1998.

For family members added after other members have been verified, the verification occurs at the first re-certification after the new member moves in. Once verification has been completed for any covered program, it need not be repeated except that, in the case of port-in families, if the initial Waterloo Housing Authority does not supply the documents, Waterloo Housing Authority must conduct the determination.

8. Extensions of Time to Provide Documents

The Waterloo Housing Authority will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

9. Acceptable Documents of Eligible Immigration

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

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

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

K. VERIFICATION OF SOCIAL SECURITY NUMBERS [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family

member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security Card information provided is/are complete and accurate:

- A driver's license
- Identification card issued by a Federal, State or local agency
- Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)
- An identification card issued by an employer or trade union
- An identification card issued by a medical insurance company
- Earnings statements or payroll stubs
- Bank Statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter
- Life insurance policies
- Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of benefits or Social Security Number from Social Security Administration

Calculation Issues

1. Annualization of Income
 - a. Seasonal/cyclical worker i.e. school teacher

Options:

- **Monthly income multiplied by 12, conduct an interim when the income stops. (If wages are paid bi-weekly multiply by 26, weekly multiply by 52, and semi-monthly multiply by 24) or twice a month example 15th and 30th of March.**
- **Use actual annual income, i.e. monthly income multiplied by 9 (actual number of months paid) and the family would not be entitled to an interim.**

b. Temporary Worker

OPTIONS

- **Average the prior 12 months to anticipate over the 12-month period following certification or recertification, no monthly interim.**
- **Average the prior 6 months to anticipate over the 12-month period following certification or recertification i.e. get a monthly average for the prior 6 months then use the monthly averaged amount to anticipate the next 12 months.**
- **Average the quarterly amount, i.e. quarterly income divided by 3 to obtain a monthly figure to annualize.**

c. Fluctuating Income

OPTIONS

- **Average over the previous 12 months**
- **Average over the previous 6 months**
- **If last 12-month income was inconsistent, however the income is now consistent and has been for the last 3 months, use current circumstances to anticipate income.**

- d. Upon averaging income over the last 6 months, 12 months (in accordance with the procedure of the type of income) complete the calculation in accordance with the pay cycle.

Example:

Person receives income bi-weekly (26) periods per year. For 12 months the amount was \$8,750. \$8,750 divided by 26 = \$336.54 per pay period. 6-month average: Add the total amount for 6 months looking at the number of payments

made for a 6-month period;

- 1/5/	\$322.40	EXAMPLE
- 1/19/	\$354.78	
- 2/2/	\$348.09	
- 2/16/	\$400.38	
- 2/29/	\$388.67	
- 3/15/	\$374.53	
- 3/29/	\$383.18	
- 4/12/	\$418.20	
- 4/26/	\$340.36	
- 5/10/	\$308.99	
- 5/24/	\$372.55	
- 6/7/	\$388.67	
- 6/21/	\$383.18	

Add up the total amount = \$4783.98 and divide by the number of payments (13). The average amount per pay period is \$367.9984 (round to the nearest cent, not dollar \$368.00. If the figure for example were \$367.68888 round to \$367.69). Next, use the figure just calculated and multiply by the number of pay periods per year: \$368.00 x 26.

e. Employment Verification Scenarios

- Employer states \$7.29 per hour, 19 – 33 hours per week. Calculate as follows:

$19 + 33 = 52$ divided by $2 = 26$ hours averaged per week

$\$7.29 \times 26 = \189.54×52 weeks $\$9,856.08$ round to $\$9,856.00$

- Employer states “hours varies”. Call employer to obtain the total number of hours worked over the previous **6 weeks, 12 weeks, 24 weeks.**
 - If employer will not provide this information, obtain the number of hours from the pay stubs.

f. Discrepancy between 3rd party verification and family provided documents.

Call the 3rd party source to resolve discrepancy and document the outcome.

2. Assets
 - a. Checking Account

OPTIONS

- **Use current balance**
- **Use average of the prior 3 months**

- b. Other accounts: Savings, IRA, CD, Money Market, Trusts, Mutual Funds

OPTIONS

- **Use current balance**
- **Use average of the prior 3 months**

- c. Stocks, Bonds, Life Insurance, Real Property

- Use current rate/value

3. Medical Expenses and Disability Assistance Expenses – Unreimbursed

- a. Prescriptions

- Obtain a printout for the previous 12 – month period to use an average to anticipate future prescription total.

Non-Prescription Medicines

OPTIONS

- **Accept receipts from the family without a doctor prescription**
- **Accept receipts from the family with a doctor prescription**

- b. Unpaid Medical Bills; Hospital, Doctor, Equipment, etc.

1. Determine unpaid balance, i.e. \$5,000

2. Determine if the source has a payment plan, i.e. \$100 per month (\$100 x 12 = \$1,200 deduction)

- If there is no payment plan, obtain a certification from the family re: how much they will be paying towards the bill each month.

- c. Medicare or other Medical Insurance Premiums

- Do not look at past months, usually premiums increase each year.

- Determine the current premium and anticipate, i.e.:

- \$66.60 month \$ 66.60 x 12
- \$137.80 month \$137.80 x 12
- \$250.00 quarter \$250.00 x 4

- \$483.00 semi-annual \$483.00 x 2

d. Doctor Visits

- Doctor visits are usually hard to anticipate unless a member has routine visits, i.e.; bi-weekly, monthly appointments.
- Often the previous year's number of visits could be a good indicator of future visits for the elderly and disabled.

e. Dental or Eye costs

- A PHA may only anticipate ongoing treatment. Ask the provider to determine anticipated costs the patient is expected to incur over the next 12 months.
- ***During an interim reexamination only the information affected by the changes being reported will be reviewed and verified.***

Families will be required to report within 90 days any increase in income or decreases in allowable expenses between annual reexaminations. Family Self Sufficiency (FSS)

Participants are included and are also required to report the same.

Families are required to report any interim increase in income or decrease in expenses or other changes in family circumstances. Upon such change the Waterloo Housing Authority will take timely action to process the interim reexamination and recalculate the family share the new rent will be in accordance with paragraph below 14.2.1 and 14.2.2.

Families are required to report the following changes to the Waterloo Housing Authority between regular reexaminations. These changes will trigger an interim reexamination.

- A. A member has been added to the family through birth or adoption or court-awarded custody.
- B. A household member is leaving or has left the family unit.
- C. To add a household member other than through birth or adoption (including a live-in aide)
- D. Change in increase income and or decrease in expenses.
- E. Family break-up

In circumstances of a family break-up, the Waterloo Housing Authority will make a determination of which family member will retain the Voucher, taking into consideration the following factors:

1. To whom the Voucher was issued.
2. The interest of minor children or of ill, elderly, or disabled family members.
3. Whether the assistance should remain with the family members remaining in the unit.
4. Whether family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member(s) of the household.

As a legal marriage contract exists the Section 8 program must not provide two (2) separate vouchers to married couples.

A participant must provide proof that a division of household exists. If this information is not provided, the participant must withdraw from the Section 8 rent assistance program. Failure to do so will result in termination of both vouchers by the housing authority. Other member may apply to the program and appear on the waiting list.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, the Waterloo Housing Authority will be bound by the court's determination of which family members continue to receive assistance in the program.

Because of the number of possible different circumstances in which a determination will have to be made, the Waterloo Housing Authority will make determinations on a case-by-case basis.

The Waterloo Housing Authority will issue a determination within 10 business days of the request for a determination. The family member requesting the determination may request an informal hearing in compliance with the informal hearings in Section 16.3.

Adding a household member

In order to add a household member other than through birth or adoption (including a live-in aide) the family must request that the new member be added to the lease and provide a copy of the written approval of the owner. Before adding the new member to the lease, the individual must complete an application form stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security Number if they have one, and must verify their citizenship/eligible immigrant status (Their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family). The new

family member will go through the screening process similar to the process for applicants.

The Waterloo Housing Authority will determine the eligibility of the individual before allowing them to be added to the lease. If the individual is found to be ineligible or does not pass the screening criteria, they will be advised in writing and given the opportunity for an informal review. If they are found to be eligible and do pass the screening criteria, the Waterloo Housing Authority will grant approval to add their name to the lease. At the same time, the family's annual income will be recalculated taking into account the income and circumstances of the new family member. The effective date of the new rent will be in accordance with paragraph below 14.2.2.

E. TEMPORARILY ABSENT FAMILY MEMBER (S)

In circumstances of individual members of the family being temporarily absent from the household for a period less than 180 days, the Authority will make a determination if the family will be provided continued assistance upon verification of the circumstances. Consideration of the following factors will determine if the assistance/benefits will be adjusted or continued at the same level:

1. Persons in the need for medical treatment
2. Children/adults placed in foster care
3. Members or spouses in the military
4. Members confined to treatment or penal facilities
5. Children away at school but who return when school is not in session

The Authority and the family may determine that the HAP contract can be ended and that the family may be issued a new Voucher to locate a new unit when they are able to return from the absence. The Authority may determine that other adults are available to move into a unit as a live-in aide to minor children until the head of household returns. A child away at school or an adult that has moved out of the unit may move back into the unit at the family's option. The income of an adult member returning to the unit will be included. Dependant deductions for children placed in foster care or for disabled adults will be immediately removed.

F. INDEFINITE ABSENT FAMILY MEMBERS

In circumstances of members reported absent indefinitely, the Authority will work with the family and make its determination upon verification after no more than 30 days. If the absence has not ended the family member will no longer be considered for purposes of determining continuing occupancy requirements and deductions. The subsidy unit size will be adjusted at the next recertification. Income from an absent spouse/adult will be counted as household income until one of the following verifications is provided:

1. The husband or wife institutes a divorce action.
2. Evidence of an order of VAWA protection is provided.
3. Self-certification signed by the remaining member when no other proof can be provided.

Proofs of absence that will be requested include proof that the member is living at another location such as utility bills, canceled checks for rent, lease or rental agreement, employment verification of employee home address, or other reasonable documentation provided by the family. When proof similar to the above cannot be provided, statements from trained professionals from agencies knowledgeable about the situation will be accepted. Self-certification is acceptable as a last resort and termination of assistance will occur should the absent member be found to have returned to the unit without prior approval of the Housing Authority.

The date a temporary or indefinite absence begins is the date the family head, remaining adult member or family representative reports the change in family composition or the date the head, spouse or other household member actually left the household, whichever is earlier.

15.2 SPECIAL REEXAMINATIONS

If a family's income is too unstable to project for 12 months or if the income decrease immediately follows an annual review tenant rent increase, including families that temporarily have no income or have a temporary decrease in income, the Waterloo Housing Authority will schedule special reexaminations every 90 days until the income stabilizes and an annual income can be determined. If the family is at zero income and receive income or wages from employment, income must be reported within 30 days.

If the family is on medical leave, a leave of absence, and seasonal worker and is returning to the same employment, the family is required to report the change within 30 days after returning to work.

Family Self Sufficiency (FSS) Participants are included and are also required to report the same.

15.3 EFFECTIVE DATE OF RENT CHANGES DUE TO INTERIM OR SPECIAL REEXAMINATIONS

Unless there is a delay in reexamination processing caused by the family, any rent increase will be effective the first of the second month after the month in which the family receives notice of the new rent amount. If the family causes a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a one month notice is can not be provided and includes the implementation of a retroactive increase).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed (even if this means a retroactive decrease).

If the new rent is a reduction and the family caused the delay or did not report the change by the 15th of the month, the change will be effective the first of the month after the rent amount is determined.

16.0 TERMINATION OF ASSISTANCE TO THE FAMILY BY THE WATERLOO HOUSING AUTHORITY

In determining whether to deny or terminate assistance based on drug related criminal activity or violent criminal activity, the PHA may deny or terminate assistance if the tenant is convicted of any of the following.

- a.) Drug trafficking; the illegal manufacture, sale or distribution, or possession with intent to manufacture, sell or distribution of a controlled substance (as defined in section 102 of the controlled substances act (21 USC. 802) if convicted the tenant will be banned from the program for five years from the date of termination.

- b.) Denied for life: if any family member has been convicted of manufacturing or producing Methamphetamine (speed) in a Public Housing Development or in a Section 8 assisted property;
- c.) Possession for **personal use**, or Illegal use of a controlled substance (as defined in section 102 of the controlled substances (21 U.S.C. 802) if convicted the tenant will be banned from the program for three years from the date of termination, unless they can show one of the following:
1. If the person demonstrates to the Waterloo Housing Authority's satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
 2. The person has successfully completed a supervised drug or alcohol rehabilitation program;
 3. The person has otherwise been rehabilitated successfully; or
 4. The person is successfully participating in a supervised drug or alcohol rehabilitation program.

The Housing Authority may at any time terminate program assistance for a participant, in accordance with 24 CFR 982.552-553 because of any of the actions or inaction by the household:

1. If the family violates any family obligations under the program.
2. If a family member fails to sign and submit consent forms.
3. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. If the Waterloo Housing Authority determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 36 months from the date of termination.
4. If any member of the family has ever been evicted from public housing.

- B. If the Housing Authority has ever terminated assistance under the Voucher Program for any member of the family.
- C. If any member of the family commits drug-related criminal activity, or violent criminal activity. With a conviction the Housing Authority may at any time terminate (with 30 days notice) program assistance for participants, because of any of these actions or inaction by the household. However, the Waterloo Housing Authority will terminate tenants for violent criminal activity involving the use of weapons.
- D. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
- E. If the family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.
- F. If the family has not reimbursed any Housing Authority 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.
- G. If the family breaches an agreement with the Housing Authority to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority. (The Housing Authority, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority. The Housing Authority may prescribe the terms of the agreement.)
- H. If the family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel.
- I. If any household member is subject to a lifetime registration (Denied for the length of the registration) Assistance will be denied for a period of 10 years from the date of the arrest/conviction/incarceration or the period of required lifetime registration as a sex offender, whichever is greater.
 - a. If a household member's illegal use (or pattern of illegal use) of a controlled substance, or whose abuse (or pattern of abuse) of alcohol, is determined by the Waterloo Housing Authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

- J. In the event of an eviction action, the family must promptly provide the Housing Authority with any eviction notice from the landlord. Evictions for non-payment of rent or utilities, tenant caused damages, disturbance of others, destruction of property, drug or criminal activity and the like will result in termination. Eviction for “other good cause” such as sale of property, change in family size, or owner’s desire for higher rent, etc., may result in relocation with continued assistance.

TERMINATION BY DEATH

If there is a death in the family unit, a family member or the landlord must notify the Waterloo Housing Authority immediately (within 7 days).

In case of the death of the head of household tenant family the HAP will remain with the owner for the remainder of that month and will include an additional 30 days starting the first of the following month (only if necessary) such as expiration of HOH June 25, family out of town etc...

If there are remaining adult members in the originally assisted unit the Waterloo Housing Authority has the discretion to determine which members of an assisted family will continue to receive assistance in the program.

The Housing Authority will process an interim reexamination and recalculate the family’s share of the new rent immediately upon notification.

17.0 COMPLAINTS, INFORMAL REVIEWS FOR APPLICANTS, AND INFORMAL HEARINGS FOR PARTICIPANTS

17.1 Complaints

The Waterloo Housing Authority will investigate and respond to complaints by participant families, owners, and the general public. The Waterloo Housing Authority may require that complaints other than HQS violations be put in writing. Anonymous complaints are investigated whenever possible.

17.2 INFORMAL REVIEW FOR THE APPLICANT

A. Informal Review for the Applicant

The Waterloo Housing Authority in accordance with 24 CFR 982.554-555 will give an applicant for participation in the Section 8 Existing Program prompt

notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the Waterloo Housing Authority decision. The notice will state that the applicant may request an informal review within 10 business days of the denial and will describe how to obtain the informal review.

B. When an Informal Review is not required

The Waterloo Housing Authority will not provide the applicant an opportunity for an informal review for any of the following reasons:

1. A determination of the family unit size under the Waterloo Housing Authority subsidy standards.
2. A Waterloo Housing Authority determination not to approve an extension or suspension of a Voucher term.
3. A Waterloo Housing Authority determination not to grant approval to lease a unit under the program or to approve a proposed lease.
4. A Waterloo Housing Authority determination that a unit selected by the applicant is not in compliance with HQS.
5. A Waterloo Housing Authority determination that the unit is not in accordance with HQS because of family size or composition.
6. General policy issues or class grievances.
7. Discretionary administrative determinations by the Waterloo Housing Authority

C. Informal Review Process

The Waterloo Housing Authority will give an applicant an opportunity for an informal review of the Waterloo Housing Authority decision denying assistance to the applicant. The procedure is as follows:

1. The review will be conducted by any person or persons designated by the Waterloo Housing Authority other than the person who made or approved the decision under review or a subordinate of this person.
2. The applicant will be given an opportunity to present written or oral objections to the Waterloo Housing Authority decision.

3. The Waterloo Housing Authority will notify the applicant of the Waterloo Housing Authority decision after the informal review within 14 business days. The notification will include a brief statement of the reasons for the final decision.

D. Considering Circumstances

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

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

If the Housing Authority seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the Waterloo Housing Authority will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

E. Informal Review Procedures for Denial of Assistance on the Basis of Ineligible Immigration

The applicant family may request that the Waterloo Housing Authority provide for an informal review after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. This request must be made by the applicant family within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

For applicant families, the Informal Review Process above will be utilized with the exception that the applicant family will have up to 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision to request the review.

17.3 INFORMAL HEARINGS FOR PARTICIPANTS

A. When a Hearing is Required

1. The Waterloo Housing Authority will give a participant family an opportunity for an informal hearing to consider whether the following Waterloo Housing Authority decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and Waterloo Housing Authority policies:
 - a. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
 - b. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the Waterloo Housing Authority utility allowance schedule.
 - c. A determination of the family unit size under the Waterloo Housing Authority subsidy standards.
 - d. A determination that Voucher Program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the Waterloo Housing Authority subsidy standards,

or the Waterloo Housing Authority determination to deny the family's request for an exception from the standards.

- e. A determination to terminate assistance for a participant family because of the family's action or failure to act.
 - f. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the Waterloo Housing Authority policy and HUD rules.
2. In cases described in paragraphs 16.3(A)(1)(d), (e), and (f), of this Section, the Waterloo Housing Authority will give the opportunity for an informal hearing before the Waterloo Housing Authority terminates housing assistance payments for the family under an outstanding HAP contract.

B. When a Hearing is not Required

The Waterloo Housing Authority will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

- 1. Discretionary administrative determinations by the Waterloo Housing Authority.
- 2. General policy issues or class grievances.
- 3. Establishment of the Waterloo Housing Authority schedule of utility allowances for families in the program.
- 4. A Waterloo Housing Authority determination not to approve an extension or suspension of a Voucher term.
- 5. A Waterloo Housing Authority determination not to approve a unit or lease.
- 6. A Waterloo Housing Authority determination that an assisted unit is not in compliance with HQS. (However, the Waterloo Housing Authority will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)
- 7. A Waterloo Housing Authority determination that the unit is not in accordance with HQS because of the family size.

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

C. Notice to the Family

1. In the cases described in paragraphs 16.3(A)(1)(a), (b), and (c), of this Section, the Waterloo Housing Authority will notify the family that the family may ask for an explanation of the basis of the Waterloo Housing Authority's determination, and that if the family does not agree with the determination, the family may request an informal hearing on the decision.
2. In the cases described in paragraphs 16.3(A)(1)(d), (e), and (f), of this Section, the Waterloo Housing Authority will give the family prompt written notice that the family may request a hearing within 10 business days of the notification. The notice will:
 - a. Contain a brief statement of the reasons for the decision; and
 - b. State this if the family does not agree with the decision, the family may request an informal hearing on the decision within 10 business days of the notification.

D. Hearing Procedures

The Waterloo Housing Authority and participants will adhere to the following procedures:

1. Discovery
 - a. The family will be given the opportunity to examine before the hearing any Waterloo Housing Authority documents that are directly relevant to the hearing. The family head of household will be allowed to copy any such document at the family's expense of \$.25 per copy. An appointment will be required at a minimum of 24 hrs in advance to review Authority documents, the review will be supervised and copying of documents belonging to the

Authority will be completed by the Housing Director or Authority staff person designee. In addition to the family head of household, only legal counsel authorized in writing by the family will be permitted access to the family's documents and only those pertaining directly to the informal hearing. If the Waterloo Housing Authority does not make the document(s) available for examination on request of the family, the Waterloo Housing Authority may not rely on the document at the hearing.

- b. The Waterloo Housing Authority will be given the opportunity to examine, at the Waterloo Housing Authority's offices at least 24 hours before the hearing, any family documents that are directly relevant to the hearing. The Waterloo Housing Authority will be allowed to copy any such document at the Waterloo Housing Authority's expense. If the family does not make the document(s) available for examination on request of the Waterloo Housing Authority, the family may not rely on the document at the hearing.

Note: The term **document** includes records and regulations.

2. Representation of the Family

At its own expense, a lawyer or other representative may represent the family (either a representative or an attorney).

3. Hearing Officer

- a. The hearing will be conducted by any person or persons designated by the Waterloo Housing Authority, other than a person who made or approved the decision under review or a subordinate of this person.
- b. The person who conducts the hearing will regulate the conduct of the hearing in accordance with the Waterloo Housing Authority hearing procedures.
- c. An effort will be made to locate someone with legal training or housing experience.

- d. Tenant must be present at said time of hearing; otherwise, tenant will be given a 15-minute grace period. If not present after 15-minutes hearing is void and tenant will be terminated.
4. Summary of the Informal Hearing Procedure
 - a. An Authority staff person other than the person presenting evidence for the Authority will act as a witness and take minutes on the proceedings. If possible, a tape recording will be made to document the hearing.
 - b. The Hearing Officer will ask those persons offering information to promise that what they are about to say is the truth.
 - c. The Hearing Officer will ask the Authority to present documents, notices, information and an explanation of the reason for the termination.
 - d. The family will be offered an opportunity to ask questions of the Authority regarding these statements/documents.
 - e. The Hearing Officer will ask the family (and/or their legal representative) to present documents, evidence, etc. and an explanation for why the termination should not occur.
 - f. The Authority will be offered an opportunity to ask questions of the family regarding these statements/documents.
 - g. The Hearing Officer will allow the Authority to make a final response and then will allow the family to make a final response.
 - h. The Hearing Office may ask questions, examine evidence or request copies of documents at any time during the presentations of either party.
 - i. **Conclusion: Following the final responses, the Hearing Officer may make their decision known verbally at the conclusion of the hearing or may take up to 10 working days to make their decision known in writing to both parties.**
 5. Evidence

The Waterloo Housing Authority and the family must have the opportunity to present evidence (see also 1. Discovery) and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

6. Issuance of Decision

The person who conducts the hearing must issue a written decision within 10 working days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing.

7. Effect of the Decision

The Waterloo Housing Authority is not bound by a hearing decision:

- a. Concerning a matter for which the Waterloo Housing Authority is not required to provide an opportunity for an informal hearing under this Section, or that otherwise exceeds the authority of the person conducting the hearing under the Waterloo Housing Authority hearing procedures.
- b. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State, or local law.
- c. If the Waterloo Housing Authority determines that it is not bound by a hearing decision, the Waterloo Housing Authority will notify the family within 14 business days of the determination, and of the reasons for the determination.

E. Considering Circumstances

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

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

If the Housing Authority seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the Housing Authority provides notice to the family of the Housing Authority determination to deny or terminate assistance. In determining whether to terminate assistance for these reasons the Waterloo Housing Authority will consider evidence of whether the household member:

1. Has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
2. Has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
3. Is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

F. Informal Hearing Procedures for Denial of Assistance on the Basis of Ineligible Immigration Status

The participant family may request that The Waterloo Housing Authority provide for an informal hearing after the family has notification of the INS decision on appeal, or in lieu of request of appeal to the INS. This request must be made by the participant family within 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or within 30 days of receipt of the INS appeal decision.

For the participant families, the Informal Hearing Process above will be utilized with the exception that the participant family will have up to 30 days of receipt of the *Notice of Denial or Termination of Assistance*, or of the INS appeal decision.

18.0 TERMINATION OF THE LEASE AND CONTRACT

The term of the Section 8 assisted lease and the term of the HAP contract are the same. They begin on the same date and they end on the same date. The lease may be terminated by the owner, by the tenant, or by the mutual agreement of both. The owner may only terminate the contract by terminating the lease. The HAP contract may be terminated by the Waterloo Housing Authority. Under some circumstances the contract automatically terminates.

A. Termination of the lease

1. By the family

The family may terminate the lease without cause upon proper notice to the owner and to the Waterloo Housing Authority after the first year of the lease or at the end of any term as defined in the lease. The length of the notice that is required is stated in the lease (generally 30 days) and if the **renew term is not stated in the lease, it will be considered to be month to month after the initial first year. A notice of “at least a 30 days notice” prior to the 1st of the month of the intended termination will be required.**

2. By the owner.

- a. The owner may terminate the lease during its term on the following grounds:
 - i. Serious or repeated violations of the terms or conditions of the lease;
 - ii. Violation of Federal, State, or local law that impose obligations on the tenant in connection with the occupancy or use of the unit and its premises;
 - iii. Criminal activity by the household, a guest, or another person under the control of the household that threatens the health, safety, or right to peaceful enjoyment of the premises by other persons residing in the immediate vicinity of the premises;
 - iii. Any drug-related criminal activity on or near the premises;

- iv. Or any drug-related criminal activity by a household member who has violated any obligation under the HAP contract for any dwelling Violation of Federal, State, or local law that impose obligations on the tenant in connection with the occupancy or use of the unit.
 - v. Other good cause. Other good cause may include, but is not limited to:
 - (1) Failure by the family to accept the offer of a new lease
 - (2) Family history of disturbances of neighbors or destruction of property, or living or housekeeping habits resulting in damage to the property or unit;
 - (3) **The owner's desire to utilize the unit for personal or family use or for a purpose other than use as a residential rental unit;**
 - (4) **A business or economic reason such as sale of the property, renovation of the unit, desire to rent at a higher rental amount.**
 - b. During the first year the owner may not terminate tenancy for other good cause unless the reason is because of something the household did or failed to do.
 - c. The owner may only evict the tenant by instituting court action. The owner must give the Waterloo Housing Authority a copy of any owner eviction notice to the tenant at the same time that the owner gives the notice to the tenant.
 - d. **The owner may terminate the contract at the end of the initial lease term or any extension of the lease term without cause by providing notice to the family that the lease term will not be renewed.**
3. Termination of the Lease by mutual agreement

The family and the owner may at any time mutually agree to terminate the lease. If both parties sign a mutual rescission agreement.

B. Termination of the Contract

1. Automatic termination of the Contract applies according to HUD reference (24 CFR 982.551-555)
 - a. If the Waterloo Housing Authority terminates assistance to the family, the contract terminates automatically.
 - b. If the family moves out of the unit, the contract terminates automatically.
 - c. The contract terminates automatically 180 business days after the last housing assistance payment to the owner.
2. Termination of the contract by the owner
The owner may only terminate tenancy in accordance with lease and State and local law.
3. Termination of the HAP contract by the Waterloo Housing Authority
The Housing Authority may terminate the HAP contract because:
 - a. The Housing Authority has terminated assistance to the family.
 - b. The unit does not meet HQS space standards because of an increase in family size or change in family composition.
 - c. The unit is larger than appropriate for the family size or composition under the regular voucher Program.
 - d. When the family breaks up and the Waterloo Housing Authority determines that the family members who move from the unit will continue to receive the assistance.
 - e. The Waterloo Housing Authority determines that there is insufficient funding in their contract with HUD to support continued assistance for families in the program.
 - f. The owner has breached the contract in any of the following ways:
 - i. If the owner has violated any obligation under the HAP contract for the dwelling unit, including the owner's obligation to maintain the unit in accordance with the HQS.

- ii. If the owner has violated any obligation under any other housing assistance payments contract under Section 8 of the 1937.
 - iii. If the owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program.
 - iv. For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement;
 - v. If the owner has engaged in drug trafficking.
4. Final HAP payment to owner

The HAP payment stops when the lease terminates. The owner may keep the payment for the month in which the family moves out. If the owner has begun eviction proceedings and the family continues to occupy the unit, the Housing Authority will continue to make payments until the owner obtains a judgment or the family moves out. If the owner fails to take the actions needed to obtain a judgment, the HAP payment stops as stated by a notice of contract termination issued by the Authority.

19.0 CHARGES AGAINST THE SECTION 8 ADMINISTRATIVE FEE RESERVE

Occasionally, it is necessary for the Waterloo Housing Authority to spend money of its Section 8 Administrative Fee Reserve to meet unseen or extraordinary expenditures or for its other housing related purposes consistent with State law.

The Waterloo Housing Authority Board of Commissioners requires that the Authority may not expend any amount without prior Board approval or up to \$ **1000.00** for authorized expenditures.

Any item(s) exceeding \$1000.00 will require prior Board of Commissioner approval at a regular board meeting before any changes are made against the Section 8 Administrative Fee Reserve.

20.0 INTELLECTUAL PROPERTY RIGHTS

No program receipts may be used to indemnify contractors or subcontractors of the Waterloo Housing Authority against costs associated with any judgment of infringement of intellectual property rights.

21.0 - STAFFING PLAN OF THE WATERLOO HOUSING AUTHORITY SECTION 8 PROGRAM

Waterloo Housing Authority Staff will be made up of the following:

- Executive Director
- 4 Housing Coordinators
- Bookkeeper/Administrative Assistant
- Housing Inspector
- Housing Maintenance
- Part-time Receptionist

22.0 - PAYMENT STANDARDS FOR USE IN THE HOUSING VOUCHER PROGRAM

The Initial Payment Standard for the Section 8 Housing Voucher Program was established at the Fair Market Level in effect on October 1, 1985.

The following payment standards, Revision #18, becomes/became effective for use with the WHA Section 8 Housing Choice Voucher Program on December 1, 2023.

Unit Size	Payment Standard
0BR	680
1BR	800
2BR	1000

3BR	1200
4BR	1480
5BR	1685

(Previously revised on December 1st of each year based on publication of HUD's new FMRs.)

PHA requests to approve payment standards below 90 percent of the Fair Market Rent may be approved by HUD field offices. However, §982.503(d) states that HUD will not approve such payment standard amounts if the family share for more than 40 percent of voucher participants exceeds 30 percent of monthly-adjusted income. This is a regulatory, not statutory, requirement. PHAs experiencing financial difficulties may request HUD to waive this requirement, for good cause. Such waiver requests should be sent directly to HUD Headquarters. Address 451 7th Street, S.W., Room 4210, Washington, D.C. 20410.

23.0 Violence Against Women Act (VAWA)

Originally published 2009

Re-authorized 2013

Final Rule published December 2016)

If a member of the participant household is a victim of domestic violence, dating violence, sexual assault or stalking, the victim shall not be penalized by the HA by terminating benefits for the victim.

If a member of a tenant's household or any guest or other person under the tenant's control engages in criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking, the victim shall not be penalized by the HA with termination of benefits. Criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking shall not be considered a serious or repeated violation of the lease by the victim for purposes of termination of housing benefits.

If a current Housing Choice Voucher participant has moved, or wishes to move out, of the assisted dwelling unit in order to protect the health or safety of the victim, the Waterloo Housing Authority will consider circumstances for an emergency transfer, pursuant to the Emergency Transfer Plan for the Housing Choice Voucher program.

The HA will request certification that the incident or incidents are bona fide incidents of abuse according to VAWA. The certification shall include the name of the perpetrator (if known, and can be safely disclosed). Documents of supporting evidence will be requested to assist the Housing Authority in making its decision.

The individual must supply documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim has signed or attested to the documentation or the individual must produce a Federal, State or local police or court record of the incident(s). The victim shall provide documents requested by the HA within 14 days of the request.

The Waterloo Housing authority shall terminate the assistance to any individual who is a member of the victim's household who engages in criminal acts of violence against other

family members. WHA will honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and that are issued to address the distribution or possession of property among the household members in cases where a family breaks up. The Housing Authority will consider if an applicant had previously been denied due to a family member engaging in domestic violence, dating violence, or stalking and the perpetrator is no longer in the household, the applicant may be considered if otherwise eligible.

The applicant will be required to disclose living arrangements made by the perpetrator of the best of their ability and to certify that the perpetrator will not be allowed to reside or stay in the household).

1.0 Purpose

The purpose of this Policy is to reduce domestic violence, dating violence, sexual assault and stalking and to prevent homelessness by:

- a) protecting the safety of victims;
- b) creating long-term housing solutions for victims;
- c) building collaborations among victim service providers; and
- d) assisting the Housing Authority (HA) to respond appropriately to the violence while maintaining a safe environment for HA, employees, tenants, applicants and others.

The Policy will assist the HA in providing rights under the Violence Against Women Act to its applicants and Housing Choice Voucher participants.

2.0 Mission Statement

The HA's policy is to comply with the 2009 VAWA Pub. L. 109-162; Stat.2960 signed into law on January 5, 2006 and codified at 42 U.S.C. § 1437d (l) and 1437f (d), (o) & 1 and (u), the VAWA Re-Authorization of 2013, and the Final Rule published December 16, 2016. The HA shall not discriminate against an applicant or program participant, on the basis of the rights or privileges provided under the VAWA.

3.0 Definitions

The definitions in this Section apply only to this Policy.

3.1 Confidentiality: Means that the HA will not enter information provided to the HA under 4.2 and 4.3 into a shared database or provide this information to any related entity except as stated in 4.4.

3.2 Dating Violence: Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) the length of the relationship;

(ii) the type of relationship;

(iii) the frequency of interaction between the persons involved in the relationship. 42 U.S.C. § 1437d (u) (3) (A).

3.3 Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, committed by a person with whom the victim shares a child in common, committed by a person who is cohabitating with or has cohabitated with the victim as a spouse, committed by a person similarly situated to a spouse of the victim under the domestic or family violence laws or committed by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws.

3.4 Immediate Family Member: A spouse, parent, brother or sister, or child of a victim or an individual to whom the victim stands in loco parent; or any other person living in the household of the victim and related to the victim by blood and marriage. 42 U.S.C. § 1437d (u) (3) (D)

3.5 Long-term Housing: Is housing that is sustainable, accessible, affordable and safe for the foreseeable future which:

a) the person rents or owns;

b) is subsidized by a voucher or other program as long as the person meets the eligibility requirements of the program;

c) directly provided by the HA, is not time limited and the person meets the eligibility requirements of the program.

3.6 Perpetrator: A person who commits an act of domestic violence, dating domestic violence or stalking against a victim.

3.7 Sexual Assault: a sexual act in which a person is coerced or physically forced against their will, or non-consensual sexual touching of a person. Sexual assault is a form of sexual violence, and it includes rape, groping, child sexual abuse, or the torture of the person in a sexual manner.

3.7 Stalking: (a) to follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate the victim; (b) to place under surveillance with the intent to kill, injure, harass or intimidate the victim; (c) in the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts, to place the victim in reasonable fear of the death of, or serious bodily injury to the victim; or (d) to cause substantial emotional harm to the victim, a member of the immediate family of the victim or the spouse or intimate partner of the victim. 42 U.S.C. § 1437d (u)(3)(C).

3.8 Victim: Is a person who is the victim of domestic violence, dating violence, or stalking under this Policy and who has timely and completely completed the certification under 4.2 and 4.3 or as requested by the HA.

4.0 Certification and Confidentiality

4.1 Failure to Provide Certification under 4.2 and 4.3

The person shall provide complete and accurate certifications to the WHA within 14 business days after the party requests in writing that the person completes the certifications. If the person does not provide a complete and accurate certification within the 14 business days, the HA, the owner or manager may take action to deny or terminate participation or tenancy under: 42 U. S. C. § 1437 l (5) & (6); 42 U. S. C. §1437 (d) (c) (3); 42 U. S. C. § 1437f (c)(9); 42 U. S. C. § 1437f (d)(1)(B)(ii) & (iii); 42 U. S. C. § 1437f (o)(7)(C) &(D); or 42 U. S. C. § 1437f (o)(20) or for other good cause.

4.2 HUD Approved Certification

For each incident that a person is claiming is abuse, the person shall certify to the Waterloo Housing Authority, the victim status by completing the HUD approved certification form (HUD-5382). The person shall certify the date, time and description of the incidents, that the incidents are bona fide incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy. The person shall provide information to identify the perpetrator including but not limited to the name and, if known, all alias names, date of birth, address, contact information such as postal, e-mail or internet address, telephone or facsimile number or other information, if known and safe to do so.

4.3 Other Certification

A person who is claiming victim status shall provide to the WHA:

- a) documentation signed by the victim and an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. § 1746) to the professional's belief that the incident(s) in question are bona fide incidents of abuse; or
- b) a federal, state, tribal, territorial, local police or court record.

4.4 Confidentiality

The WHA shall keep all information provided to under this Section confidential. The HA shall not enter the information into a shared database or provide to any related entity except to the extent that:

- (a) the victim requests or consents to the disclosure in writing;
- (b) the disclosure is required for:
 - (i) the disclosure is required by applicable law.

4.5 Compliance Not Sufficient to Constitute Evidence of Unreasonable Act

The HA compliance with Sections 4.1, 4.2 and 4.3 shall alone not be sufficient to show evidence of an unreasonable act or omission by them.

5.0 Appropriate Basis for Denial of Admission or Assistance

5.1 The HA shall not deny participation or admission to the Housing Choice Voucher program on the basis of a person's victim status, if the person otherwise qualifies for admission of assistance.

5.2 An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be a serious or repeated violation of the lease by the victim and shall not be good cause for denying to a victim admission to a program, or occupancy rights, or evicting a tenant.

5.3 Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim of that domestic violence, dating violence, sexual assault or stalking.

5.4 Notwithstanding Sections 5.1, 5.2 and 5.3 the HA, may bifurcate a lease to evict, remove or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others without evicting, removing, terminating assistance to or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant. 42 U.S.C. §1437d(1)(6)(B).

5.5 Nothing in Sections 5.1, 5.2 and 5.3 shall limit the authority of the HA, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members when the family breaks up.

5.6 Nothing in Sections 5.1, 5.2 and 5.3 limits the HA authority to evict or terminate assistance to any tenant for any violation of lease not premised on the act or acts of violence against the tenant or a member of the tenant's household. However the HA may not hold a victim to a more demanding standard.

5.7 Nothing in Sections 5.1, 5.2 and 5.3 limits the HA's authority to evict or terminate assistance, or deny admission to a program if the HA can show an actual and imminent threat to other tenants, neighbors, guests, employees, persons providing service to the property or others if the tenant family is not evicted or terminated from assistance or denied admission.

5.8 Nothing in Sections 5.1, 5.2 or 5.3 limits the HA's authority to deny admission, terminate assistance or evict a person who engages in criminal acts including but not limited to acts of physical or sexual violence, or stalking against family members or others.

6.0 Actions Against a Perpetrator

The HA may evict or deny admission to a program or trespass a perpetrator from its property under this Policy. The victim shall take action to control or prevent the domestic violence, dating violence, sexual assault or stalking. The action may include but is not limited to:

- a) obtaining and enforcing a restraining or no contact order or order for protection against the perpetrator;
- b) obtaining and enforcing a trespass against the perpetrator;
- c) enforcing the HA or law enforcement's trespass of the perpetrator;
- d) preventing the delivery of the perpetrator's mail to the victim's unit;
- e) providing identifying information listed in 4.2; and
- f) other reasonable measures.

7.0 Notice to Applicants and Tenants.

The HA shall provide notice to applicants and tenants of their occupancy rights under VAWA at the time of admission to the program, in conjunction with any notification of termination of assistance, and once to all current tenants following the approval of this policy.

8.0 Reporting Requirements

The HA shall include in its Agency Plan, a statement of goals, objectives, policies or programs that will serve the needs of victims when required. THE HA may also include a description of activities, services or programs provided or offered either directly or in partnership with other service providers to victims, to help victims obtain or maintain housing or to prevent the abuse or to enhance the safety of victims.

9.0 Conflict and Scope

This Policy does not enlarge the HA's duty under any law, regulation or ordinance. If this Policy conflicts with the applicable law, regulation or ordinance, the law, regulation or ordinance shall control. If this Policy conflicts with another HA policy, this Policy will control.

10.0 Amendment

The Waterloo Housing Authority Board may amend this policy when it is reasonably necessary to effectuate the Policy's intent, purpose or interpretation. The proposed amendment along with the rationale for the amendment shall be submitted by the Executive Director for consideration by the Board. Where reasonably necessary, the Board may approve the amendment. The amendment shall be effective and incorporated on the date that the Board approves the amendment.

GOALS:

The Housing Authority has teamed with the local community to help support children and adults from violence. If a child is involved, the local office of child protective services will help assist and place the child in a safe environment. If an adult is involved, the City Police Department or County Sheriff's department will assist the adult in getting to the safe harbor. The local Health

Department also will assist in placing families out of harms way with a contact person who will assist families with counseling services. All referrals will be made on a case-by-case basis.

24.0 HOMEOWNERSHIP VOUCHER PROGRAM

Housing Authority Department (Effective, 2009)

Section 8 Housing Administrative Plan: Section XIV: Section 8 Home Ownership Program:

A. Overview

The Section 8 Home Ownership Program permits eligible participants in the Section 8 Housing Choice Voucher Program, including participants with portable vouchers, the option of purchasing a home with their Section 8 assistance rather than renting. The home ownership option is limited to three percent (3%) of the total Section 8 voucher program budgeted by WHA in any fiscal year, excluding disabled and elderly families. The program is available to current participants who have completed an initial Section 8 lease term consisting of 12 months, do not owe monies to the City of Waterloo Housing Authority or any other Housing Agency for any outstanding debts, and who meet the eligibility criteria set forth below. Additionally, participants who are in violation of their family obligations while receiving Section 8 assistance shall be ineligible for participation in the Section 8 Home Ownership Program.

Section 8 home ownership assistance may be used to purchase the following types of homes within the City of Waterloo: new or existing single-family dwelling units, condominiums, cooperatives, or manufactured homes. The City of Waterloo Housing Authority will also 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 participant qualifies.

B. 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 described in the City of Waterloo Section 8 Housing

Administrative Plan. The family must satisfy all of the following initial requirements at commencement of home ownership assistance:

1. The family must be a first-time homeowner
2. The family must satisfy the minimum income requirement
3. The family must not purchase from a seller that has been **debarred, suspended**, or subject to a limited denial of participation under 24 CFR part 982.631
4. The family must satisfy the employment requirements
5. The family must not have defaulted on a mortgage securing debt to purchase a home under the home ownership option
6. Except for cooperative members who have acquired cooperative membership shares prior to commencement of home ownership assistance, no family member has a present ownership interest in a residence at the commencement of home ownership assistance for the purchase of any home
7. The family must complete and submit all necessary home ownership counseling sessions and documents as described in this plan
8. The family must be financially capable to qualify for HA approved financing of the home, must be financially capable to provide at least 3% of the purchase price as a minimum homeowner down payment.
9. Family must be income eligible by the income guidelines established by HUD. The City of Waterloo Housing Authority shall review lender qualifications and the loan terms before authorizing home ownership assistance.

First-time homeowner

Each 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 prior to the 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 home owner if “divorced” for purposes of the Section 8 Home ownership Program.

Minimum Income Requirement

At the time the family is determined eligible for the Home ownership program, the head of household, spouse, and/or other adult household members who will own the home, must have a gross annual income at least equal to the Federal minimum hourly wage multiplied by 2,000 hours (Annual income of \$13,600). However, loan approval through a lending institution will be the determining factor if the family will be qualified to receive a loan.

Exclusion of Welfare Assistance

Except in the case of an elderly or disabled family, the HA shall not count any welfare assistance received by the family in determining annual income. The disregard of welfare assistance income in this section only affects the determination of minimum annual income used to determine if a family initially qualifies for the Home ownership assistance and does not affect the calculation of the amount of the family’s total tenant payment or Home ownership assistance payments. In the case of an elderly or disabled family, the HA shall count welfare assistance in determining annual income.

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 is employed full-time (not less than an average of 32 hours per week); and has been continuously employed during the previous year. In the case of an elderly or disabled family, the HA 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. The Housing Director may also consider whether and to what extent an employment interruption is considered permissible in satisfying the employment requirement. The Housing Director may also consider self-employment to

determine employment history. However, loan approval through a lending institution will be the determining factor if the family will be qualified to receive a loan.

The employment requirement does not apply to an elderly or disabled family. In order to reasonably accommodate a family's participation in the program, families that include a person with disabilities may also be exempt from this requirement if an exemption is needed as a reasonable accommodation.

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 (12 months) and at the participant's first annual recertification in the Section 8 Housing Choice Voucher Program. Nothing in this provision will preclude Section 8 participants who have completed an initial lease term (12 months) in another jurisdiction from participating in the Section 8 Home Ownership Program.

Repayment of Any Housing Authority Debts and/or Family Obligations

Participants in the Section 8 Housing Choice Voucher Program shall be ineligible for participation in the Section 8 Home Ownership Program if any debt or portion of a debt remains owed to the City of Waterloo Housing Authority or any other Housing Authority. Additionally, participants who are in violation of their family obligations while receiving Section 8 assistance shall be ineligible for participation in the Section 8 Home Ownership Program.

The participant shall be required to repay any current court judgment or order or court approved mediation agreement. The Housing Director may allow exceptions for medical expenses after conducting an internal review. However, loan approval through a lending institution will be the determining factor if the family will be qualified to receive a loan

If the head of household, spouse, or other adult household member who will execute the contract of sale, mortgage 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.

A. Additional Family Participation Requirements

(1) Before commencement of Home ownership assistance for a family, the family must attend and satisfactorily complete an approved pre-assistance Home ownership and housing counseling program.

(2) Within a specified time, the family must locate the home it proposes to purchase; submit a purchase or sales agreement containing specific components to the HA for approval; allow the HA to inspect the proposed home ownership dwelling to assure that the dwelling unit meets the City of Waterloo Housing Code; obtain an independent inspection covering major building systems; obtain HA approval of the proposed mortgage (which must comply with generally accepted mortgage underwriting requirements); and enter into a written agreement with the HA to comply with all of its obligations under the Section 8 Program.

D. 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 approved by the HA prior to commencement of home ownership assistance.

The approved home ownership and housing counseling program shall be programs that are offered by accredited counseling Agencies.

Upon the Housing Director's determination, the family may be required to attend the home ownership-counseling program on a continuing basis.

E. Locating a Home

Once a family has been determined to be eligible for participation in the Section 8 Home Ownership Program, a family shall have sixty (60) days to locate a home to purchase. A home shall be considered located if the family submits an accepted purchase or sales

agreement along with a bank or lender commitment. For good cause, the HA may extend a Section 8 family's time to locate the home for additional thirty (30) day increments. During a Section 8 participants search for a home to purchase, their Section 8 rental assistance shall continue according to the City of Waterloo Section 8 Housing Administrative Plan. If a Section 8 participant family is unable to locate a home within this time limit, their Section 8 rental assistance through the Section 8 Housing Choice Voucher Program shall continue.

F. **Completion of Purchase**

Once a family has located a home to purchase and received approved financing, the family shall have another sixty (60) days to complete the purchase and to close. If a Section 8 participant is unable to complete the purchase within the maximum time permitted by the HA, the HA shall continue the family's participation in the Section 8 Housing Choice Voucher Program. The family may not re-apply for the Section 8 Home Ownership Program until the family has completed an additional year of participation in the Section 8 Housing Choice Voucher Program.

H. Eligible Units

The unit selected by the Section 8 Home Ownership participant family must be either under construction or already existing at the time the HA determined that the family was eligible for Home ownership assistance. The unit must be a one-unit property or a single dwelling unit in a cooperative or condominium.

The Section 8 Home Ownership participant family must not purchase a home if the HA has been informed (by HUD or otherwise) that the seller of the home is **debarred**, **suspended**, or subject to a limited denial of participation.

The unit must be inspected by a HA inspector and pass inspection according to the City of Waterloo Housing Code. The unit must be inspected by an independent inspector and incipient code violations identified by the independent inspector, and corrected prior to sale.

I. Purchase or Sales Agreement

Prior to execution of the offer to purchase or sales agreement, the family must provide the financing terms to the City of Waterloo Housing Authority for approval. The purchase or sales agreement must provide for inspection by the HA and the independent inspector and must state that the purchaser is not obligated to purchase unless the inspections are satisfactory to the HA. The purchase or sales agreement must provide that the purchaser is not obligated to purchase if the mortgage financing terms are not approved by the HA. A copy of the purchase or sales agreement must be submitted to the City of Waterloo Housing Authority for approval.

The contract of sale must: (i) specify the price and other terms of sale by the seller to the purchaser (ii) provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser (iii) provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser (iv) provide that the purchaser is not obligated to pay for any necessary repairs (v) contain a certification from the seller that the seller has not been **debarred, suspended,** or subject to a limited denial of participation under 24 CFR part 982.631.

I. Initial Inspection

To assure the home complies with the City of Waterloo Housing Code, home ownership assistance payments must not commence until the HA has inspected and approved the home. Another inspection must also be completed by a professional home inspector selected by the family and approved by the HA. The independent inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems. The independent inspector must be qualified to report on property conditions, including major building systems and components and be certified by the State of Iowa to conduct home inspections. The independent inspector may not be a HA employee or contractor, or other person under control of the HA. The independent inspector must provide a copy of the inspection report both to the family and to the HA. The HA may not pay any Home ownership assistance for the family until the HA has reviewed the inspection report of the

independent inspector. Even if the unit otherwise complies with the City of Waterloo Housing Code, the HA shall have discretion to disapprove the unit for assistance under the Home ownership program because of information in the inspection report.

J. Financing Requirements

The proposed financing terms must be submitted to and approved by the City of Waterloo Housing Authority prior to close of the financing. The Housing Authority shall determine the affordability of the family's proposed financing. In making such determination, the Housing Authorities may take into account other family expenses, including but not limited to childcare, unreimbursed medical expenses, and other outstanding debts. Certain types of financing, including but not limited to, balloon payment mortgages, are prohibited and will not be approved. Seller-financed mortgages through land contracts shall not be approved. Seller-financed mortgages through person-to-person mortgages will be considered on a case-by-case basis. If a mortgage is not FHA-insured, the HA will require the lender to comply with generally accepted mortgage underwriting standards consistent with those of HUD/FHA, Ginny Mae, Fannie Mae, Freddie Mac, the Federal Home Loan Bank, or other private lending institutions. The HA may disapprove proposed financing, refinancing or other debt if it is determined that the debt is unaffordable, or if the lender or the loan terms do not meet the qualifications as set forth by the HA. The buyer must be capable of providing at least 1% of the purchase price from their personal resources. The remaining required downpayment (2%) may come from other funding sources.

K. Compliance with Family Obligations

A family must agree, in writing, to comply with all family obligations under the Section 8 Program and the HA's home ownership policies. These obligations include (1) attending ongoing home ownership counseling, if required by the HA; (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 and who is approved by the HA; (4) not refinancing or adding debt secured by the home without prior approval by the HA; (5) not obtaining a present ownership

interest in another residence while receiving home ownership assistance; (6) supplying all required information to the HA, 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 .

L. 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. The HA shall pay a monthly Home ownership assistance payment directly to the lender on behalf of the family that is equal to the *lower* of:

(1) The payment standard minus the total tenant payment; or

(2) The family's monthly Home ownership expenses minus the total tenant payment.

Home ownership expenses for a homeowner may include principal and interest on mortgage debt, any mortgage insurance premium incurred to finance the home, home owners insurance, real estate taxes, any public assessments on the property, home insurance, HA allowance for maintenance expenses and costs of repairs and replacements; and the HA utility allowance. All participants in the Section 8 Home Ownership program shall be required to apply for the homestead tax exemption.

M. Payment to the Lender

Home ownership assistance payments will be made directly to the lender. If the home ownership assistance payment is greater than the mortgage payment and the tax and insurance escrow payments, the difference will be paid to the family.

N. Termination of Section 8 Home Ownership Assistance

1. Automatic Termination of Home ownership Assistance:

Home ownership assistance for a family terminates automatically 180 business days after the last housing assistance payment on behalf of the family.

2. Grounds for Termination of Home Ownership Assistance

P. Obligations

A family's home ownership assistance may be terminated if the family fails to comply with its obligations under the Section 8 program, HA home ownership policies, or if the family defaults on the mortgage. If required, the family must attend and complete ongoing home ownership, housing counseling classes, and permit on-going inspections. The family must comply with the terms of any mortgage incurred to purchase and/or refinance the home.

The family must provide the HA 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 by the HA's home ownership policies.

Except as otherwise provided in this Plan, the family may not convey or transfer the home to any entity or person other than an approved member of the assisted family while receiving home ownership assistance. The HA shall terminate homeownership assistance at any time in accordance to Section 8 program rules and policies including but not limited to failure to comply with family obligations, crime by family members, misrepresentation of information or fraud.

B. Occupancy of Home

Home ownership assistance will only be provided while the family resides in the home. The home must be the family's only residence. If the family moves out of the home, the HA will not continue home ownership assistance commencing with the month after the family moves out.

O. Changes in Income Eligibility

A family's home ownership assistance may be changed during the annual recertification of the household income and at other times according to the HAs policy of interim changes while the family is participating in the Section 8 Home Ownership Program. Participation in the Section 8 Home Ownership Program shall continue until such time as the assistance payment equals \$0.00 for a period of 180 consecutive days (6 months) and according to the term of the Section 8 Home Ownership Program. P. Maximum Term of Home Ownership Assistance

Except in the case of a family that qualifies as an elderly or disabled household, the family members participating in the Section 8 Home Ownership Program shall not receive homeownership assistance for more than (1) Fifteen years, if the initial mortgage incurred to finance the home has a term of 20 years or longer; or (2) Ten years, in all other cases.

If the family qualifies as an elderly family at the time of initial homeownership assistance, the maximum term of assistance does not apply. If the family qualifies as a disabled family and continues to qualify as a disabled family, the maximum term of assistance does not apply. If, during the course of homeownership assistance, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date homeownership 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.

2. 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 for the City of Waterloo Housing Authority.

R. Recapture of Home Ownership Assistance

In certain circumstances the home ownership assistance provided to the family is subject to total or partial recapture upon the sale or refinancing of the home. **Sales proceeds that are used by the family to purchase a new home with Section 8 Home Ownership assistance are not subject to recapture.** Additionally, the family may refinance to take advantage of better terms without any recapture penalty, provided that no proceeds are realized (any refinancing must

receive prior approval from the HA). Continued Participation in Section 8 Housing Choice Voucher Program

If the family defaults on an FHA-insured mortgage, the HA will 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 *or will convey, title to the home, as required by HUD*, However, the HA shall not provide continued tenant-based assistance for occupancy of a new unit so long as any family member owns any title or other interest in the homeownership program unit.

25.0 VETERANS AFFAIRS SUPPORTIVE HOUSING (HUD-VASH)

Effective October 2018

Overview

The HUD-VASH program combines HUD Housing Choice Voucher rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA) at its medical centers and in the community. Ongoing VA case management, health, and other supportive services will be made available to homeless veterans. The Waterloo Housing Authority has partnered with the V23/Iowa City HCS (VAMC), serving veterans in the City of Waterloo. The VA Community Resource and Referral Center in Cedar Rapids will refer homeless veterans to the Housing Authority, as well as provide supportive services for the participants.

The HUD-VASH program will be administered in accordance with regular HCV (Housing Choice Voucher) program requirements (24 CFR Part 982), except as described below.

A. Family Selection

The Waterloo Housing Authority will receive referrals from the VA Community Resource and Referral Center instead of pulling families from the waitlist. Written

documentation of these referrals will be maintained in the tenant file at the Housing Authority.

B. Eligibility

1. Income

The Waterloo Housing Authority must determine income eligibility for HUD-VASH families in accordance with 24 CFR Part 982.201. Families whose income exceeds the applicable income limit (50% of Average Median Income) will be denied admission.

2. Background

The Waterloo Housing Authority will only deny admission to income-eligible families if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. Other background checks applicable to the Housing Choice Voucher program will not apply to HUD-VASH.

3. Money Owed

The Waterloo Housing Authority cannot deny admission to an otherwise eligible veteran that previously participated in a Public Housing program (Housing Choice Voucher or Conventional) and still owes money.

C. Denial of Assistance

In any case where the Waterloo Housing Authority (WHA) decides to deny assistance to the family, the Housing Authority must give the family a written notice which states:

1. The reason(s) for denial of assistance.

2. The family's right to request an informal review to be held before denial of assistance.
3. The date by which a request for an informal review must be received by the WHA.
4. Once the applicant becomes a participant, the family must follow all of the WHA rules, including the family obligations.

D. Initial Term of the Voucher

HUD-VASH vouchers are issued with an initial search term of 120 days. Extensions may be granted upon recommendation by the VA Community Resource and Referral Center.

E. Housing Quality Standards

All dwelling units leased under the HUD-VASH program must pass an initial Housing Quality Standards inspection prior to lease-up. Under HUD-VASH regulations, dwelling units may be inspected prior to the receipt of a completed Request for Tenancy Approval, in order to streamline the process for homeless veterans. All units under lease will be re-inspected annually, and may be inspected on a complaint basis.

F. Initial Lease Term

Under the program, the participant must enter into an initial lease with the owner for a period of one year. Exception may be made to this rule, under HUD-VASH regulations, if doing so would provide expanded housing opportunities for homeless veterans.

H. Portability of HUD-VASH Vouchers

An eligible HUD-VASH voucher holder wishing to exercise portability to another jurisdiction must choose a location where there is a VAMC to provide case management services with an available VASH voucher or portability is not allowed.

1. Portability Moves Where Case Management is Provided by the Initial PHA's Partnering VAMC

If the family moves under portability, and the initial PHA's partnering VAMC will still be able to provide the necessary case management services due to its proximity to the partnering VAMC, the receiving PHA must process the move in accordance with standard portability procedures. If the receiving PHA has VASH vouchers available, they may absorb or administer the voucher. Both the VAMC and the PHA must be in support of the family's relocation before approving the family to port.

2. Portability Moves Where Case Management is Provided by the Receiving PHA's Partnering VAMC

If a family wants to move to another jurisdiction where it will not be possible for the initial PHA's partnering VAMC to provide case management services, the VAMC must first approve the family's relocation and then determine that the HUD-VASH family could be served by another VAMC that is participating in VASH; and the receiving PHA must have a HUD-VASH voucher available for the family. In these cases, the family must be absorbed by the receiving PHA either as a new admission (if the family did not participate in the initial PHA's VASH program) or as a portability move-in (after having leased in the initial PHA's jurisdiction). When the VASH voucher is absorbed by the receiving PHA, the initial PHA's HUD-VASH voucher will become available to lease to a new HUD-VASH eligible family, as determined by the partnering VAMC, and the absorbed family will count toward the number of HUD-VASH vouchers awarded to the receiving PHA.

3. Portability Moves Where Case Management Services are No Longer Required

If VASH case management services are no longer required for the veteran, as documented by the VAMC, and the family wants to port to another jurisdiction, the family will be offered a tenant-based Housing Choice Voucher (HCV) if one is available.

G. Family Break-Up

Since VASH vouchers are for homeless Veterans, the VASH vouchers must always remain with the Veterans. In the case of divorce, or separation, the voucher will remain with the Veteran.

If the Veteran no longer requires case management services under VASH, and does not wish to have a Housing Choice Voucher, the Housing Authority may choose to give an HCV to the remaining members of the household, provided they meet HCV eligibility criteria.

H. Death of a HUD-VASH Voucher Holder

If the Veteran dies, the VASH voucher can remain with the remaining members of the tenant family. The family may continue to utilize the HUD-VASH voucher. If VASH case management services are no longer needed, and if a tenant-based voucher is available, the remaining family member(s) will be offered a tenant-based voucher, provided the family meets all HCV eligibility criteria. This would then allow the VASH voucher to be utilized by another Veteran needing case management services.

I. Termination of Assistance

1. A HUD-VASH family may be terminated for violations of HUD regulations or Waterloo Housing Authority policy, in accordance with this plan. Any termination will be discussed with the VAMC prior to a final determination. Should a HUD-VASH participant be terminated for such violations, s/he will have

the same right to an informal hearing as all other Housing Choice Voucher participants.

2. As a condition of HCV rental assistance, a HUD-VASH eligible family must receive the case management services from the VAMC. Therefore a HUD-VASH family's HCV must be terminated for failure to participate, without good cause, in case management as verified by the VAMC. However, a VAMC determination that the participant family no longer requires case management is not grounds for termination of assistance.

25.0 FOSTER YOUTH TO INDEPENDENCE (FYI) PROGRAM

Effective January 2021

Overview

The FYI program assists young persons (ages 18-24) aging out of the foster care system that are homeless or at risk of being homeless.

The FYI program assists these young people with a Section 8 voucher for up to 3 years, during which time they are able to receive services through the Department of Human Services (DHS), which may include job search assistance, educational assistance, basic life skills, and assistance with Section 8 and rental lease requirements.

At any given time, the Housing Authority will be limited to an additional 25 FYI vouchers (over and above our current 1056 Housing Choice Vouchers, and 19 VASH Vouchers), and these vouchers must be requested individually to HUD. Vouchers will be requested once a referral has been sent from the Department of Human Services.

The FYI program will be administered in accordance with regular HCV (Housing Choice Voucher) program requirements (24 CFR Part 982), except as described below.

A. Family Selection

The Waterloo Housing Authority will receive referrals from the Iowa Department of Human Services Child Welfare Division. Prospective voucher holders must apply to the Section 8 waitlist, but will be given preference as a “Special Admission”. Written documentation of these referrals, as well as the original Section 8 application, will be maintained in the tenant file at the Housing Authority.

B. Eligibility

All eligibility requirements for FYI applicants will be the same as for all other Housing Choice Voucher (Section 8) applicants, as enumerated in this document.

C. Denial of Assistance

In any case where the Waterloo Housing Authority (WHA) decides to deny assistance to the foster youth, the Housing Authority must give a written notice which states:

1. The reason(s) for denial of assistance.
2. The applicant’s right to request an informal review to be held before denial of assistance.
3. The date by which a request for an informal review must be received by the WHA.
4. Once the applicant becomes a participant, the family must follow all of the WHA rules, including the family obligations.

D. Initial Term of the Voucher

FYI vouchers are issued with an initial search term of 60 days. A maximum of two (2) 30-day extensions may be granted.

E. Housing Quality Standards

All dwelling units leased under the FYI Program must pass an initial Housing Quality Standards inspection prior to lease-up. All units under lease will be re-inspected annually, and may be inspected on a complaint basis.

F. Initial Lease Term

Under the program, the participant must enter into an initial lease with the owner for a period of one year.

H. Portability of FYI Vouchers

An eligible FYI voucher holder wishing to exercise portability to another jurisdiction may request a transfer according to the portability procedures for the Section 8 program. If the receiving housing authority does not have an FYI program, they must bill the Waterloo Housing Authority for the FYI voucher. If the participant no longer wishes to have FYI assistance through the Department of Human Services, the receiving housing authority may choose to absorb the FYI participant into their program, thus releasing the WHA's FYI voucher for another eligible youth.

I. Term of Assistance

Under HUD's FYI regulations, FYI vouchers may only be used by the same participant for a maximum of 3 years. If a participant is still in need, and eligible, for a regular Housing Choice Voucher at the end of their 3-year term, the Housing Authority will issue one of its vouchers, if any are available at that time.

J. Termination of Assistance

An FYI participant may be terminated for violations of HUD regulations or Waterloo Housing Authority policy, in accordance with this plan.

27.0 EMERGENCY HOUSING VOUCHERS (EHV)

Effective July 2021

Overview

Emergency Housing Vouchers (EHVs), which were funded by the American Rescue Plan, are to assist individuals and families who are experiencing homelessness; at risk of experiencing homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

The EHV program will be administered in accordance with regular HCV (Housing Choice Voucher) program requirements (24 CFR Part 982), except as described below.

A. Family Selection

The Waterloo Housing Authority will receive referrals from the Coordinated Entry process through a Memorandum of Understanding (MOU) with the Iowa Balance of State Continuum of Care. These referrals will be maintained in the tenant file at the Housing Authority.

B. Eligibility

1. Income

The Waterloo Housing Authority must determine income eligibility for EHV families in accordance with 24 CFR Part 982.201. Families whose income exceeds the applicable income limit (50% of Average Median Income) will be denied admission.

2. Background

1. The Waterloo Housing Authority will deny admission to income-eligible families if any member of the household has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing or is subject to a lifetime registration requirement under a state sex offender registration program.

2. The Housing Authority will deny admission based on the following permissive prohibitions. Determinations will be made based on an individualized assessment of relevant mitigating information.

- If the PHA determines that any household member is currently engaged in, or has engaged in within the previous 12 months:
 - Violent criminal activity.
 - Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.
- If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the previous 12 months.
- If the family engaged in or threatened abusive or violent behavior toward PHA personnel within the previous 12 months.

3. The Housing Authority may not deny an EHV applicant admission for any of the following reasons:

- Any member of the family has been evicted from federally assisted housing.
- The PHA has ever terminated assistance under the program for any member of the family.

- The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.
- 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.
- The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.
- The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with §982.553(a)(3).
- The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

C. Denial of Assistance

In any case where the Waterloo Housing Authority (WHA) decides to deny assistance to the family, the Housing Authority must give the family a written notice which states:

1. The reason(s) for denial of assistance.
2. The family's right to request an informal review to be held before denial of assistance.
3. The date by which a request for an informal review must be received by the WHA.

D. Initial Term of the Voucher

Emergency Housing Vouchers are issued with an initial search term of 120 days. Extensions may be granted for extenuating circumstances based upon the recommendation of Community Housing Initiatives or a determination by the Housing Authority.

E. Housing Quality Standards

All dwelling units leased under the Emergency Housing Voucher program must pass an initial Housing Quality Standards inspection prior to lease-up. Under EHV regulations, dwelling units may be inspected prior to the receipt of a completed Request for Tenancy Approval, in order to streamline the process for homeless individuals/families. All units under lease will be re-inspected annually, and may be inspected on a complaint basis.

F. Initial Lease Term

Under the program, the participant must enter into an initial lease with the owner for a period of one year. Exception may be made to this rule, under EHV regulations, if doing so would provide expanded housing opportunities for homeless individuals/families.

H. Portability of Emergency Housing Vouchers

An eligible EHV holder wishing to exercise portability to another jurisdiction may do so, without having to meet res. Until all 15 Emergency Housing Vouchers have been issued, the receiving Housing Authority must bill the WHA. At such time as all Emergency Housing Vouchers are leased, those EHV holders wishing to exercise portability may move to another jurisdiction, which may absorb the participant into their program by issuing their own regular Housing Choice Voucher. The Waterloo Housing Authority will then re-issue the EHV to another eligible individual/family via the Coordinated Entry referral process.

G. Family Break-Up

Any issues regarding family break-up under an Emergency Housing Voucher will be handled in accordance with plan.

H. Death of an Emergency Housing Voucher Holder

If the head-of-household dies, the EHV can remain with the remaining members of the tenant family. The family may continue to utilize the Emergency Housing Voucher. If supportive services are no longer needed, and if a tenant-based voucher is available, the remaining family member(s) may be offered a tenant-based voucher, provided the family meets all HCV eligibility criteria. This would then allow the EHV to be utilized by another homeless individual/family.

I. Termination of Assistance

1. An EHV participant may be terminated for violations of HUD regulations or Waterloo Housing Authority policy, in accordance with this plan. Any termination will be discussed with Community Housing Initiatives prior to a final determination. Should an EHV participant be terminated for such violations, s/he will have the same right to an informal hearing as all other Housing Choice Voucher participants.
2. In general, the permissive prohibitions for denial of assistance (listed above) will also be grounds for termination of assistance.

J. Transfer to the Housing Choice Voucher Program

1. At such time as an EHV holder no longer needs supportive services, they may be offered a tenant-based voucher if they meet all HCV eligibility requirements under this plan. Housing Choice Vouchers will only be offered if all 15 EHV slots are in use.
2. Should an EHV become available through the above process, the voucher will be re-issued to another homeless individual/family referred by Coordinated Entry.

K. Service Fees

1. Under EHV, HUD has authorized several different fees to be paid directly to the Housing Authority:

- Preliminary Fee (\$400 x 15 vouchers = \$6,000)
- Service Fee (\$3,500 x 15 vouchers = \$52,500)
- Placement/Issuance Reporting Fee (\$500 for HAP Contracts in place by 11/1/21; \$250 for HAP contracts in place by 1/1/22; \$100 for each voucher leased provided PHA reports the EHV issuance date in PICNG within the qualifying time period

2. Under the Waterloo Housing Authority's Emergency Housing Voucher Program, all of the above fees will be used to provide services for the voucher holders. These services will include the following:

- The purchase of one bed per family member (or couple) to be paid to Community housing Initiatives after they have made the purchases.
- Purchase of bus tickets for housing search transportation, as well as transportation to Waterloo Housing Authority appointments, if necessary. These costs will likewise be reimbursed to CHI.
- 2 months security deposit to be paid directly to the participating landlord as an incentive, and to insure against vacancy loss.
- Utility deposit and/or arrears (up to \$1,500) to paid directly to MidAmerican Energy.
- Housing Search Assistance, or other needed supportive services fees to be paid to Community Housing Initiatives for up to 2 hours per participant.

L. Termination of Vouchers upon Turnover after September 30, 2023

1. The American Rescue Plan provides that after September 30, 2023, a PHA may not reissue the EHV when assistance for an assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the PHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

- For example, if an EHV participant leaves the program and their HAP contract terminates on August 31, 2023, that EHV must be reissued to another family no later than September 30, 2023. If the PHA does not

reissue the EHV to another family by September 30, 2023, the EHV may not be reissued and effectively sunsets. Provided the EHV re-issuance date is no later than September 30, 2023, the term of the EHV may extend beyond September 30, 2023.

- However, if the family that was issued the EHV is ultimately unsuccessful in finding a unit and that EHV expires after September 30, 2023, the EHV may not be reissued to another family. All EHV's under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

2. An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHV's that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHV's to cease leasing any unleased EHV's if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families. HUD will remove any turnover EHV that cannot be reissued from the PHA's CACC as part of the next funding renewal process.

M. End of Program

1. If the Waterloo Housing Authority no longer has any EHV families under lease as of the September 30, 2023 reissuance prohibition, the PHA's program will have effectively ended.
2. Under the American Rescue Plan, the funds appropriated for the EHV program are available for obligation by HUD only until September 30, 2030 and will be cancelled as a matter of law on September 30, 2035.
3. Therefore, the Waterloo Housing Authority will offer a regular Housing Choice Voucher to any current remaining EHV participants as of October 1, 2030, provided that they meet the eligibility requirements for the HCV program

GLOSSARY

1937 Housing Act: The United States Housing Act of 1937 [42 U.S.C. 1437 et seq.)

Absorption: In portability, the point at which a receiving housing authority stops billing the initial housing authority for assistance on behalf of a portable family. [24 CFR 982.4]

Adjusted Annual Income: The amount of household income, after deductions for specified allowances, on which tenant rent is based.

Administrative fee: Fee paid by HUD to the housing authority for the administration of the program.

Administrative Plan: The plan that describes housing authority policies for the administration of the tenant-based programs.

Admission: The point when the family becomes a participant in the program. In a tenant-based program, the date used for this purpose is the effective date of the first HAP Contract for a family (first day of initial lease term).

Adult: A household member who is 18 years or older or who is the head of the household, or spouse, or co-head.

Alphabet changes: On January 1st of each year- each of the coordinators alphabets are approximately rolled forward and are issued alphabets of approximately 260 families.

For the December moving notices that are given by the tenants, this is a 30-day notice for February movers.

The coordinators that have February movers will pass those on to the next coordinator in line for their set of alphabets.

For the March recertifications that have income changes the coordinator will keep that file and complete the income change.

For March recertifications that have been completed the income change will be passed on to the next coordinator in line for those alphabets.

Allowances: Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowance can be given at the discretion of the housing authority.

Amortization Payment: The monthly debt service payment by the family to amortize the purchase price of the home.

Annual Contributions Contract (ACC): The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program.

Annual Income: All amounts, monetary or not, that:

- a. Go to (or on behalf of) the family head or spouse (even if temporarily absent) or to any other family member, or
- b. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- c. Are not specifically excluded from Annual Income.
- d. Annual Income also includes amounts derived (during the 12-month period) from assets to which any member of the family has access.

Applicant (applicant family): A family that has applied for admission to a program but is not yet a participant in the program.

Assets: see net family assets.

Asset Income: Asset Income: Income received from assets held by family members. If net assets are below \$50,000, actual income from assets will be counted in annual income. If assets total more than \$50,000, actual income from the assets is calculated plus imputed income for those assets where it cannot be calculated. The total of actual and imputed income is then counted in annual income. (See “imputed asset income” below.)

Assisted lease (lease): A written agreement between an owner and a family for the leasing of a dwelling unit to the family. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the housing authority.

Board of Commissioners: The duly elected governing body of the Waterloo Housing Authority is the City Council of the City of Waterloo.

Certificate: A document issued prior to October 1, 1999 by a housing authority to a family selected for admission to the Certificate Program. The certificate describes the program and the procedures for housing authority approval of a unit selected by the family. The certificate also states the obligations of the family under the program.

Certification: The examination of a household's income, expenses, and family composition to determine the household's eligibility for program participation and to calculate the household's rent for the following 12 months.

Chief Executive Officer: The duly elected Mayor of the City of Waterloo.

Child: For purposes of citizenship regulations, a member of the family other than the family head or spouse who is under 18 years of age.

Child care expenses: Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education, where other family members are not available to provide child care and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Child custody: When an applicant/participant does not have full custody of a child such as in joint custody arrangements, the WHA will require documentation of to determine which parent has principle custody – more than 51% of the physical placement. Subsidy size, benefit deductions and occupancy determinations may be affected by this determination.

Citizen: A citizen or national of the United States.

Co-Head of household: An adult living in the tenant household and designated by the head of household in writing to assume the responsibility of Co-Head. The co-head has to be approved by the Waterloo Housing Authority. The co-head must attend a briefing to be made aware of their responsibilities.

Common space: In shared housing: Space available for use by the assisted family and other occupants of the unit.

Congregate housing: Housing for elderly or persons with disabilities that meets the HQS for congregate housing.

Consent form: Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining income information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The Authority will use its consent forms to authorize

the collection of other information as needed for administration of the program from assistance applicants or participants to determine eligibility, continued eligibility and/or level of benefits.

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

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

Conviction: the act or process of judicially finding someone guilty of a crime; the state of having been proved guilty by a due process.

Cooperative: Housing owned by a non-profit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing.

Cross-listing - A non-merged waiting list: The Waterloo Housing Authority has not merged and does not cross list applicants. The Authority maintains a separate waiting list for the Section 8 Program and for the Public Housing Program

Dating Violence: Violence committed by a person:

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

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Dependent Allowance: An amount, equal to \$480 (adjusted annually for inflation) multiplied by the number of dependants, that is deducted from the household's annual income in determining adjusted annual income.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitated with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is

protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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

Decent, safe, and sanitary: Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards.

Department: The Department of Housing and Urban Development.

Dependent: A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

Disability assistance expenses: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

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

Disabled person: See "person with disabilities."

Displaced family: A family in which each member, or whose sole member, is a person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Displaced person: A person displaced by governmental action (such as urban renewal), or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Drug related criminal activity: Illegal use or personal use of a controlled substance, and the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use, of a controlled substance.

Drug trafficking: The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance.

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

Elderly Family Allowance: For elderly families, an allowance of \$500 (adjusted annually for inflation) is deducted from the household's annual income in determining adjusted annual income.

Elderly person: A person who is at least 62 years of age.

Evidence: Something (including testimony documents and tangible objects) that tends to prove or disprove the existence of an alleged fact. < The bloody glove is the key piece of evidence for the prosecution>.

Evidence of citizenship or eligible status: The documents that must be submitted to evidence citizenship or eligible immigration status.

Exception rent: An amount that exceeds the published fair market rent.

Extremely low-income families: Those families whose incomes do not exceed 30% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

Fair Housing Act: Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.).

Fair market rent (FMR): The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. FMRs are published periodically in the Federal Register.

Family includes but is not limited to:

- a. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
 1. One or more adult persons with a child or children; or
 2. Two or more adult persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of law, or have evidenced a stable family relationship; or

3. A single person 62 years of age or over; or
4. A single person with disabilities; or
5. The remaining member of a tenant family; or
6. Single persons who otherwise are eligible; or
7. Any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Family members: include all household members except live-in aides, foster children and foster adults. All family members permanently reside in the unit, though they may be temporarily absent. All family members are listed on the HUD-50058.

Family self-sufficiency program (FSS program): The program established by a housing authority to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Family share: The portion of rent and utilities paid by the family.

Family unit size: The appropriate number of bedrooms for a family as determined by the housing authority under the housing authority's subsidy standards.

50098 Form: The HUD form that Housing Authority's are required to complete for each assisted household in public housing to record information used in the certification and re-certification process, and, at the option of the housing authority, for interim reexaminations.

FMR/exception rent limit: The Section 8 existing housing fair market rent published by HUD headquarters, or any exception rent. For a tenancy in the Voucher Program, the housing authority may adopt a payment standard up to the FMR/exception rent limit.

Full-time student: A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or Certificate Program, as well as an institution offering a college degree.

Gross rent: The sum of the rent to the owner plus any utilities.

Group Home: A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

Head of household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Homeownership Voucher- a document issued by a housing authority to a family selected for admission to the Section 8 program and allows a tenant to purchase a home as opposed to renting.

Household members: include all individuals who reside or will reside in the unit and who are listed on the lease, including live-in aides, foster children and foster adults.

Housing Assistance Payment (HAP): The monthly assistance by a housing authority, which includes (1) a payment to the owner for rent to the owner under the family's lease, and (2) an additional payment to the family if the total assistance payment exceeds the rent to owner.

Housing quality standards (HQS): The HUD minimum quality standards for housing assisted under the Section 8 program.

Housing voucher: A document issued by a housing authority to a family selected for admission to the Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

Housing voucher holder: A family that has an unexpired housing voucher.

Imputed Income: For households with net family assets of more than \$50,000, the amount calculated by multiplying net family assets whose income cannot be calculated by a HUD-specified percentage. The total of imputed income and actual income is then used as income from assets in determining annual income.

Immediate Family Member: a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or any other person living in the household of that person and related to that person by blood or marriage.

Income category: Designates a family's income range. There are three categories: low income, very low income and extremely low-income.

Incremental income: The increased portion of income between the total amount of welfare and earnings of a family member prior to enrollment in a training program and welfare and earnings of the family member after enrollment in the training program. All other amounts, increases and decreases, are treated in the usual manner in determining annual income.

Initial Housing Authority: In portability, both: (1) a housing authority that originally selected a family that later decides to move out of the jurisdiction of the selecting housing authority; and

(2) a housing authority that absorbed a family that later decides to move out of the jurisdiction of the absorbing housing authority.

Initial payment standard: The payment standard at the beginning of the HAP contract term.

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

Interim (examination): A reexamination of a household's income, expenses, and household status conducted between the annual recertifications when a change in a household's circumstances warrant such a reexamination.

Jurisdiction: The area in which the housing authority has authority under State and local law to administer the program which is the area within the city limits of the city of Waterloo.

Lease: A written agreement between an owner and tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP Contract between the owner and the housing authority.

Live-in aide: A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

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

Low-income families: Those families whose incomes do not exceed 80% of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

[1937Act)

Manufactured home: A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS.

Manufacture home space: In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space.

Medical expenses: Medical expenses, including medical insurance premiums that are anticipated during the period for which annual income is computed, and that are not covered by insurance.

Mixed family: A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Moderate rehabilitation: Rehabilitation involving a minimum expenditure of \$1000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to:

- a. Upgrade to decent, safe and sanitary condition to comply with the Housing Quality Standards or other standards approved by HUD, from a condition below these standards (improvements being of a modest nature and other than routine maintenance; or
- b. repair or replace major building systems or components in danger of failure.

Monthly adjusted income: One twelfth of adjusted income.

Monthly income: One twelfth of annual income.

Mutual housing is included in the definition of "cooperative".

National: A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

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

Net family assets:

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

Noncitizen: A person who is neither a citizen nor national of the United States.

Notice Of Funding Availability (NOFA): For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance, and the criteria for awarding the funding.

Occupancy standards: The standards that the housing authority establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Owner: Any person or entity, including a cooperative, having the legal right to lease or sublease existing housing.

Participant (participant family): A family that has been admitted to the housing authority's program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the housing authority for the family (first day of initial lease).

Payment standard: In a voucher tenancy, the maximum monthly assistance payment for a family (before deducting the total tenant payment by family contribution). For a voucher tenancy, the housing authority sets a payment standard in the range from 90% to 110% of the current FMR.

Person with disabilities: A person who:

- a. Has a disability as defined in Section 223 of the Social Security Act,
"Inability to engage in any substantial, gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months, or
In the case of an individual who attained the age of 55 and is blind and unable by reason of such blindness to engage in substantial, gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time."
- b. Is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment that:
 - (1) is expected to be of long-continued and indefinite duration,
 - (2) substantially impedes his or her ability to live independently, and

(3) is of such a nature that such ability could be improved by more suitable housing conditions, or

- c. Has a developmental disability as defined in Section 102(7) of the of the Developmental Disabilities Assistance and Bill of Rights Act.

"Severe chronic disability that:

(1) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) is manifested before the person attains age 22;

(3) is likely to continue indefinitely;

(4) results in substantial functional limitation in three or more of the following areas of major life activity: (1) self care, (2) receptive and responsive language, (3) learning, (4) mobility, (e) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and

(5) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated."

This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

No individual shall be considered to be a person with disabilities for purposes of eligibility solely based on any drug or alcohol dependence.

Portability: Renting a dwelling unit with Section 8 tenant-based assistance outside the jurisdiction of the initial housing authority.

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

Convictions: the greater weight of the evidence superior evidentiary weight that, though not sufficient to free the mind wholly from all reasonable doubt, is still one side of the issue rather than the other.

Private space: In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

Preservation: This program encourages owners of eligible multifamily housing projects to preserve low-income housing affordability and availability while reducing the long-term cost of providing rental assistance. The program offers several approaches to restructuring the debt of properties developed with project-based Section 8 assistance whose HAP contracts are about to expire.

Proration of assistance: The reduction in a family's housing assistance payment to reflect the proportion of family members in a mixed family who are eligible for assistance.

Public Housing Agency: A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing.

Reasonable Times: During the workday, business hours for the agency.

Reasonable Notice: Five working days.

Reasonable rent: A rent to owner that is not more than charged: (a) for comparable units in the private unassisted market; and (b) for a comparable unassisted unit in the premises.

Receiving Housing Authority: In portability, a housing authority that receives a family selected for participation in the tenant-based program of another housing authority. The receiving housing authority issues a Voucher, and provides program assistance to the family.

Re-certification: An annual re-examination of a household's income, expenses, and family composition to determine the household's rent for the following 12 months. The re examination date is determined by the tenants effective date of the lease.

Remaining member of a tenant family: A member of the family listed on the lease who continues to live in an assisted household after all other family members have left.

Rent to owner: The monthly rent payable to the owner under the lease. Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

Set-a-side: Set-a-side means setting aside funds or vouchers for a special purpose. The Waterloo Housing Authority will give letters of support to private housing industries however, will only set-a-side Vouchers for HUD specialized programs that will enhance the economic efficiency of the tenants. If the Waterloo Housing Authority set aside Vouchers for a HUD program, WHA must apply to HUD for Vouchers and approval. The purpose of the Vouchers will be to provide permanent housing for such programs as VASH, Homeownership etc.

Shared housing: A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. The Waterloo Housing Authority does not participate in the Shared Housing Program. This does not include extended families who have lived together continuously for a period greater than three months prior to admission and who wish to continue to live together providing occupancy requirements are met.

Shelter Allowance: That portion of a welfare benefit (e.g., TANF) that the welfare agency designates to be used for rent and utilities.

Single person: Someone living alone or intending to live alone who does not qualify as an elderly person, a person with disabilities, a displaced person, or the remaining member of a tenant family.

Single room occupancy housing (SRO): A unit for occupancy by a single eligible individual capable of independent living that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities.

Special admission: Admission of an applicant that is not on the housing authority waiting list, or without considering the applicant's waiting list position.

Special housing types: Special housing types include: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes.

Stalking: to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

State Wage Information Collection Agency (SWICA): The State agency receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Statement of family responsibility: An agreement in the form prescribed by HUD, between the housing authority and a Family to be assisted under the Moderate Rehabilitation Program, stating the obligations and responsibilities of the family.

Subsidy standards: Standards established by a housing authority to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension due to violations of HQS: The period of time, up to 30 business days, following termination of the HAP contract for the failure to correct HQS violations, during which the HAP contract and assisted lease may be reinstated due to correction of the HQS violation(s). The suspension may be paid or unpaid based on owner action or failure to take action. For an owner HQS termination, the family is under no obligation to agree to the reinstatement and may elect to move with continued assistance unless the family has failed to correct their HQS violation(s).

Temporarily Absent: Members of the family absent from the household for a period less than 180 days, including persons in the need for medical treatment or children/adults placed in foster care, with the exception of members or spouses in the military and children away at school but who return when school is not in session will be considered temporarily absent. Members determined to be absent indefinitely will, upon verification, after 90 days no longer be considered for purposes of determining continuing occupancy requirements and deductions. The subsidy unit size will be adjusted at the next recertification. The date the absence begins is the date the family head, remaining adult member or family representative reports the change in family composition or the date the head, spouse or other household member actually left the household, whichever is earlier.

Tenant: The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant rent: The amount payable monthly by the family as rent to the owner minus any utility allowance.

Third-party (verification): Oral or written confirmation of a household's income, expenses, or household composition provided by a source outside the household, such as an employer, doctor, school official, etc.

Tolling: Stopping the clock on the term of a family's Voucher, for such period as determined by the housing authority, from the time when the family submits a request for housing authority approval to lease a unit, until the time when the housing authority approves or denies the request. Also referred to as suspension.

Total tenant payment (TTP):

(1) Total tenant payment is the amount calculated under Section 3(a)(1) of the 1937 Act. which is the higher of :

30% of the family's monthly adjusted income;

10% of the family's monthly income;

Minimum rent; or if the family is receiving payments for welfare assistance from a public agency and a part of such 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 such payments which is so designated.

If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under Section 3(a)(1) shall be the amount resulting from one application of the percentage.

Utility allowance: If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a housing authority or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility hook-up charge: In a manufactured home rental, costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

Utility reimbursement: The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit.

Verification: The process of obtaining statements from individuals who can attest to the accuracy of the amounts of income, expenses, or household member status (e.g., employers, public assistance agency staff, doctors).

Very low-income families: Low-income families whose incomes do not exceed 50% of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families. *[1937 Act]*

Violent criminal activity: Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (rental voucher): A document issued by a housing authority to a family selected for admission to the Housing Choice Voucher Program. This document describes the program and the procedures for housing authority approval of a unit selected by the family and states the obligations of the family under the program.

Voucher holder: A family holding a voucher with unexpired search time.

Waiting list admission: An admission from the housing authority waiting list. *[24 CFR 982.4]*

Welfare assistance. Welfare or other payments to families or individuals, based on need, that are made under programs funded by Federal, State or local governments. *[24 CFR 5.603(d)]*

Welfare rent: In "as-paid" welfare programs, the amount of the welfare benefit designated for shelter and utilities.

ACRONYMS

ACC	Annual Contributions Contract
CACC	Consolidated Annual Contributions Contract
CFR	Code of Federal Regulations
DHS	Department of Human Services
EHV	Emergency Housing Voucher (program)
FMR	Fair Market Rent
FSS	Family Self Sufficiency (program)
FYI	Foster Youth to Independence (program)
HA	Housing Authority
HAP	Housing Assistance Payment
HCDA	Housing and Community Development Act
HOV	Homeownership Voucher
HOTMA	Housing Opportunity through Modernization Act of 2016
HQS	Housing Quality Standards
HUD	Department of Housing and Urban Development
INS	(U.S.) Immigration and Naturalization Service
NAHA	(Cranston-Gonzalez) National Affordable Housing Act
NOFA	Notice of Funding Availability
OMB	(U.S.) Office of Management and Budget
PBC	Project-Based Certificate (program)
PBV	Project-Based Voucher (program)
VASH	Veterans' Affairs Supportive Housing (program)
QHWRA	Quality Housing and Work Responsibility Act of 1998
PHA	Public Housing Agency
SWICA	State Wage Information Collection Agency
TTP	Total Tenant Payment