

<b>Streamlined Annual PHA Plan</b> <i>(High Performer PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 02/29/2016
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** Form HUD-50075-HP is to be completed annually by **High Performing PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small PHA, or Qualified PHA do not need to submit this form.

**Definitions.**

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment, and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceeds 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined, and is not PHAS or SEMAP troubled.

<b>A.</b>	<b>PHA Information.</b>
A.1	<p> <b>PHA Name:</b> Housing Authority of Washington County      <b>PHA Code:</b> OR022  <b>PHA Type:</b> <input checked="" type="checkbox"/> Small   <input checked="" type="checkbox"/> High Performer  <b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): 07/2020  <b>PHA Inventory</b> (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)  <b>Number of Public Housing (PH) Units</b> 244   <b>Number of Housing Choice Vouchers (HCVs)</b> 2803  <b>Total Combined</b> 3,047  <b>PHA Plan Submission Type:</b> <input checked="" type="checkbox"/> Annual Submission      <input type="checkbox"/> Revised Annual Submission         </p> <p> <b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.         </p> <p> <b>PHA Plan Contact Information:</b>  <b>Gary Calvert, Asset Manager:</b> (503) 846-4784 or <a href="mailto:Gary_Calvert@co.washington.or.us">Gary_Calvert@co.washington.or.us</a>          111 NE Lincoln Street, Suite 200L Hillsboro, Oregon 97124         </p> <p>         A copy of the proposed plan can also be viewed by visiting our offices at the above address or online at:  <a href="http://www.Co.washington.or.us/Housing/policiesplans.cfm">www.Co.washington.or.us/Housing/policiesplans.cfm</a> </p> <p>         A copy of the draft PHA Plan was provided to members of the Resident Advisory Board for review and comment. The handout included the proposed changes to the Section 8 Admin. Plan and the ACOP.         </p> <p>         Approval of the PHA Plan will also constitute permission from the Housing Authority Board of Directors to proceed with the Section 18 Disposition if approved by HUD. This would include the commencement of sales activity and the use of a third-party professional real estate brokerage to manage the sales activity.         </p> <p> <b>Project Based Vouchers Conversions:</b> Please see attachment A.1 &amp; A.1(1)         </p> <p> <input type="checkbox"/> <b>PHA Consortia:</b> (Check box if submitting a Joint PHA Plan and complete table below)         </p>

<b>B.</b>	<b>Annual Plan Elements</b>					
<b>B.1</b>	<p><b>Revision of PHA Plan Elements.</b></p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last <b>Annual PHA Plan</b> submission?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs. <b>Attachment B1.E, B2-5 &amp; B.3</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Deconcentrating and Other Policies that Govern Eligibility, Selection, and Admissions. <b>Attachment B.1A</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Financial Resources. <b>Attachments B.2-5 &amp; B.3</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination. <b>Attachment B.1B</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs. <b>Attachment B.1C</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Safety and Crime Prevention. <b>Attachment B.1G</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Pet Policy. <b>Attachment B.1D</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation. <b>Attachment B.5-5</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification <b>Attachment B.5-5</b></p> <p>(b) The PHA must submit its Deconcentrating Policy for Field Office Review.</p> <p>(c) If the PHA answered yes for any element, describe the revisions for each element below: The Public Housing Admissions and Continued Occupancy Plan was amended to conform to HUD Notice PIH 2015-19 on how arrest records are used for this program and a new policy restricting the amount of time a current participant may reside in Public Housing with income over 80% of AMI for a 12 month period. <b>See Attachment B.1F.</b></p>					
<b>B.2</b>	<p><b>New Activities.</b></p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Mixed Finance Modernization or Development.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Demolition and/or Disposition. <b>Attachments B.2-5 and B.3</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Tenant Based Assistance.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Project-Based Assistance under RAD. <b>Attachments B.2-5 &amp; B.3</b></p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Project Based Vouchers. <b>Attachment A.1 &amp; A.1(1)</b></p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>In 2020, the HAWC will review the feasibility of preserving public housing availability by implementing HUD programs such as Section 18 Demo/Disposition, Moving to Work, etc. or by organizational restructuring, to include outsourcing. (See Attachment B.2-5 &amp; B.3)</p> <p><b>Attachment B.2-5 &amp; B.3.</b></p>					
<b>B.3</b>	<p><b>Progress Report.</b></p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year Plan.</p> <p><i>The Process and Goal Objective Statement can be found as attachment B.3</i></p>					

<b>B.4.</b>	<p><b>Most Recent Fiscal Year Audit.</b></p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N  <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe: <b>See Attachment Audit.1</b></p>
<b>Other Document and/or Certification Requirements.</b>	
<b>C.1</b>	<p><b>Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan</b></p> <p>Form 50077-ST-HCV-HP, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>C.2</b>	<p><b>Civil Rights Certification.</b></p> <p>Form 50077-ST-HCV-HP, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>C.3</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) provide comments to the PHA Plan?</p> <p>Y N  <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations. The RAB meeting was held on 2/7/2020.</p> <p><i>See Attachment C.3 for information of the Resident Advisory Board meeting</i></p>
<b>C.4</b>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD 50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>D Statement of Capital Improvements.</b> Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).	
<b>D.1</b>	<p><b>Capital Improvements.</b> Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD.</p> <p>See HUD Form 50075.2 <b>approved by HUD on 7/2018 via EPIC.</b></p>

<b>5-Year PHA Plan</b> <b>(for All PHAs)</b>	<b>U.S. Department of Housing and Urban Development</b> <b>Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226</b> <b>Expires: 02/29/2016</b>
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

<b>A.</b>	<b>PHA Information.</b>																																
<b>A.1</b>	<p><b>PHA Name:</b> _____ <b>PHA Code:</b> _____</p> <p><b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): _____</p> <p><b>PHA Plan Submission Type:</b> <input type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission</p> <p><b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p>PHA Plan Contact Information:</p> <p>Gary Calvert, Asset Manager: (503) 846-4784 or Gary_Calvert@co.washington.or.us  111 NE Lincoln Street, Suite 200L Hillsboro, Oregon 97124</p> <p>A copy of the proposed plan can also be viewed by visiting our offices at the above address or online at:</p> <p><a href="http://www.Co.washington.or.us/Housing/policiesplans.cfm">www.Co.washington.or.us/Housing/policiesplans.cfm</a></p> <p>A copy of the draft PHA Plan was provided to members of the Resident Advisory Board for review and comment. The handout included the proposed changes to the Section 8 Admin. Plan and the ACOP.</p> <p><input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:																							
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<b>B.</b>	<b>5-Year Plan.</b> Required for all PHAs completing this form.
<b>B.1</b>	<b>Mission.</b> State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years.
<b>B.2</b>	<b>Goals and Objectives.</b> Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years.
<b>B.3</b>	<b>Progress Report.</b> Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.
<b>B.4</b>	<b>Violence Against Women Act (VAWA) Goals.</b> Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.
<b>B.5</b>	<b>Significant Amendment or Modification.</b> Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.
<b>B.6</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y    N  <input type="checkbox"/>   <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
<b>B.7</b>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD 50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>

# Instructions for Preparation of Form HUD-50075-5Y 5-Year PHA Plan for All PHAs

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## A. PHA Information [24 CFR §903.23\(4\)\(e\)](#)

**A.1** Include the full **PHA Name**, **PHA Code**, **PHA Fiscal Year Beginning** (MM/YYYY), **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

**PHA Consortia:** Check box if submitting a Joint PHA Plan and complete the table.

## B. 5-Year Plan.

**B.1 Mission.** State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years. ([24 CFR §903.6\(a\)\(1\)](#))

**B.2 Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years. ([24 CFR §903.6\(b\)\(1\)](#)) For Qualified PHAs only, if at any time a PHA proposes to take units offline for modernization, then that action requires a significant amendment to the PHA's 5-Year Plan.

**B.3 Progress Report.** Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. ([24 CFR §903.6\(b\)\(2\)](#))

**B.4 Violence Against Women Act (VAWA) Goals.** Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. ([24 CFR §903.6\(a\)\(3\)](#))

**B.5 Significant Amendment or Modification.** Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.

### B.6 Resident Advisory Board (RAB) comments.

(a) Did the public or RAB provide comments?

(b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. ([24 CFR §903.17\(a\)](#), [24 CFR §903.19](#))

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This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average .76 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

**Privacy Act Notice.** The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

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# Certification of Payments to Influence Federal Transactions

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing

Applicant Name

Housing Authority of Washington County OR022

Program/Activity Receiving Federal Grant Funding

Public Housing Capital Funds Program

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

Komi P. Kalevor

Title

Executive Director

Signature



Date (mm/dd/yyyy)

02/26/2020





**DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET**

Approved by OMB  
0348-0046

Reporting Entity: Housing Authority of Washington County Page 2 of 2

## **ATTACHMENT A.1**

### **HOUSING AUTHORITY OF WASHINGTON COUNTY**

#### **PROJECT BASED VOUCHER REQUEST & CONVERSION**

Housing Authorities are permitted by HUD regulations to convert up to a maximum of 20% of their Housing Choice Voucher allocation to Project Based Vouchers (PBV's).

A Project Based Voucher is one that is assigned to a specific unit or property and is not transferable when the resident moves from the unit or property.

A Housing Choice Voucher is one that is transferable to another qualified location and "moves" with the client. They are transferable not only within the County but to virtually any Housing Authority in the United States.

The Housing Authority has been granting Project Based Vouchers to property owners and developers to help house various types of challenging populations. Examples would be Chronically Homeless, or Special Needs, to mention a couple done previous years.

In the 2020-2021 Fiscal Operating Year the Housing Authority will be asking permission to expand this program and add up to 100 additional Project Based Vouchers. Issuance of these additional Vouchers will be done by use of a Request for Proposals (RFP) to insure this sought-after program is awarded to those who best meet the program requirements.

In addition if the Section 18 application is approved, HAWC expects to receive 60 Tenant Protection Vouchers for the benefit of the Public Housing residents impacted by the sales activity.

**Project-Based Vouchers**

Attachment A1.1

As of: **11/14/2019**

<i>Sponsor</i>	<i>Project</i>	<i>Location</i>	<b>Wait List Preference: Chronically Homeless Project-</b>		<b>Wait List Preference: 30% MFI or Lower Project-</b>		<b>Special Needs Project-</b>		<b>Project-Based VASH Project-</b>	
			<b>Awarded</b>	<b>Based</b>	<b>Awarded</b>	<b>Based</b>	<b>Awarded</b>	<b>Based</b>	<b>Awarded</b>	<b>Based</b>
Allied Argenta	Fir Crest Manor	Beaverton			14	14				
Bienestar	Cornelius Place	Cornelius			11	11				
Bridge Meadows	Bridge Meadows	Beaverton			8	8				
CPAH	Barcelona	Beaverton			8	8				
CPAH	Cornell and Murray	Beaverton			8					
CPAH	The Knoll*	Tigard	10	10					2	2
CPAH	Red Rock Creek	Tigard			24					
LifeWorks NW	Tom Brewer House	Beaverton					13	13		
Luke-Dorf	Housing TEAM / SAMHSA	Multiple Locations	5	5						
Luke-Dorf	PLUSS Apartments	Tigard					12	12		
Northwest Housing Alternatives	Alma Gardens	Hillsboro			8	8			6	3
Northwest Housing Alternatives	Pomeroy Place	Aloha			15	15			5	5
Pedcor	Sunset View	Aloha			24	24				
REACH CDC	Orchards at Orenco (Phases 1-3)	Hillsboro			24	24				
REACH CDC	The Mary Ann	Beaverton			8					
<b>Totals:</b>			<b>15</b>	<b>15</b>	<b>152</b>	<b>112</b>	<b>25</b>	<b>25</b>	<b>13</b>	<b>10</b>

**Total Awarded: 205**  
**Total Project-Based: 162**

**Awarded** - Project has been allocated voucher to be project-based when development is complete and ready for occupancy.  
**Project-Based** - Vouchers have been attached to specific units.

\*Converting to Project-Based VASH Vouchers at unit turnover.

**ATTACHMENT B.1-5**  
**Housing Authority of Washington County (HAWC)**  
**Identification and Implementation to Remove Fair Housing Barriers & Mission Statement**

**MISSION**

The Washington County Department of Housing Services (The Housing Authority of Washington County) provides a continuum of affordable housing options that promote community strength.

**Our Vision**

**Everyone in Washington County has a safe, decent and affordable place to call home.**

**Our Commitment...**

- Provide Rental assistance.
- Assist people in achieving housing stability focusing on lower income populations.
- Develop, acquire and maintain affordable housing.
- Provide career placement and training opportunities through partner organizations.
- Connect low income people to additional programs and services.
- Provide home ownership opportunities, where appropriate.
- Collaborate with public and private partners

## **ATTACHMENT B.1A**

### **Housing Authority of Washington County (HAWC)**

### **Deconcentration of Poverty and Income-Mixing**

The PHA's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of the PHA's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)].

The PHA's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c)(5)]. Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by a PHA with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by a PHA with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

#### *Steps for Implementation*

To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, the PHA must comply with the following steps:

1. The PHA must determine the average income of all families residing in all the PHA's covered developments. The PHA may use the median income, instead of average income, provided that the PHA includes a written explanation in its annual plan justifying the use of median income.

#### PHA Policy

The PHA will determine the average income of all families in all covered developments on an annual basis.

2. The PHA must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, the PHA has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD.

#### PHA Policy

The PHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

3. The PHA must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (30% of median income).

4. The PHA with covered developments having average incomes outside the EIR must then determine whether or not these developments are consistent with its local goals and annual plan.

5. Where the income profile for a covered development is not explained or justified in the annual plan submission, the PHA must include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

Depending on local circumstances the PHA's deconcentration policy may include, but is not limited to the following:

- Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities
- Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments
- Establishing a preference for admission of working families in developments below the EIR
- Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration
- Providing other strategies permitted by statute and determined by the PHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and PHA strategic objectives

A family has the sole discretion whether to accept an offer of a unit made under the PHA's deconcentration policy. The PHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the PHA's deconcentration policy [24 CFR 903.2(c)(4)].

If, at annual review, the average incomes at all general occupancy developments are within the EIR, the PHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

#### PHA Policy

For developments outside the EIR the PHA will take the following actions to provide for deconcentration of poverty and income mixing:

- Skipping a family on the waiting list to reach another family in an effort to further the goals of the PHA's deconcentration policy:
- If a unit becomes available at a development below the EIR, the first eligible family on the waiting list [or transfer list] with income above the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list [or transfer list] with income above the EIR will be offered the unit. The process will continue in this order. For the available unit at the development below the EIR, if there is no family on the waiting list [or transfer list] with income above the EIR, or no family with income above the EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list [or transfer list] in preference order regardless of income.
- If a unit becomes available at a development above the EIR, the first eligible family on the waiting list [or transfer list] with income below the EIR will be offered the unit. If that family refuses the unit, the next eligible family on the waiting list [or transfer list] with income below the EIR will be offered the unit. The process will continue in this order. For the available unit at the development above the EIR, if there is no family on the waiting list [or transfer list] with income below the EIR, or no family with income below the EIR accepts the offer, then the unit will be offered to the first eligible family on the waiting list [or transfer list] in preference order regardless of income.
- Skipping of families for deconcentration purposes will be applied uniformly to all families.
- A family has the sole discretion whether to accept an offer of a unit made under the PHA's deconcentration policy. The PHA shall not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the PHA's deconcentration policy. However, the PHA shall uniformly limit the number of offers received by applicants [and transfer families], described in this Chapter.

# **ATTACHMENT B.1B**

## **Housing Authority of Washington County (HAWC)**

### **Calculating Family Share and PHA Subsidy Voucher Program**

#### **TTP Formula**

HUD regulations specify the formula for calculating the total tenant payment (TTP) for an assisted family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between \$0 and \$50 that is established by the PHA

The PHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

The amount that a family pays for rent and utilities (the family share) will never be less than the family's TTP but may be greater than the TTP depending on the rent charged for the unit the family selects.

#### **Welfare Rent**

PHA Policy

Welfare rent does not apply in this locality.

#### **Minimum Rent**

PHA Policy

The minimum rent for this locality is \$50.

#### **Family Share**

If a family chooses a unit with a gross rent (rent to owner plus an allowance for tenant-paid utilities) that exceeds the PHA's applicable payment standard: (1) the family will pay more than the TTP, and (2) at initial occupancy the PHA may not approve the tenancy if it would require the family share to exceed 40 percent of the family's monthly adjusted income. The income used for this determination must have been verified no earlier than 60 days before the family's voucher was issued. (For a discussion of the application of payment standards, see section 6-III.C.)

#### **PHA Subsidy**

The PHA will pay a monthly housing assistance payment (HAP) for a family that is equal to the lower of (1) the applicable payment standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP. (For a discussion of the application of payment standards, see section 6-III.C.)

#### **Utility Reimbursement**

When the PHA subsidy for a family exceeds the rent to owner, the family is due a utility reimbursement. HUD permits the PHA to pay the reimbursement to the family or directly to the utility provider.

PHA Policy

The PHA will make utility reimbursements to the family.

## **Income and Rent Determinations for Public Housing**

### **Introduction**

A family's income determines eligibility for assistance and is also used to calculate the family's rent payment. The PHA will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations. This chapter describes HUD regulations and PHA policies related to these topics in three parts as follows:

Part I: Annual Income. HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and PHA policies for calculating annual income are found in Part I.

Part II: Adjusted Income. Once annual income has been established HUD regulations require the PHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and PHA policies for calculating adjusted income are found in Part II.

Part III: Calculating Rent. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining family rent payment. Also included here are flat rents and the family's choice in rents.

### **Annual Income**

#### **Overview**

The general regulatory definition of annual income is shown below

(a) Annual income means all amounts, monetary or not, which:

- (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) Which are not specifically excluded in paragraph [5.609(c)].
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Inclusions (Exhibit 6-1 Section 8 Admin. Plan)
- Annual Income Exclusions (Exhibit 6-2 Section 8 Admin. Plan)
- Treatment of Family Assets (Exhibit 6-3 Section 8 Admin. Plan)
- Earned Income Disallowance (Exhibit 6-4 Section 8 Admin. Plan)
- The Effect of Welfare Benefit Reduction (Exhibit 6-5 Section 8 Admin. Plan)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this ACOP, however, the discussions of income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income.

#### **Household Composition and Income**

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

##### **Summary of Income Included and Excluded by Person**

Live-in aides Income from all sources is excluded

Foster child or foster adult Income from all sources is excluded

Head, spouse, or co-head

Other adult family members

All sources of income not specifically excluded by the regulations are included.

Children under 18 years of age Employment income is excluded

All other sources of income, except those specifically excluded by the regulations, are included.



Full-time students 18 years of age  
or older (not head, spouse, or co-head)  
Employment income above \$480/year is excluded  
All other sources of income, except those specifically excluded by the regulations,  
are included.

#### PHA Policy

A member of the household will be considered “temporarily absent” if they will be out of the household no more than three (3) consecutive months, or 120 non-consecutive days, during any 12-month period.

A member of the household will be considered “permanently absent” if they will be out of the household more than three (3) consecutive months, or 120 non-consecutive days, during any 12-month period.

If the entire household will be absent from the unit for more than two (2) weeks, the household must request prior written permission from the PHA. Consent will not be granted to hold the unit for more than three (3) consecutive months if the entire family is absent.

### **Absent Students**

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the PHA indicating that the student has established a separate household or the family declares that the student has established a separate household. Such information will include, but not be limited to:

- Photo identification or driver’s license with an address that differs from the household; or
- Enrollment paperwork reflecting a different address

### **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, the PHA will verify with the appropriate agency whether and when the child is expected to be returned to the home.

Generally, If the agency verifies that the child(ren) is expected to return to the home in no more than six months, the child(ren) will be considered members of the household. If the agency verifies that it reasonably believes the child(ren) will be placed in foster care for more than six months, the child(ren) will be considered permanently absent from the household.

If the agency indicates that a condition of the child(ren) returning to the household is the provision of proper sleeping space for the child(ren), the PHA may consider the children as part of the household for the purpose of determining unit/bedroom size; however, if the child(ren) is not returned within 180 days, the PHA may reduce the unit bedroom size of the household.

### **Absent Head, Spouse, or Co-head**

An employed head, spouse, or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

### **Individuals 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 in the total household income.

The PHA 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, 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.

### **Absences Due to Incarceration**

A sole member of the household incarcerated for more than 180 days will be considered permanently absent.

Any member of the household other than the sole member may be considered permanently absent if incarcerated for 3 consecutive months or more.

Household members absent due to incarceration may not be eligible for rental assistance upon release from custody, dependent upon the nature of the criminal activity that resulted in the incarceration. Refer to Chapter 12 for the PHA's policies regarding criminal activity and termination of assistance.

#### Return of Permanently Absent Family Members

The family must request PHA approval for the return of any adult family members that the PHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

### **Joint Custody of Children**

## PHA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 51 percent or more of the time. "51 percent of the time" is defined as 183 days of the year, which do not have to run consecutively.

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When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, the PHA will make the determination based on available documents such as court orders, school enrollment, or an IRS return showing which family has claimed the child for income tax purposes.

## **Caretakers for a Child**

### PHA Policy

If neither a parent nor a designated guardian remains in a household receiving assistance, the PHA will take the following actions.

If a responsible agency has determined that another adult is to be brought into the unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.

If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases the PHA will extend the caretaker's status as an eligible visitor.

At any time that custody or guardianship legally has been awarded to a caretaker, the lease will be transferred to the caretaker, as head of household.

During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

## **Anticipating Annual Income**

The PHA 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.

## **Basis of Annual Income Projection**

The PHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the PHA to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income)
- The PHA believes that past income is the best available indicator of expected future income

PHAs are required to use HUD's Enterprise Income Verification (EIV) system in its entirety as a third party source to verify employment and income information, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance

HUD allows PHAs to use pay-stubs to project income once EIV data has been received in such cases where the family does not dispute the EIV employer data and where the PHA does not determine it is necessary to obtain additional third-party data.

### PHA Policy

When EIV is obtained and the family does not dispute the EIV employer data, the PHA will use current tenant-provided documents to project annual income. When the tenant-provided documents are pay stubs, the PHA will make every effort to obtain current and consecutive pay stubs dated within the last 60 days.

The PHA will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

- If EIV or other UIV data is not available,
- If the family disputes the accuracy of the EIV employer data, and/or
- If the PHA determines additional information is needed.

In such cases, the PHA will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how the PHA annualized projected income.

When the PHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), the PHA 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.

Any time 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 the PHA to show why the historic pattern does not represent the family's anticipated income.

### **Known Changes in Income**

If the PHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

Example: An employer reports that a full-time employee who has been receiving \$8/hour will begin to receive \$8.25/hour in the eighth week after the effective date of the reexamination. In such a case the PHA would calculate annual income as follows:  $(\$8/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + (\$8.25 \times 40 \text{ hours} \times 45 \text{ weeks})$ .

The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases the PHA will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs. This requirement will be imposed even if the PHA's policy on reexaminations does not require interim reexaminations for other types of changes.

When tenant-provided third-party documents are used to anticipate annual income, they will be dated within the last 60 days of the reexamination interview date.

EIV quarterly wages will not be used to project annual income at an annual or interim reexamination.

### **Projecting Income**

In HUD's EIV webcast of January 2008, HUD made clear that PHAs are not to use EIV quarterly wages to project annual income.

## ***Earned Income***

### **Types of Earned Income Included in Annual Income**

#### ***Wages and Related Compensation***

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income.

PHA Policy

For persons who regularly receive bonuses or commissions, the PHA will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, the PHA will use the prior year amounts. In either case the family may provide, and the PHA will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the PHA will count only the amount estimated by the employer. The file will be documented appropriately.

#### ***Some Types of Military Pay***

All regular pay, special pay and allowances of a member of the Armed Forces are counted except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire

### **Types of Earned Income Not Counted in Annual Income**

#### ***Temporary, Nonrecurring, or Sporadic Income***

This type of income (including gifts) is not included in annual income.

PHA Policy

Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

#### ***Children's Earnings***

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income. (See Eligibility chapter for a definition of foster children.)

#### ***Certain Earned Income of Full-Time Students***

Earnings in excess of \$480 for each full-time student 18 years old or older (except for the head, spouse, or co-head) are not counted [24 CFR 5.609(c)(11)]. To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program

#### ***Income of a Live-in Aide***

Income earned by a live-in aide, as defined in is not included in annual income

#### ***Income Earned under Certain Federal Programs***

Income from some federal programs is specifically excluded from consideration as income, including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)

- Payments received under programs funded in whole or in part under the Job Training Partnership Act
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998

### ***Resident Service Stipend***

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed \$200 per individual per month) received by a resident for performing a service for the PHA, on a part time

basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time.

### ***State and Local Employment Training Programs***

Incremental earnings and benefits to any family member resulting 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 are excluded from annual income. 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 training program

PHA Policy

The PHA defines training program as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3]. The PHA defines incremental earnings and benefits as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program

In calculating the incremental difference, the PHA will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with the PHA's interim reporting requirements (see chapter on reexaminations).

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### ***HUD-Funded Training Programs***

Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

PHA Policy

To qualify as a training program, the program must meet the definition of training program provided above for state and local employment training programs.

### ***Earned Income Tax Credit.***

Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee’s payroll check.

Earned Income Disallowance. The earned income disallowance is discussed in section 6-I.E below.

### ***Earned Income Disallowance***

The earned income disallowance (EID) encourages people to enter the work force by not including the full value of increases in earned income for a period of time. Eligibility criteria and limitations on the disallowance are summarized below.

#### **Eligibility**

This disallowance applies only to individuals in families already participating in the public housing program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who was previously unemployed for one or more years prior to employment.

Previously unemployed includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.

- Increased earnings by a family member whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].
- New employment or increased earnings by a family member who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as onetime payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least \$500.

### **Calculation of the Disallowance**

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "prior income."

PHA Policy

The PHA defines prior income, or prequalifying income, as the family member's last certified income prior to qualifying for the EID.

The family member's prior, or prequalifying, income remains constant throughout the period that he or she is receiving the EID.

#### *Initial 12-Month Exclusion*

During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

PHA Policy

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

#### *Second 12-Month Exclusion and Phase-In*

During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

#### *Lifetime Limitation*

The EID has a four-year (48-month) lifetime maximum. The four-year eligibility period begins at the same time that the initial exclusion period begins and ends 48 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

PHA Policy

During the 48-month eligibility period, the PHA will conduct an interim reexamination each time there is a change in the family member's annual income that affects or is affected by the EID (e.g., when the family member's income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends, and at the end of the lifetime maximum eligibility period).

#### *Individual Savings Accounts*

PHA Policy

The PHA chooses not to establish a system of individual savings accounts (ISAs) for families who qualify for the EID.

Rules pertaining to ISAs do not apply to this public housing program.

### **Business Income**

Annual income includes "the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family"

### **Business Expenses**

Net income is "gross income less business expense"

To determine business expenses that may be deducted from gross income, the PHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

## **Business Expansion**

HUD regulations do not permit the PHA to deduct from gross income expenses for business expansion.

PHA Policy

Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

## **Capital Indebtedness**

HUD regulations do not permit the PHA to deduct from gross income the amortization of capital indebtedness.

PHA Policy

Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means the PHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

## **Negative Business Income**

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

## **Withdrawal of Cash or Assets from a Business**

HUD regulations require the PHA to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

PHA Policy

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of a tenant family provided an up-front loan of \$2,000 to help a business get started, the PHA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid.

Investments do not include the value of labor contributed to the business without compensation.

## **Co-owned Businesses**

PHA Policy

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

## **Assets**

### **Overview**

There is no asset limitation for participation in the public housing program. However, HUD requires that the PHA 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, the PHA 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 6-3 provides the regulatory definition of net family assets. This section begins with a discussion of general policies related to assets and then provides HUD rules and PHA policies related to each type of asset.

## **General Policies**

### *Income from Assets*

The PHA 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 the PHA 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) the PHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, the PHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

PHA Policy

Any time current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to the PHA to show why the asset income determination does not represent the family's anticipated asset income.

## *Valuing Assets*

The calculation of asset income sometimes requires the PHA 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.

### *PHA Policy*

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions

## *Net Family Assets of Less Than \$5,000*

Tenants with assets below \$5,000 typically generate minimal income from these assets which results in small changes to tenant rental payments. However, PHAs spend significant time verifying such assets which strains PHA budgets, and leads to increased staff errors. This provision is intended to simplify the requirements associated with determining a participant's annual income.

Families with assets are required to report all assets annually. The amount of interest earned on those assets is included as income used to calculate the tenant's rent obligation. Currently, where the family has net family assets in excess of \$5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate.

This Notice allows a PHA to accept a family's declaration of the amount of assets of less than \$5,000, and the amount of income expected to be received from those assets.

The PHA's application and reexamination documentation, which is signed by all adult family members, can serve as the declaration. Where the family has net family assets equal to or less than \$5000, the PHAs does not need to request supporting documentation (e.g. bank statements) from the family to confirm the assets or the amount of income expected to be received from those assets. Where the family has net family assets in excess of \$5000, the PHA must obtain supporting documentation (e.g. bank statements) from the family to confirm the assets. Any assets will continue to be reported on HUD Form 50058.

### *PHA Policy*

Until the expiration of PIH Notice 2013-03 (including any subsequent extensions of the notice), the PHA will not request supporting documentation to confirm the assets or the amount of income expected to be received from those assets if the family self-certifies that it has net family assets equal to or less than \$5000 unless the PHA has reasonable cause to believe that the family has misrepresented the value of its assets.

## *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.

## *Imputing Income from Assets*

When net family assets are \$5,000 or less, the PHA 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 \$5,000, the PHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by the current HUD-established passbook savings rate.

## *Determining Actual Anticipated Income from Assets*

It may or may not be necessary for the PHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

## *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.”

#### PHA Policy

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, the PHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, the PHA will prorate the asset evenly among all owners.

### **Assets Disposed Of for Less than Fair Market Value**

HUD regulations require the PHA 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.

#### *Minimum Threshold*

The PHA may set a threshold below which assets disposed of for less than fair market value will not be counted [HCV GB, p. 5-27].

#### PHA Policy

The PHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual recertifications, the family may request an interim recertification to eliminate consideration of the asset(s).

Assets placed by the family in non-revocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

#### *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.

#### PHA Policy

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*

#### PHA Policy

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. The PHA may verify the value of the assets disposed of if other information available to the PHA 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.

#### PHA Policy

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

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

In determining the anticipated income from an interest-bearing checking or savings account, the PHA 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.

#### PHA Policy

In determining the market value of an investment account, the PHA 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

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anticipated rate of return is not known (e.g., stocks), the PHA will calculate asset income based on the earnings for the most recent reporting period.

### ***Equity in Real Property or Other Capital Investments***

Equity (cash value) in a property or other 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 (such as broker fees) that would be incurred in selling the asset. Equity in real property and other capital investments is considered in the calculation of asset income except for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR 5.603(b)]
- Equity in real property when a family member's main occupation is real estate. 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 • Real property and capital assets that are part of an active business or farming operation A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

PHA Policy

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless the PHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

### ***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.

### ***Non-revocable 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.

### ***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, the PHA 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

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 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

### ***Personal Property***

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset  
PHA Policy

In determining the value of personal property held as an investment, the PHA will use the family's estimate of the value. The PHA may obtain an appraisal if there is reason to believe that the family's estimated value is off by \$50 or

more. 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)].

PHA Policy

Necessary personal property consists of only those items not held as an investment. It may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

### *Life Insurance*

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. 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 the family actually receives it.

## **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
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum

### **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. Additionally, any deferred disability benefits that are received in a lump sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income

PHA Policy

When a delayed-start payment is received and reported during the period in which the PHA is processing an annual reexamination, the PHA will adjust the tenant rent retroactively for the period the payment was intended to cover.

The family may pay in full any amount due or request to enter into a repayment agreement with the PHA.

See the chapter on reexaminations for information about a family's obligation to report lump-sum receipts between annual reexaminations.

### **Treatment of Overpayment Deductions from Social Security Benefits**

The PHA must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, the PHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit

### **Periodic Payments Excluded from Annual Income**

- 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). Kinship care payments are considered equivalent to foster care payments and are also excluded from annual income.

PHA Policy

The PHA 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.

- 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
- Amounts received under the Low-Income Home Energy Assistance Program
- Amounts received under the Child Care and Development Block Grant Act of 1990
- 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.

## **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 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 onetime lump sum (as a settlement, for instance), they are treated as lump-sum receipts.

## ***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

### **Sanctions Resulting in the Reduction of Welfare Benefits**

The PHA 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 a public housing resident 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"

#### ***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, the PHA must include in annual income "imputed" welfare income. The PHA must request that the welfare agency inform the PHA when the benefits of a public housing resident 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)].

For special procedures related to grievance hearings based upon the PHA's denial of a family's request to lower rent when the family experiences a welfare benefit reduction, see Chapter 14, Grievances and Appeals.

#### ***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.

### ***Periodic and Determinable Allowances***

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 a tenant family.

### **Alimony and Child Support**

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

#### **PHA Policy**

The PHA will count court-awarded amounts for alimony and child support unless the PHA verifies that the payments are not being made.

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**

The PHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with a tenant family. Temporary, nonrecurring, or sporadic income and gifts are not counted

#### **PHA Policy**

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 the PHA. For contributions that may vary from month to month (e.g., utility payments), the PHA will include an average amount based upon past history.

### ***Additional Exclusions from Annual Income***

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]
- The full amount of student financial assistance paid directly to the student or to the educational institution PHA Policy

Regular financial support from parents or guardians to students for food, clothing personal items, and entertainment is not considered student financial assistance and is included in annual income.

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- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- 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) [(24 CFR 5.609(c)(8)(ii)]
- 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 [24 CFR 5.609(c)(10)]
- Adoption assistance payments in excess of \$480 per adopted child [24 CFR 5.609(c)(12)]
- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17)]. HUD publishes an updated list of these exclusions periodically. It includes:
  - (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))
  - (b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
  - (c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))
  - (d) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)
  - (e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))
  - (f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)) (Effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931).)
  - (g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)
  - (h) The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)
  - (i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under the federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu)
  - (j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
  - (k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.)
  - (l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)
  - (m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)
  - (n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))
  - (o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)
  - (p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
  - (q) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805)

(r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)

(s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

## **PART II: Adjusted Income**

### **6-II.A. Introduction**

#### **Overview**

HUD regulations require PHAs to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family's adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity (PHA) must deduct the following amounts from annual income:

- (1) \$480 for each dependent;
- (2) \$400 for any elderly family or disabled family;
- (3) The sum of the following, to the extent the sum exceeds three percent of annual income:
  - (i) Unreimbursed medical expenses of any elderly family or disabled family;
  - (ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- (4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7, Verifications.

#### **Anticipating Expenses**

PHA Policy

Generally, the PHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and nonschool periods and cyclical medical expenses), the PHA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, the PHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. The PHA may require the family to provide documentation of payments made in the preceding year.

#### **Dependent Deduction**

A deduction of \$480 is taken for each dependent [24 CFR 5.611(a)(1)]. Dependent is defined as any family member other than the head, spouse, or co-head who is under the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

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#### **Elderly or Disabled Family Deduction**

A single deduction of \$400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An elderly family is a family whose head, spouse, co-head, or sole member is 62 years of age or older, and a disabled family is a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

#### **Medical Expenses Deduction**

[24 CFR 5.611(a)(3)(i)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

The medical expense deduction is permitted only for families in which the head, spouse, or co-head is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted [VG, p. 28].

## **Definition of Medical Expenses**

HUD regulations define medical expenses at 24 CFR 5.603(b) to mean “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.”

PHA Policy

The most current IRS Publication 502, Medical and Dental Expenses, will be used to determine the costs that qualify as medical expenses.

### ***Summary of Allowable Medical Expenses from IRS Publication 502***

- Services of medical professionals
  - Surgery and medical procedures that are necessary, legal, noncosmetic
  - Services of medical facilities
  - Hospitalization, long-term care, and in-home nursing services
  - Prescription medicines and insulin, but not nonprescription medicines even if recommended by a doctor
  - Improvements to housing directly related to medical needs (e.g., ramps for a wheel chair, handrails)
- Substance abuse treatment programs
- Psychiatric treatment
  - Ambulance services and some costs of transportation related to medical expenses
  - The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)
  - Cost and continuing care of necessary service animals
  - Medical insurance premiums or the cost of a health maintenance organization (HMO)

Note: The above provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.

## **Families That Qualify for Both Medical and Disability Assistance Expenses**

PHA Policy

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This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the PHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

### ***6-II.E. Disability Assistance Expenses Deduction***

[24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

### **Earned Income Limit on the Disability Assistance Expense Deduction**

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

PHA Policy

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, the PHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When the PHA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members’ incomes [PH Occ GB, p. 124].

### **Eligible Disability Expenses**

Examples of auxiliary apparatus are provided in the PH Occupancy Guidebook as follows: “Auxiliary apparatus: Including wheelchairs, walkers, scooters, reading devices for persons with visual disabilities, equipment added to cars and vans to permit

their use by the family member with a disability, or service animals” [PH Occ GB, p. 124], but only if these items are directly related to permitting the disabled person or other family member to work [HCV GB, p. 5-30].

HUD advises PHAs to further define and describe auxiliary apparatus [VG, p. 30].

### **Eligible Auxiliary Apparatus**

PHA Policy

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

### **Eligible Attendant Care**

The family determines the type of attendant care that is appropriate for the person with disabilities.

PHA Policy

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, the PHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

### **Payments to Family Members**

No disability expenses may be deducted for payments to a member of a tenant family [23 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the tenant family may be deducted if they are reimbursed by an outside source.

### **Necessary and Reasonable Expenses**

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

PHA Policy

The PHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, the PHA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and the PHA will consider, the family’s justification for costs that exceed typical costs in the area.

### **Families That Qualify for Both Medical and Disability Assistance Expenses**

PHA Policy

This policy applies only to families in which the head, spouse, or co-head is 62 or older or is a person with disabilities. When expenses anticipated by a family could be defined as either medical or disability assistance expenses, the PHA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

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### **Child Care Expense Deduction**

HUD defines child care expenses at 24 CFR 5.603(b) as “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 and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.”

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family’s household [VG, p. 26]. However, child care expenses for foster children that are living in the assisted family’s household, are included when determining the family’s child care expenses.

### **Qualifying for the Deduction**

## ***Determining Who Is Enabled to Pursue an Eligible Activity***

### **PHA Policy**

The family must identify the family member(s) enabled to pursue an eligible activity. The term eligible activity in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family's request, the PHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

### ***Seeking Work***

#### **PHA Policy**

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by the PHA.

### ***Furthering Education***

#### **PHA Policy**

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

### ***Being Gainfully Employed***

#### **PHA Policy**

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

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### ***Earned Income Limit on Child Care Expense Deduction***

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by “the amount of employment income that is included in annual income” [24 CFR 5.603(b)].

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person who receives the earned income disallowance (EID) or a full-time student whose earned income above \$480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes \$15,000 but because of the EID only \$5,000 is included in annual income, child care expenses are limited to \$5,000.

The PHA must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p. 5-30].

#### **PHA Policy**

When the child care expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, the PHA generally will limit allowable child care expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

### ***Eligible Child Care Expenses***

The type of care to be provided is determined by the tenant family. The PHA may not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care [VG, p. 26].

### ***Allowable Child Care Activities***

#### **PHA Policy**

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.



The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, the PHA will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

### ***Necessary and Reasonable Costs***

Child care expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

PHA Policy

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of child care costs, the PHA will use the schedule of child care costs from the local welfare agency. Families may present, and the PHA will consider, justification for costs that exceed typical costs in the area.

### ***Permissive Deductions***

[24 CFR 5.611(b)(1)]

Permissive deductions are additional, optional deductions that may be applied to annual income. As with mandatory deductions, permissive deductions must be based on need or family circumstance and deductions must be designed to encourage self-sufficiency or other economic purpose. If the PHA offers permissive deductions, they must be granted to all families that qualify for them and should complement existing income exclusions and deductions [PH Occ GB, p. 128]. The Form HUD-50058 Instruction Booklet states that the maximum allowable amount for total permissive deductions is less than \$90,000 per year.

PHA Policy

The PHA has opted not to use permissive deductions.

## **PART III: Calculating Rent**

### ***Overview of Income-Based Rent Calculations***

The first step in calculating income-based rent is to determine each family's total tenant payment (TTP). Then, if the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this calculation, if a positive number, is the tenant rent. If the TTP is less than the utility allowance, the result of this calculation is a negative number, and is called the utility reimbursement, which may be paid to the family or directly to the utility company by the PHA.

### **TTP Formula**

[24 CFR 5.628]

HUD regulations specify the formula for calculating the total tenant payment (TTP) for a tenant family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family's monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between \$0 and \$50 that is established by the PHA

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The PHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

### **Welfare Rent**

[24 CFR 5.628]

PHA Policy

Welfare rent does not apply in this locality.

### **Minimum Rent**

[24 CFR 5.630]

## PHA Policy

The minimum rent for this locality is \$50.

### **Optional Changes to Income-Based Rents**

[24 CFR 960.253(c)(2) and PH Occ GB, pp. 131-134]

PHAs have been given very broad flexibility to establish their own, unique rent calculation systems as long as the rent produced is not higher than that calculated using the TTP and mandatory deductions. At the discretion of the PHA, rent policies may structure a system that uses combinations of permissive deductions, escrow accounts, income-based rents, and the required flat and minimum rents.

The PHA's minimum rent and rent choice policies still apply to affected families. Utility allowances are applied to PHA designed income-based rents in the same manner as they are applied to the regulatory income-based rents.

The choices are limited only by the requirement that the method used not produce a TTP or tenant rent greater than the TTP or tenant rent produced under the regulatory formula.

## PHA Policy

The PHA chooses not to adopt optional changes to income-based rents.

### **Ceiling Rents**

[24 CFR 960.253 (c)(2) and (d)]

Ceiling rents are used to cap income-based rents. They are part of the income-based formula. If the calculated TTP exceeds the ceiling rent for the unit, the ceiling rent is used to calculate tenant rent (ceiling rent/TTP minus utility allowance).

Increases in income do not affect the family since the rent is capped. The use of ceiling rents fosters upward mobility and income mixing.

Because of the mandatory use of flat rents, the primary function of ceiling rents now is to assist families who cannot switch back to flat rent between annual reexaminations and would otherwise be paying an income-based tenant rent that is higher than the flat rent.

Ceiling rents must be set to the level required for flat rents (which will require the addition of the utility allowance to the flat rent for properties with tenant-paid utilities) [PH Occ GB, p. 135].

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## PHA Policy

The PHA chooses not to use ceiling rents.

### **Utility Reimbursement**

[24 CFR 960.253(c)(3)]

Utility reimbursement occurs when any applicable utility allowance for tenant-paid utilities exceeds the TTP. HUD permits the PHA to pay the reimbursement to the family or directly to the utility provider.

## PHA Policy

Generally, The PHA will make utility reimbursements to the family. However, the PHA may, at its discretion, make utility reimbursements to the utility provider of the family's choice.

If the PHA elects to pay the reimbursement to a utility provider, at the time of an initial move in of an assisted unit or at an annual reexamination, the assisted family must specify, in writing, to the PHA which utility provider it chooses to pay with the utility reimbursement.

The PHA will make utility reimbursements to the utility provider of the family's choice. Utility reimbursements will only be made for necessary services, which include: electricity, gas (natural or bottle), water, sewer, or garbage.

The PHA will notify the family in writing of the amount of the utility reimbursement, and the utility company that the reimbursement will be paid to. The family may, at annual reexamination, elect to change the utility company the reimbursement is sent to.

### ***Financial Hardships Affecting Minimum Rent***

[24 CFR 5.630]

#### **Overview**

If the PHA establishes a minimum rent greater than zero, the PHA must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family's TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the PHA determines that a hardship exists, the TTP is the highest of the remaining components of the family's calculated TTP.

#### **HUD-Defined Financial Hardship**

Financial hardship includes the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work

Opportunity Act of 1996.

PHA Policy

A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.

For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

(2) The family would be evicted because it is unable to pay the minimum rent.

PHA Policy

For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent or tenant-paid utilities.

(3) Family income has decreased because of changed family circumstances, including the loss of employment.

(4) A death has occurred in the family.

PHA Policy

In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).

(5) The family has experienced other circumstances determined by the PHA.

PHA Policy

The PHA has not established any additional hardship criteria.

## **Implementation of Hardship Exemption**

### *Determination of Hardship*

When a family requests a financial hardship exemption, the PHA must suspend the minimum rent requirement beginning the first of the month following the family's request.

The PHA then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

PHA Policy

The PHA defines temporary hardship as a hardship expected to last 90 days or less. Long term hardship is defined as a hardship expected to last more than 90 days.

The PHA may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the family's request for a hardship exemption.

When the minimum rent is suspended, the TTP reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

### **Example: Impact of Minimum Rent Exemption**

Assume the PHA has established a minimum rent of \$50.

#### **TTP – No Hardship    TTP – With Hardship**

\$0

\$15

N/A

\$50

30% of monthly adjusted income

10% of monthly gross income

Welfare rent

Minimum rent

\$0

\$15

N/A

\$50

30% of monthly adjusted income

10% of monthly gross income

Welfare rent

Minimum rent

Minimum rent applies.

TTP = \$50

Hardship exemption granted.

TTP = \$15

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PHA Policy

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request

must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

The PHA will make the determination of hardship within 30 calendar days.

### ***No Financial Hardship***

If the PHA determines there is no financial hardship, the PHA will reinstate the minimum rent and require the family to repay the amounts suspended.

For procedures pertaining to grievance hearing requests based upon the PHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

PHA Policy

The PHA will require the family to repay the suspended amount within 30 calendar days of the PHA's notice that a hardship exemption has not been granted.

### ***Temporary Hardship***

If the PHA determines that a qualifying financial hardship is temporary, the PHA must reinstate the minimum rent from the beginning of the first of the month following the date of the family's request for a hardship exemption.

The family must resume payment of the minimum rent and must repay the PHA the amounts suspended. HUD requires the PHA to offer a reasonable repayment agreement, on terms and conditions established by the PHA. The PHA also may determine that circumstances have changed and the hardship is now a long-term hardship.

For procedures pertaining to grievance hearing requests based upon the PHA's denial of a hardship exemption, see Chapter 14, Grievances and Appeals.

PHA Policy

The PHA will enter into a repayment agreement in accordance with the PHA's repayment agreement policy (see Chapter 16).

### ***Long-Term Hardship***

If the PHA determines that the financial hardship is long-term, the PHA must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family's request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

PHA Policy

The hardship period ends when any of the following circumstances apply:

- (1) At an interim or annual reexamination, the family's calculated TTP is greater than the minimum rent.
- (2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a \$60/month child support payment, the hardship will continue to exist until the family receives at least \$60/month in income from another source or once again begins to receive the child support.

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- (3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

## ***Utility Allowances***

[24 CFR 965, Subpart E]

### **Overview**

Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent. When determining a family's income-based rent, the PHA must use the utility allowance applicable to the type of dwelling unit leased by the family.

For policies on establishing and updating utility allowances, see Chapter 16.

### **Reasonable Accommodation**

[24 CFR 8]

On request from a family, PHAs must approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability [PH Occ GB, p. 172].

Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability [PH Occ GB, p. 172].

See Chapter 2 for policies related to reasonable accommodations.

### **Utility Allowance Revisions**

[24 CFR 965.507]

The PHA must review its schedule of utility allowances each year. Between annual reviews, the PHA must revise the utility

allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of 10 percent or more from the rate on which such allowances were based. Adjustments to resident payments as a result of such changes must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective [PH Occ GB, p. 171].

The tenant rent calculations must reflect any changes in the PHA's utility allowance schedule [24 CFR 960.253(c)(3)].

PHA Policy

Unless the PHA is required to revise utility allowances retroactively, revised utility allowances will be applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

### ***Prorated Rent for Mixed Families***

[24 CFR 5.520]

HUD regulations prohibit assistance to ineligible family members. A mixed family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The PHA must prorate the assistance provided to a mixed family. The PHA will first determine TTP as if all family members were eligible and then prorate the rent based upon the number of family members that actually are eligible. To do this, the PHA must:

(1) Subtract the TTP from a maximum rent applicable to the unit. The result is the maximum subsidy for which the family could qualify if all members were eligible.

(2) Divide the family maximum subsidy by the number of persons in the family to determine the maximum subsidy per each family member who is eligible (member maximum subsidy).

(3) Multiply the member maximum subsidy by the number of eligible family members.

(4) Subtract the subsidy calculated in the last step from the maximum rent. This is the prorated TTP.

(5) Subtract the utility allowance for the unit from the prorated TTP. This is the prorated rent for the mixed family.

PHA Policy

Revised public housing maximum rents will be applied to a family's rent calculation at the first annual reexamination after the revision is adopted.

For policies related to the establishment of the public housing maximum rent see Chapter 16.

### ***Flat Rents and Family Choice in Rents***

[24 CFR 960.253]

#### **Flat Rents**

[24 CFR 960.253(b)]

The flat rent is designed to encourage self-sufficiency and to avoid creating disincentives for continued residency by families who are attempting to become economically self-sufficient.

There is no utility allowance or reimbursement with flat rents. When the family elects to pay the flat rent, the flat rent amount quoted to the family by the PHA is the amount the family pays. Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based formula.

Policies related to the reexamination of families paying flat rent are contained in Chapter 9, and policies related to the establishment and review of flat rents are contained in Chapter 16.

#### **Family Choice in Rents**

[24 CFR 960.253(a) and (e)]

Once each year, the PHA must offer families the choice between a flat rent and an income-based rent. The family may not be offered this choice more than once a year. The PHA must document that flat rents were offered to families under the methods used to determine flat rents for the PHA.

PHA Policy

The annual PHA offer to a family of the choice between flat and income-based rent will be conducted upon admission and upon each subsequent annual reexamination.

The PHA will require families to submit their choice of flat or income-based rent in writing and will maintain such requests in the tenant file as part of the admission or annual reexamination process.

The PHA must provide sufficient information for families to make an informed choice. This information must include the PHA's policy on switching from flat rent to income-based rent due to financial hardship and the dollar amount of the rent under each option. However, if the family chose the flat rent for the previous year the PHA is required to provide an income-based rent amount only in the year that a reexamination of income is conducted or if the family specifically requests it and submits updated income information.

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#### **Switching from Flat Rent to Income-Based Rent Due to Hardship**

[24 CFR 960.253(f)]

A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship. If the PHA determines that a financial hardship exists, the PHA must immediately allow the family to

switch from flat rent to the income-based rent.

#### PHA Policy

Upon determination by the PHA that a financial hardship exists, the PHA will allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

Reasons for financial hardship include:

- The family has experienced a decrease in income because of changed circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance
- The family has experienced an increase in expenses, because of changed circumstances, for medical costs, child care, transportation, education, or similar items
- Such other situations determined by the PHA to be appropriate

#### PHA Policy

The PHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent [PH Occ GB, p. 137].

### **Change in Flat Rents**

#### PHA Policy

Changes to flat rents, up or down, will not affect families paying flat rent until their next annual flat rent offer, at which time the family will be given the choice of switching back to income-based rent or of remaining on flat rent at the current (most recently adjusted) flat rent for their unit [PH Occ GB, pp. 137-138].

### **Flat Rents and Earned Income Disallowance**

#### [A&O FAQs]

Because the EID is a function of income-based rents, a family paying flat rent cannot qualify for the EID even if a family member experiences an event that would qualify the family for the EID. If the family later chooses to pay income-based rent, they would only qualify for the EID if a new qualifying event occurred.

A family currently paying flat rent that previously qualified for the EID while paying income-based rent and is currently within their 48 month period would have the 12 cumulative months of full (100 percent) and phase-in (50 percent) exclusion continue while paying flat rent as long as the employment that is the subject of the exclusion continues, and the 48-month lifetime limit would continue uninterrupted. A family paying flat rent could therefore see a family member's 48-month lifetime limit expire while the family is paying flat rent.

### **Flat Rents and Mixed Families**

#### [A&O FAQs]

Mixed families electing to pay flat rent must first have a flat rent worksheet completed to see if the flat rent must be prorated. The worksheet is located in Appendix III of the Form HUD-50058 Instruction Booklet.

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If the flat rent is greater than or equal to the public housing maximum rent, there is no proration of flat rent and the family pays the flat rent for the unit.

If the flat rent is less than the maximum rent, the worksheet will calculate a prorated flat rent. The mixed family will pay the prorated flat rent.

### ***EXHIBIT 6-1: Annual Income Inclusions***

24 CFR 5.609

(a) Annual income means all amounts, monetary or not, which:

- (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) Which are not specifically excluded in paragraph (c) of this section.
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(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 shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
- (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization

of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31 ; and

(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) 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 shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

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(B) 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 paragraph shall be the amount resulting from one application of the percentage.

(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 (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, 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, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

## **HHS Definition of "Assistance"**

### **General Temporary Assistance for Needy Families**

260.31 What does the term "assistance" mean?

(a)(1) The term "assistance" includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(iii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of "assistance"] excludes:

(1) Nonrecurrent, short-term benefits that:

(ii) Are designed to deal with a specific crisis situation or episode of need;

(iii) Are not intended to meet recurrent or ongoing needs; and

(iv) Will not extend beyond four months.

(2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits,

supervision, and training);

(3) Supportive services such as child care and transportation provided to families who are employed;

(4) Refundable earned income tax credits;

(5) Contributions to, and distributions from, Individual Development Accounts;

(6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance

## ***EXHIBIT 6-2: Annual Income Exclusions***

24 CFR 5.609

(c) Annual income does not include the following:

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

(2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

(3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);

(4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

(5) Income of a live-in aide, as defined in Sec. 5.403;

(6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;

(7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

(8) (i) Amounts received under training programs funded by HUD;

(iii) 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);

(iv) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(v) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

(vi) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of \$480 per adopted child;

(13) [Reserved]

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

(15) 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;

(16) 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

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to



PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See the following chart for a list of benefits that qualify for this exclusion.]

(18) Sources of Income Excluded by Federal Statute from Consideration as Income for Purposes of Determining Eligibility or Benefits

- (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
- (b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);
- (c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- (d) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
- (e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- (f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);
- (g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub.L- 94-540, 90 Stat. 2503-04);
- (h) The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);
- (i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- (j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
- (k) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);
- (l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
- (m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
- (n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
- (o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);
- (p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- (q) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);
- (r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and
- (s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).

**EXHIBIT 6-3: Treatment of Family Assets**

24 CFR 5.603(b) Net Family Assets

(1) 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.

(2) 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 under Sec. 5.609.

(3) In determining net family assets, PHAs 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

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.

(4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

#### **EXHIBIT 6-4: Earned Income Disallowance**

24 CFR 960.255 Self-sufficiency incentive—Disallowance of increase in annual income.

(a) Definitions. The following definitions apply for purposes of this section.

Disallowance. Exclusion from annual income.

Previously unemployed includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in public housing:

(ii) Whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment;

(iii) Whose annual income increases as a result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or

(iv) Whose annual income increases, as a result of new employment or increased earnings of a family member, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance—provided that the total amount over a six-month period is at least \$500.

(b) Disallowance of increase in annual income.

(1) Initial twelve month exclusion. During the cumulative twelve month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income (as defined in 5.609 of this title) of a qualified family any increase in income of the family member as a result of employment over prior income of that family member.

(2) Second twelve month exclusion and phase-in. During the second cumulative twelve month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

(3) Maximum four year disallowance. The disallowance of increased income of an individual family member as provided in paragraph (b)(1) or (b)(2) of this section is limited to a lifetime 48 month period. It only applies for a maximum of twelve months for disallowance under paragraph (b)(1) and a maximum of twelve months for disallowance under paragraph (b)(2), during the 48 month period starting from the initial exclusion under paragraph (b)(1) of this section.

(c) Inapplicability to admission. The disallowance of increases in income as a result of employment under this section does not apply for purposes of admission to the program (including the determination of income eligibility and income targeting).

(d) Individual Savings Accounts. As an alternative to the disallowance of increases in income as a result of employment described in paragraph (b) of this section, a PHA may choose to provide for individual savings accounts for public housing residents who pay an income-based rent, in accordance with a written policy, which must include the following provisions:

(1) The PHA must advise the family that the savings account option is available;

(2) At the option of the family, the PHA must deposit in the savings account the total amount that would have been included in tenant rent payable to the PHA as a result of increased income that is disallowed in accordance with paragraph (b) of this section;

(3) Amounts deposited in a savings account may be withdrawn only for the purpose of:

(i) Purchasing a home;

(ii) Paying education costs of family members;

(iii) Moving out of public or assisted housing; or

(iv) Paying any other expense authorized by the PHA for the purpose of promoting the economic self-sufficiency of residents of public housing;

(4) The PHA must maintain the account in an interest bearing investment and must credit the family with the net interest income, and the PHA may not charge a fee for maintaining the account;

(5) At least annually the PHA must provide the family with a report on the status of the account; and

(6) If the family moves out of public housing, the PHA shall pay the tenant any balance in the account, minus any amounts owed to the PHA

## ***EXHIBIT 6-5: The Effect of Welfare Benefit Reduction***

24 CFR 5.615

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) Applicability. This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

(b) Definitions. The following definitions apply for purposes of this section:

Covered families. Families 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.

Economic self-sufficiency program. See definition at Sec. 5.603.

Imputed welfare income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Specified welfare benefit reduction.

(1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

(iii) because a family member has not complied with other welfare agency requirements.

(c) Imputed welfare income.

**ATTACHMENT B.1C**  
**Housing Authority of Washington County (HAWC)**  
**Voucher Homeownership Program**

***Overview***

The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family. A family assisted under this option may be newly admitted or an existing participant in the HCV program. The PHA must have the capacity to operate a successful HCV homeownership program as defined by the regulations.

There are two forms of homeownership assistance a PHA may offer under this option: monthly homeownership assistance payments, or a single down payment assistance grant. PHAs may choose to offer either or both forms of homeownership assistance, or choose not to offer either. If a PHA offers both forms of assistance, a family must choose which form of assistance to receive.

The PHA must offer either form of homeownership assistance if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. It is the sole responsibility of the PHA to determine whether it is reasonable to implement a homeownership program as a reasonable accommodation. The PHA must determine what is reasonable based on the specific circumstances and individual needs of the person with a disability. The PHA may determine that it is not reasonable to offer homeownership assistance as a reasonable accommodation in cases where the PHA has otherwise opted not to implement a homeownership program.

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

***Family Eligibility***

The family must meet all of the requirements listed below before the commencement of homeownership assistance. The PHA may also establish additional initial requirements as long as they are described in the PHA administrative plan.

- The family must have been admitted to the Housing Choice Voucher program.
- The family must qualify as a first-time homeowner, or may be a cooperative member.
- The family must meet the Federal minimum income requirement. The family must have a gross annual income equal to the Federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home. The PHA may establish a higher income standard for families. However, a family that meets the federal minimum income requirement (but not the PHA's requirement) will be considered to meet the minimum income requirement if it can demonstrate that it has been pre-qualified or pre-approved for financing that is sufficient to purchase an eligible unit.
- For disabled families, the minimum income requirement is equal to the current SSI monthly payment for an individual living alone, multiplied by 12.
- For elderly or disabled families, welfare assistance payments for adult family members who will own the home will be included in determining whether the family meets the minimum income requirement. It will not be included for other families.
- The family must satisfy the employment requirements by demonstrating that one or more adult members of the family who will own the home at commencement of homeownership assistance is currently employed on a

full-time basis (the term 'full-time employment' means not less than an average of 30 hours per week); and has been continuously so employed during the year before commencement of homeownership assistance for the family.

- The employment requirement does not apply to elderly and disabled families. In addition, if a family, other than an elderly or disabled family includes a person with disabilities, the PHA must grant an exemption from the employment requirement if the PHA determines that it is needed as a reasonable accommodation.
- The family has not defaulted on a mortgage securing debt to purchase a home under the homeownership option
- Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home.
- Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale in accordance with 24 CFR 982.631(c).

## ***Selection of Families***

Unless otherwise provided (under the homeownership option), the PHA may limit homeownership assistance to families or purposes defined by the PHA, and may prescribe additional requirements for commencement of homeownership assistance for a family. Any such limits or additional requirements must be described in the PHA administrative plan.

If the PHA limits the number of families that may participate in the homeownership option, the PHA must establish a system by which to select families to participate.

### PHA Policy

The PHA has chosen to offer homeownership assistance to participants who are:

- Found eligible under federal guidelines and the program requirements as outlined in this plan, and
- Currently receiving tenant-based Section 8 Housing Choice Voucher assistance, or are currently participating in the Low Rent Public Housing Program and will use the homeownership assistance to purchase the unit in which they reside, or a HUD-approved Homeownership Program that allows Section 8(y) homeownership, and
- Enrolled in, or a graduate of, the PHA's voluntary Family Self-Sufficiency (FSS) program, with the exception of elderly or disabled households who are otherwise eligible.

### Requirements for Family Eligibility

To qualify for participation in the Housing Choice Voucher Home Ownership Program:

1. The family must qualify for the Section 8 tenant-based voucher program. If the family is already a participant in the PHA's tenant-based voucher program, the family has already met this requirement. Program participants residing in units assisted through the Low Rent Public Housing Program, and who are participants in the Family Self-Sufficiency Program, administered by the Department of Housing Services, may be provided with a Home Ownership Voucher if necessary to assist in the purchase of the Public Housing unit in which they reside.

2. The family must meet the qualifying requirements of the PHA, as follows:
  - a. Must not owe any money to the PHA for any reason, or owe any amount to any other PHA for any other reason.
  - b. Must be enrolled in, or a graduate of, Washington County's Family Self-Sufficiency (FSS) program.
  - c. Must attend homeownership classes such as budgeting, credit repair, home maintenance, fair housing and financing. These classes may be provided from a third party other than the PHA, but must be appropriate and approved by the PHA before the home ownership option is exercised under the Housing Choice Voucher program. In addition FSS escrows may be used for down payment in the homeownership program.
  - d. No family member may have previously received homeownership assistance and defaulted on the mortgage.
  - e. Must engage pre and post-purchase counseling provided by HUD approved community partners or in congruence with HUD guidelines.
  - f. The family must not use the Housing Choice Voucher for Home Ownership in conjunction with any form of project-based Section 8 rental assistance tied to the unit.
3. The family must demonstrate that they have not owned a home or had interest in a home for the last three (3) years, except for a person who owned a home prior to a divorce, or persons who are members of a cooperative who have already acquired shares. If family includes a person with a disability, the PHA determines whether homeownership is necessary for reasonable accommodation (case-by-case basis).
4. The family must meet the minimum income requirements, as described below:
  - a. Currently employed full-time, receiving regular earned income; that is, at least 30 hours per week (2,000 hours annually) and has been so employed for at least one (1) year. The PHA will determine to what extent interruptions in the one-year period are considered a break in continuity (case-by-case basis).
  - b. If a family includes a person, other than the head or spouse, who is disabled, an exemption from the employment requirement must be granted if the PHA determines that it is necessary for reasonable accommodation.
  - c. For non-disabled, non-elderly families, the annual income of at least one of the adult family members who will have interest in the ownership of the home at commencement of home ownership assistance must be equal to or greater than the Federal minimum hourly wage multiplied by 2,000 hours.
  - d. For non-disabled, non-elderly families the total combined gross household income must be at least the posted federal income level at time of the application.
  - e. Law states that the income to be considered when meeting the minimum income requirement cannot come from welfare assistance ("welfare assistance" is defined in HUD's regulations §5.603, which identifies all types of this income that cannot be counted for homeownership assistance). However, welfare assistance can be counted in the case of a disabled or elderly family.
  - f. The annual income of a disabled or elderly family wishing to participate must equal or exceed the Federal Supplemental Security Income (SSI) multiplied by 12 months, (currently  $\$552 \times 12 = \$6,624$ ; SSI amount is subject to change by the Social Security Administration). However, success in attaining a mortgage loan significantly improves with incomes exceeding \$20,000.
5. The family must demonstrate that its down payment used to purchase the home is from sources other than welfare assistance. At least 1% of the down payment must come from the family's own resources. The down payment funds may come from the family's FSS escrow account or available down payment assistance program.

6. The family must not have defaulted on a mortgage securing debt to purchase a home under the home ownership option. The purpose of this provision is to preclude a family who has previously participated in the program and defaulted on their mortgage from participating in the program a second time.

## ***Eligible Units***

In order for a unit to be eligible, the PHA must determine that the unit satisfies all of the following requirements:

- The unit must meet HUD's "eligible housing" requirements. The unit may not be any of the following:
  - A public housing or Indian housing unit;
  - A unit receiving Section 8 project-based assistance;
  - A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;
  - A college or other school dormitory;
  - On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.
- The unit must be under construction or already exist at the time the family enters into the contract of sale.
- The unit must be a one-unit property or a single dwelling unit in a cooperative or condominium.
- The unit must have been inspected by the PHA and by an independent inspector designated by the family.
- The unit must meet Housing Quality Standards (see Chapter 8).
- For a unit where the family will not own fee title to the real property (such as a manufactured home), the home must have a permanent foundation and the family must have the right to occupy the site for at least 40 years.
- For PHA-owned units all of the following conditions must be satisfied:
  - The PHA informs the family, both orally and in writing, that the family has the right to purchase any eligible unit and a PHA-owned unit is freely selected by the family without PHA pressure or steering;
  - The unit is not ineligible housing;
  - The PHA obtains the services of an independent agency to inspect the unit for compliance with HQS, review the independent inspection report, review the contract of sale, determine the reasonableness of the sales price and any PHA provided financing. All of these actions must be completed in accordance with program requirements.

The PHA must not approve the unit if the PHA has been informed that the seller is debarred, suspended, or subject to a limited denial of participation.

### PHA Policy

#### Single Family Homes

Single family homes are homes that are not attached to another home. Single family ownership generally includes the "real property", or land, and "improvements", or house. In some areas, the land is leased and is not fee simple or owned by the home owner. This category also includes zero-lot-line homes, where houses share a common lot line and are attached.

### Multi-Family Units or Condominiums

Multi-family units are homes that are attached to one another on multiple sides. This is typical of condominium ownership. Ownership of land and improvements may vary. An owner may own the unit but not the land, or both the unit and a portion of the land. Alternatively, an owner may not own the space between the walls of the unit but own the interior of the unit.

Condominiums are eligible units for purchase under the Housing Choice Voucher Home Ownership Program, providing that the family is only purchasing a single unit.

### Townhomes and Duplexes

Townhomes are generally attached two story homes. Duplexes are by definition two units attached at some point. In either case, land ownership may vary. Both townhomes and duplexes are also called "semi-attached homes".

Semi-attached homes are eligible units for purchase under the Housing Choice Voucher Home Ownership Program, providing that the family is only purchasing a single unit.

### Cooperatives

Cooperatives, or co-ops, may involve all of the above mentioned housing types and is a form of ownership. Generally, the homeowner owns shares of the living space. The shares are purchased from the co-op where they remain. The shares entitle the purchaser the right to live within the living structure and enjoy the benefit of ownership.

### Lofts

Lofts are a form of condominium living whereby the purchaser buys a unit within a building or common structure. The characterizing distinction of a loft is that often the interior is not fully finished and the owner has the responsibility to create their own space by constructing interior walls.

Lofts are eligible for purchase under the Housing Choice Voucher Home Ownership Program, but must meet Housing Quality Standards, as stipulated in this plan.

### Purchase of a Dwelling Occupied under Lease Option

A family may receive homeownership assistance to purchase a home they previously occupied under a lease-purchase agreement (lease with an option to purchase). An option to purchase under a lease-purchase agreement is not considered to be the prohibited "present ownership interest".

### Manufactured home purchase

Manufactured home purchase is allowed only provided that the manufactured home is secured to a foundation and is not "personal" property. Moreover, manufactured homes must be complete (turnkey) and packaged with the land in one conventional loan.

## ***Additional PHA Requirements for Search and Purchase***

It is the family's responsibility to find a home that meets the criteria for voucher homeownership assistance. The PHA may establish the maximum time that will be allowed for a family to locate and purchase a home, and may require the family to report on their progress in finding and purchasing a home. If the family is unable to purchase a home within the maximum time established by the PHA, the PHA may issue the family a voucher to lease a unit or place the family's name on the waiting list for a voucher.



## PHA Policy

The family's search for a home is limited to a total of 365 consecutive days.

A family that has been determined eligible for participation in the Housing Choice Voucher Home Ownership Program will be provided with a letter from the PHA. The letter will verify the family's eligibility to participate in the program, and will have an initial expiration date of 270 days. The letter will explain the time limit for the family to complete the housing search. The letter will also inform the family that time limit may be extended at any phase, at the PHA's discretion after receiving a written request for an extension from the participating family, including information about the family's search for a suitable unit to purchase, until the family has reached a maximum total of 365 days.

Once a family has reached the maximum allowable time of 365 days, they may retain their rental assistance under the Housing Choice Voucher program. To participate in the program again, the family must reapply. A family who has previously participated in a housing search under the home ownership option will be placed at the bottom of the waiting list. Families who have not had the opportunity to participate in the program will be given preference over those who have already had an opportunity to participate.

## ***Homeownership Counseling***

Before commencement of homeownership assistance for a family, the family must attend and satisfactorily complete the pre-assistance homeownership and housing counseling program required by the PHA. HUD suggests the following topics for the PHA-required pre-assistance counseling:

- Home maintenance (including care of the grounds);
- Budgeting and money management;
- Credit counseling;
- How to negotiate the purchase price of a home;
- How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
- How to find a home, including information about homeownership opportunities, schools, and transportation in the PHA jurisdiction;
- Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;
- Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and
- Information about the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

The PHA may adapt the subjects covered in pre-assistance counseling (as listed) to local circumstances and the needs of individual families.

The PHA may also offer additional counseling after commencement of homeownership assistance (ongoing counseling). If the PHA offers a program of ongoing counseling for participants in the homeownership option, the PHA shall have discretion to determine whether the family is required to participate in the ongoing counseling.

If the PHA does not use a HUD-approved housing counseling agency to provide the counseling, the PHA should ensure that its counseling program is consistent with the counseling provided under HUD's Housing Counseling program.

## PHA Policy

The family must attend and satisfactorily complete a home ownership counseling program in order to be eligible for participation in the Home Ownership program. Home ownership counseling must be conducted by a HUD-approved housing counseling agency.

## ***Home Inspections, Contract of Sale, and PHA Disapproval of Seller***

### **Home Inspections**

The PHA may not commence monthly homeownership assistance payments or provide down payment assistance grants for a family until the PHA has inspected the unit and has determined that the unit passes HQS.

An independent professional inspector selected by and paid for by the family must also inspect the unit. 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.

The PHA may not require the family to use an independent inspector selected by the PHA. The independent inspector may not be a PHA employee or contractor, or other person under control of the PHA. However, the PHA may establish standards for qualification of inspectors selected by families under the homeownership option.

The PHA may disapprove a unit for assistance based on information in the independent inspector's report, even if the unit was found to comply with HQS.

### **Contract of Sale**

Before commencement of monthly homeownership assistance payments or receipt of a down payment assistance grant, a member or members of the family must enter into a contract of sale with the seller of the unit to be acquired by the family. The family must give the PHA a copy of the contract of sale. The contract of sale must:

- Specify the price and other terms of sale by the seller to the purchaser;
- Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser;
- Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser;
- Provide that the purchaser is not obligated to pay for any necessary repairs; and
- Contain a certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation under CFR part 24.

### **Disapproval of a Seller**

In its administrative discretion, the PHA may deny approval of a seller for the same reasons a PHA may disapprove an owner under the regular HCV program [see 24 CFR 982.306(c)].

### ***Financing***

The PHA may establish requirements for financing purchase of a home under the homeownership option. This may include requirements concerning qualification of lenders, terms of financing, restrictions concerning debt secured by the home, lender qualifications, loan terms, and affordability of the debt. The PHA must establish policies describing these requirements in the administrative plan.

A PHA may not require that families acquire financing from one or more specified lenders, thereby restricting the family's ability to secure favorable financing terms.

## PHA Policy

The PHA has also established requirements concerning the terms of the financing. Specifically, the following forms of financing activities are prohibited:

- Balloon payment mortgages
- Variable-rate interest
- Pre-payment penalties on conventional loans
- Seller financing
- Interest Only Mortgage

Only FHA, VA, or conventional loans from a regulated provider are allowed. If the home purchase is financed with FHA or VA mortgage insurance, then the financing is subject to all FHA or VA requirements. Otherwise, all underwriting standards of the selected lender's financing program will apply.

The family purchasing the home must pay for credit checks unless paid by other sources.

Sellers may contribute to down payment and closing costs if they chose, however, sellers are limited to a maximum contribution of 2% of the total sales price.

It is anticipated that mortgage lenders will consider the Section 8 assistance when qualifying a family for a loan, although this is not required. The family is responsible for disclosing all of its financial information to lenders.

After a lender qualifies a family for a loan, the family will then contact the PHA and provide written verification of qualification.

The PHA will review the terms of the financing. The PHA reserves the right to disapprove any proposed financing, refinancing, or financing for improvements or repairs if the PHA determines that the debt will be unaffordable for the family, or if the lender or the loan terms do not meet the PHA's requirements.

The PHA will determine affordability for the family. Financing will be considered unaffordable if the family's total contribution, after application of the HAP, toward the mortgage exceeds 45% of its adjusted monthly income.

As long as the family is receiving homeownership assistance, before any refinancing of the mortgage debt, or financing for improvements or repairs is finalized the family must provide the PHA with all information concerning the terms of the new financing in writing. The PHA must approve the new lender and financing terms before the new financing can take place.

Home ownership assistance will not be used to assist the purchasing family with financing costs such as down payment, closing costs, etc.

It is allowable for local or State Community Development Block Grants (CDBG) or other subsidized financing to be used in conjunction with the 8(y) program.

## ***Continued Assistance Requirements; Family Obligations***

Homeownership assistance may only be paid while the family is residing in the home. If the family moves out of the home, the PHA may not continue homeownership assistance after the month when the family moves out. The family or lender is not required to refund to the PHA the homeownership assistance for the month when the family moves out.

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option.

The family must comply with the following obligations:

- The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt.
- The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to 24 CFR 982.551 (h) and (i).
- The family must supply information to the PHA or HUD as specified in 24 CFR 982.551(b). The family must further supply any information required by the PHA or HUD concerning mortgage financing or refinancing, sale or transfer of any interest in the home, or homeownership expenses.
- The family must notify the PHA before moving out of the home.
- The family must notify the PHA if the family defaults on the mortgage used to purchase the home.
- No family member may have any ownership interest in any other residential property.
- The family must comply with the obligations of a participant family described in 24 CFR 982.551, except for the following provisions which do not apply to assistance under the homeownership option: 24 CFR 982.551(c), (d), (e), (f), (g) and (j).

#### PHA Policy

The family is also expected to comply with the standard Family Obligations under the Housing Choice Voucher program, with the exception of any obligation that is applicable only to a rental situation, such as the obligation to provide a landlord with notice prior to moving out of the unit.

### ***Maximum Term of Homeowner Assistance***

Except in the case of a family that qualifies as an elderly or disabled family, other family members (described below) shall not receive homeownership assistance for more than:

- Fifteen years, if the initial mortgage incurred to finance purchase of the home has a term of 20 years or longer;  
or
- Ten years, in all other cases.

The maximum term described above applies to any member of the family who:

- Has an ownership interest in the unit during the time that homeownership payments are made; or
- Is the spouse of any member of the household who has an ownership interest in the unit during the time homeownership payments are made.

In the case of an elderly family, the exception only applies if the family qualifies as an elderly family at the start of homeownership assistance. In the case of a disabled family, the exception applies if at any time during receipt of homeownership assistance the family qualifies as a disabled family.

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. However, such a family

must be provided at least 6 months of homeownership assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive homeownership assistance).

If the family has received such assistance for different homes, or from different PHAs, the total of such assistance terms is subject to the maximum term described in this part.

### ***Homeownership Assistance Payments and Homeownership Expenses***

The monthly homeownership assistance payment is the lower of: the voucher payment standard minus the total tenant payment, or the monthly homeownership expenses minus the total tenant payment.

In determining the amount of the homeownership assistance payment, the PHA will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described in elsewhere in this plan for the Housing Choice Voucher program.

The PHA may pay the homeownership assistance payments directly to the family, or at the PHA's discretion, to a lender on behalf of the family. If the assistance payment exceeds the amount due to the lender, the PHA must pay the excess directly to the family.

Homeownership assistance for a family terminates automatically 180 calendar days after the last homeownership assistance payment on behalf of the family. However, a PHA may grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

The PHA must adopt policies for determining the amount of homeownership expenses to be allowed by the PHA in accordance with HUD requirements.

Homeownership expenses (not including cooperatives) only include amounts allowed by the PHA to cover:

- Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;
- Real estate taxes and public assessments on the home;
- Home insurance;
- The PHA allowance for maintenance expenses;
- The PHA allowance for costs of major repairs and replacements;
- The PHA utility allowance for the home;
- Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person;
- Land lease payments where a family does not own fee title to the real property on which the home is located; [see 24 CFR 982.628(b)].
- For a condominium unit, condominium operating charges or maintenance fees assessed by the condominium homeowner association.

Homeownership expenses for a cooperative member may only include amounts allowed by the PHA to cover:

- The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;
- Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt;
- Home insurance;
- The PHA allowance for maintenance expenses;

- The PHA allowance for costs of major repairs and replacements;
- The PHA utility allowance for the home; and
- Principal and interest on debt incurred to finance major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person.
- Cooperative operating charges or maintenance fees assessed by the cooperative homeowner association.

### PHA Policy

The PHA considers all of the following to be “homeownership expenses” when calculating the amount of HAP:

- Principal and interest on the mortgage debt,
- Mortgage insurance,
- Real estate taxes,
- Home insurance,
- Maintenance allowance,
- Principal and interest on mortgage debt for major repairs (including accessibility modifications for disabled),
- Cooperative or condominium operating charges or maintenance fees, if applicable,
- Home Owner Association (HOA) fees, if applicable, and
- The PHA’s utility allowance for the unit size and type.

### ***Portability***

Subject to the restrictions on portability included in HUD regulations and PHA policies, a family may exercise portability if the receiving PHA is administering a voucher homeownership program and accepting new homeownership families. The receiving PHA may absorb the family into its voucher program, or bill the initial PHA.

The family must attend the briefing and counseling sessions required by the receiving PHA. The receiving PHA will determine whether the financing for, and the physical condition of the unit, are acceptable. The receiving PHA must promptly notify the initial PHA if the family has purchased an eligible unit under the program, or if the family is unable to purchase a home within the maximum time established by the PHA.

### ***Moving with Continued Assistance***

A family receiving homeownership assistance may move with continued tenant-based assistance. The family may move with voucher rental assistance or with voucher homeownership assistance. Continued tenant-based assistance for a new unit cannot begin so long as any family member holds title to the prior home.

The PHA may deny permission to move to a new unit with continued voucher assistance as follows:

- Lack of funding to provide continued assistance.
- At any time, the PHA may deny permission to move with continued rental or homeownership assistance in accordance with 24 CFR 982.638, regarding denial or termination of assistance.
- In accordance with the PHA’s policy regarding number of moves within a 12-month period.

The PHA must deny the family permission to move to a new unit with continued voucher rental assistance if:

- The family defaulted on an FHA-insured mortgage; and

- The family fails to demonstrate that the family has conveyed, or will convey, title to the home, as required by HUD, to HUD or HUD's designee; and the family has moved, or will move, from the home within the period established or approved by HUD.

### ***Denial or Termination of Assistance***

At any time, the PHA may deny or terminate homeownership assistance in accordance with HCV program requirements in 24 CFR 982.552 (Grounds for denial or termination of assistance) or 24 CFR 982.553 (Crime by family members).

The PHA may also deny or terminate assistance for violation of participant obligations described in 24 CFR Parts 982.551 or 982.633 and in accordance with its own policy.

The PHA must terminate voucher homeownership assistance for any member of family receiving homeownership assistance that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA insured or non-FHA) securing debt incurred to purchase the home, or any refinancing of such debt.

# **Attachment B.1D**

## **Housing Authority of Washington County (HAWC)**

### **Pet Policy**

#### ***Introduction***

This chapter explains the PHA's policies on the keeping of pets and any criteria or standards pertaining to the policies. The rules adopted are reasonably related to the legitimate interest of the PHA to provide a decent, safe and sanitary living environment for all tenants, and to protect and preserve the physical condition of the property, as well as the financial interest of the PHA.

The chapter is organized as follows:

Part I: Assistance and Companion Animals. This part explains the difference between assistance animals and pets and contains policies related to the designation of an assistance animal as well as their care and handling.

Part II: Pet policies for all developments. This part includes pet policies that are common to both elderly/disabled developments and general occupancy developments.

Part III: Pet deposits and fees for elderly/disabled developments. This part contains policies for pet deposits and fees that are applicable to elderly/disabled developments.

Part IV: Pet deposits and fees for general occupancy developments. This part contains policies for pet deposits and fees that are applicable to general occupancy developments.

## **PART I: Assistance and Companion Animals**

### ***Overview***

This part discusses situations under which permission for an assistance animal may be denied, and also establishes standards for the care of assistance animals.

### **Definitions**

#### ***Assistance Animals***

Assistance animals are animals that assist, support, or provide service to a person with a disability, or that provide emotional support that alleviates one or more identified symptoms or effects of a person's disability. Assistance animals – often referred to as “service animals,” “assistive animals,” “support animals,” or “therapy animals” – perform many disability-related functions, including but not limited to the following:

- Guiding individuals who are blind or have low vision
- Alerting individuals who are deaf or hearing impaired
- Providing minimal protection or rescue assistance
- Pulling a wheelchair
- Fetching items
- Alerting persons to impending seizures



- Providing emotional support to persons with disabilities who have a disability-related need for such support

Assistance animals that are needed as a reasonable accommodation for persons with disabilities are not considered pets, and thus, are not subject to the PHA's pet policies described in Parts II through IV of this chapter

### *Companion Animals*

"Companion Animals" include animals that do not have specific disability-related training but are necessary in coping with a disability (for instance, if the animal provides emotional support to a person with disabilities).

Requests to keep such an animal will be considered under the Department's standard Reasonable Accommodation procedure. The PHA will not charge a pet deposit or any other associated fees for an approved Companion Animal kept in a development or building owned and managed by PHA.

### ***Approval of Assistance Animals***

A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and his or her need for the animal

A PHA may not refuse to allow a person with a disability to have an assistance animal merely because the animal does not have formal training. Some, but not all, animals that assist persons with disabilities are professionally trained. Other assistance animals are trained by the owners themselves and, in some cases, no special training is required. The question is whether or not the animal performs the assistance or provides the benefit needed by the person with the disability

A PHA's refusal to permit persons with a disability to use and live with an assistance animal that is needed to assist them, would violate Section 504 of the Rehabilitation Act and the Fair Housing Act unless

- There is reliable objective evidence that the animal poses a direct threat to the health or safety of others that cannot be reduced or eliminated by a reasonable accommodation
- There is reliable objective evidence that the animal would cause substantial physical damage to the property of others

PHAs have the authority to regulate assistance animals under applicable federal, state, and local law.

PHA Policy

For an animal to be excluded from the pet policy and be considered an assistance animal, there must be a person with disabilities in the household, and the family must request and the PHA approve a reasonable accommodation in accordance with the policies contained in Chapter 2 of the ACOP.

### ***Care and Handling***

HUD regulations do not affect any authority a PHA may have to regulate assistance animals under federal, state, and local law

PHA Policy

Residents must care for assistance animals in a manner that complies with state and local laws, including anti-cruelty laws.

Residents must ensure that assistance animals do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents.

When a resident's care or handling of an assistance animal violates these policies, the PHA will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If the PHA determines that no such accommodation can be made, the PHA may withdraw the approval of a particular assistance animal.

The Resident will immediately notify the Department of Housing Services of any personal injury or property damage caused by the pet.

## **PART II: Pet Policies for All Developments**

### ***Overview***

The purpose of a pet policy is to establish clear guidelines for ownership of pets and to ensure that no applicant or resident is discriminated against regarding admission or continued occupancy because of ownership of pets. It also establishes reasonable rules governing the keeping of common household pets. This part contains pet policies that apply to all developments.

### ***Management Approval of Pets***

#### **Registration of Pets**

PHAs may require registration of the pet with the PHA  
PHA Policy

1. Prior to a pet being allowed to reside in a unit, the proposed pet owner must contact the PHA and request consideration to have a pet.
2. In addition, the Resident must provide to the PHA documented acceptability in accordance with the provisions outlined in the "Standards" section of this chapter.
3. Pets must be registered with PHA before the pet is brought onto the premises and the registration may be reviewed/updated by the PHA at its discretion.
4. The PHA may give temporary approval for a pet to be on the premises prior to registration.
5. Registration includes:
  - a. A certificate (Category I pet only) signed by a licensed veterinarian or designated State or local authority, stating that:
    - i. The pet has received all inoculations required by State or local law.
    - ii. The animal is in good health. It has no communicable diseases or pests, and in the case of dogs and cats, is spayed or neutered. For dogs, verification of the current weight and expected adult weight and size must also be provided.
    - iii. Verification that the animal is licensed in accordance with applicable State and local laws and regulations.

- iv. A photo (Category I pet only) and sufficient information to identify the animal and demonstrate it is a common household pet.
  - v. Provision of the name, address, and phone number of one or more "Responsible Party(s)" to care for the pet if the owner dies, is incapacitated or unavailable to care for the pet
  - vi. Execution of an Pet Agreement stating that the Resident accepts complete responsibility for the care and cleaning of the pet and acknowledges the applicable rules. These requirements may not conflict with State or local law.
6. An animal's temperament may be considered as a factor in determining the prospective owner's ability to comply with the Pet Rules and Policies and other lease obligations. Dogs or cats having a history of, or exhibiting aggressive, intimidating, territorial or inappropriate behavior will not be approved.
7. A Resident who cares for another Resident's pet must notify the PHA in writing that they will be caring for the pet and are willing to abide by all the Pet Rules and Policies.
8. The discovery of any unauthorized pets, meaning any animals that are on the premises that do not have a corresponding pet agreement, will be addressed as follows:
  - a. If the animal meets the requirements for pets within public housing, the PHA may, at its discretion, offer the Resident the opportunity to sign a Pet Agreement, pay the applicable deposit, and keep the unauthorized pet.
  - b. If the animal is of a type or weight such that it is not allowed in public housing, or if the Resident is prohibited from having the animal because they already have the maximum number of animals allowed or have had past problems with pets, the PHA may issue a termination notice requiring the Resident to provide verification that they have found another home for the unauthorized animal.

## **Refusal to Register Pets**

PHA Policy

The PHA shall refuse to register a pet if:

- The pet is not a common household pet identified more specifically in this policy;
- The Resident fails to provide complete pet registration information or fails to update the registration as requested by the PHA; or,
- If the PHA reasonably determines, based on the Resident's habits and practices, that the Resident will be unable to keep the pet in compliance with the Pet Rules and Policies and other lease obligations.

If the PHA refuses to register a pet, a written notification will be sent to the pet owner within 10 business days of the PHA's decision. The notice will state the reason for refusing to register the pet and will inform the family of their right to appeal the decision in accordance with the PHA's grievance procedures.

## **Pet Agreement**

PHA Policy

Residents who have been approved to have a pet must enter into a pet agreement with the PHA, or the approval of the pet will be withdrawn.

The pet agreement is the resident's certification that he or she has received a copy of the PHA's pet policy and applicable house rules, that he or she has read the policies and/or rules, understands them, and agrees to comply with them.

The resident further certifies by signing the pet agreement that he or she understands that noncompliance with the PHA's pet policy and applicable house rules may result in the withdrawal of PHA approval of the pet or termination of tenancy.

## ***Standards for Pets***

PHAs may establish reasonable requirements related to pet ownership including, but not limited to:

- Limitations on the number of animals in a unit, based on unit size
- Prohibitions on types of animals that the PHA classifies as dangerous, provided that such classifications are consistent with applicable state and local law
- Prohibitions on individual animals, based on certain factors, including the size and weight of the animal
- Requiring pet owners to have their pets spayed or neutered

PHA's may not require pet owners to have any pet's vocal cords removed.

## **Definition of "Common Household Pet"**

There is no regulatory definition of common household pet for public housing programs, although the regulations for pet ownership in both elderly/disabled and general occupancy developments use the term. The regulations for pet ownership in elderly/disabled developments expressly authorize PHAs to define the term

PHA Policy

### ***Common Household Pets***

Common household pet means a domesticated animal, such as a dog, cat, bird, or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes.

### ***Dangerous or Exotic Animals***

Any animals which are of a wild or predatory nature, and which because of their size, vicious nature, or other characteristics, would constitute an unreasonable danger to human life or property. A dangerous or exotic animal shall include any of the following:

- (a) Any large felid from the genus *Panthera*, including: lion, tiger, leopard, snow leopard, puma, cougar, mountain lion, clouded leopard, and cheetah.
- (b) Any monkey, ape, gorilla, hybrid thereof, or other non-human primate.

- (c) Any bear.
- (d) Any venomous or poisonous animal(s) or insect(s).
- (e) Any reptile of the order Crocodilia (crocodiles, alligators, caimans) or any snake of the family Pythondidae or Boinae capable of obtaining eight feet or more in length.

Dangerous and/or exotic animals are not considered "common household pets" and are not permissible pets under this policy.

## **Pet Restrictions**

PHA Policy

### *Types of Pets*

For the purpose of this policy, there are two categories of pets allowed:

#### *Category I: Dog (a.) or Cat (b.)*

Category II: Bird (c.), Fish (d.), Rodents (e.), and Reptiles/Insects (f)

Residents may not keep wild or feral animals, farm animals, primates, ferrets, pot-bellied pigs or animals used for breeding or to produce offspring for sale.

### *Category I Pets*

Common household pets, as outlined below, will be permitted under the following guidelines (with the exception of service/assistance animals, as defined in ORS 346.690, or companion animals allowed as a Reasonable Accommodation related to a Resident's or prospective Resident's disability):

- a. Dogs - Maximum number - one (1)
  - Must not exceed adult weight of 25 lbs or adult shoulder height of 15"
  - Must be housebroken within 8 weeks of approval or 6 months of age
  - Must be spayed or neutered
  - Must have any or all inoculations specified now or in the future by State law or local ordinance
  - Must be licensed as specified now or in the future by State law or local ordinance
  - Must wear a collar/tag with identification that allows the animal to be traced back to the Resident. Animal name only is not sufficient identification.
  - Must not be kept, bred or maintained for commercial purposes and do not create a nuisance or annoyance to surroundings.
  - The following breeds or mixed breeds of dogs will be excluded from approval: German Shepherd, Rottweiler, Doberman Pinscher, Pit Bull or Bull Terrier, Chow & Spitz.
  
- b. Cats (Domestic Only) - Maximum number - one (1)
  - Must be spayed or neutered

- Must have any or all inoculations specified now or in the future by State law or local ordinance
- Must be trained to use a plastic litter box or other non-porous waste receptacle within 8 weeks of approval or 6 months of age
- Must be licensed as specified now or in the future by State law or local ordinance
- Must wear a collar/tag with identification that allows the animal to be traced back to the Resident. Animal name only is not sufficient identification.
- Must not be kept, bred or maintained for commercial purposes and do not create a nuisance or annoyance to surroundings.

### *Category II Pets*

- c. Birds - Maximum number - two (2)
  - Must be caged at all times
- d. Fish - Maximum number = one (1) aquarium
  - Maximum aquarium size - 20 gallons
  - Must be kept on an approved stand
- e. Rodents (ONLY rabbit, guinea pig, hamster, gerbil, sugar glider, or hedgehog) - Maximum number - one (1)
  - Must be caged at all times
  - Must have any or all inoculations specified now or in the future by State law or local ordinance
- f. Reptiles/Insects
  - Must be caged at all times
  - Must have any or all inoculations specified now or in the future by State law or local ordinance
  - Must not be dangerous, poisonous or otherwise deemed a threat to human life, safety, or welfare (such as scorpions, tarantulas, poisonous snakes, etc)
  - Must not exceed maximum size specified for Category I pets

Only pets specified above may be kept by a Resident. No other pets will be considered common household pets without a modification of these rules by the PHA. Residents may not own or keep wild or feral animals, farm animals, primates, ferrets, pot-bellied pigs or animals used for breeding or to produce offspring for sale.

### **Number of Pets**

#### PHA Policy

Only pets specified in this chapter may be kept by a Resident. No other pets will be considered common household pets without a modification of these rules by the PHA. Residents may not own or keep wild or feral animals, farm animals, primates, ferrets, pot-bellied pigs or animals used for breeding or to produce offspring for sale.

Pet Combinations (maximum) a Resident may have:

- One (1) Category I pet type (a, b) & One (1) Category II pet type (c, d, e, f)  
Example: One dog & 2 birds

(OR)

- Two (2) Category II pet types (c, d, e, f)  
Example: 2 birds & fish, or fish and 1 guinea pig

No two Category II pet types can be the same. Example: A Resident may NOT have 2 rodents, or 2 aquariums, or 4 birds.

## **Other Requirements**

PHA Policy

Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within 30 days of the pet reaching 6 months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary.

Pets must be licensed in accordance with state or local law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's annual reexamination.

## ***Pet Rules***

Pet owners must maintain pets responsibly, in accordance with PHA policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations

## **Pet Area Restrictions**

PHA Policy

Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on a leash or carried and under the control of the resident or other responsible individual at all times.

Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit.

Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building.

Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

## **Designated Pet/No-Pet Areas**

PHAs may designate buildings, floors of buildings, or sections of buildings as no-pet areas where pets generally may not be permitted. Pet rules may also designate buildings, floors of building, or sections of building for residency by pet-owning tenants.

PHAs may direct initial tenant moves as may be necessary to establish pet and no-pet areas. The PHA may not refuse to admit, or delay admission of, an applicant on the grounds that the applicant's admission would violate a pet or no-pet area. The PHA may adjust the pet and no-pet areas or may direct such additional

moves as may be necessary to accommodate such applicants for tenancy or to meet the changing needs of the existing tenants.

PHAs may not designate an entire development as a no-pet area, since regulations permit residents to own pets.

#### PHA Policy

With the exception of common areas as described in the previous policy, the PHA has not designated any buildings, floors of buildings, or sections of buildings as no-pet areas. In addition, the PHA has not designated any buildings, floors of buildings, or sections of buildings for residency of pet-owning tenants.

### **Cleanliness**

#### PHA Policy

The pet owner shall be responsible for the removal of waste from the exercise area by placing it in a sealed plastic bag and disposing of it in the appropriate waste receptacle.

The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times.

Litter box requirements:

- Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner.
- Litter shall not be disposed of by being flushed through a toilet.
- Litter boxes shall be kept inside the resident's dwelling unit.

### **Alterations to Unit**

#### PHA Policy

Pet owners shall not alter their unit, patio, premises or common areas to create an enclosure for any animal.

Installation of pet doors is prohibited.

### **Noise**

#### PHA Policy

Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

### **Pet Care**

#### PHA Policy

Each pet owner shall be responsible for adequate care, nutrition, exercise and medical attention for his/her pet.

Each pet owner shall be responsible for appropriately training and caring for his/her pet to ensure that the pet is not a nuisance or danger to other residents and does not damage PHA property.



No animals may be tethered or chained inside or outside the dwelling unit at any time.

## **Responsible Parties**

PHA Policy

The pet owner will be required to designate two responsible parties for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

A resident who cares for another resident's pet must notify the PHA and sign a statement that they agree to abide by all of the pet rules.

## **Pets Temporarily on the Premises**

PHA Policy

Pets that are not owned by a Resident are not allowed on the premises or in vehicles parked at the property. This includes animals belonging to guests of a Resident. Residents are prohibited from feeding or harboring stray animals.

This rule does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations, and approved by the PHA.

## **Pet Rule Violations**

PHA Policy

All complaints of cruelty and all dog bites will be referred to animal control or an applicable agency for investigation and enforcement.

If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice will be served.

The notice will contain a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice will also state:

- That the pet owner has 10 business days from the effective date of the service of notice to correct the violation or make written request for an informal review to discuss the violation
- That the pet owner is entitled to be accompanied by another person of his or her choice at the informal review
- That the pet owner's failure to correct the violation, request an informal review, or appear at a requested informal review may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy

## **Notice for Pet Removal**

PHA Policy

If the pet owner and the PHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by the PHA, the PHA may serve notice to remove the pet.

The notice will contain:

- A brief statement of the factual basis for the PHA's determination of the pet rule that has been violated
- The requirement that the Resident /pet owner must remove the pet within the time frame on the notice (not less than 14 days)
- A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures

## **Pet Removal**

PHA Policy

If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation will be reported to the responsible party designated by the pet owner.

If the responsible party is unwilling or unable to care for the pet, or if the PHA after reasonable efforts cannot contact the responsible party, the PHA may contact the appropriate state or local agency and request the removal of the pet.

## **Termination of Tenancy**

PHA Policy

The PHA may initiate procedures for termination of tenancy based on a pet rule violation if:

- The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified
- The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease

## **Emergencies**

PHA Policy

The PHA will take all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate state or local entity authorized to remove such animals.

If it is necessary for the PHA to place the pet in a shelter facility, the cost will be the responsibility of the pet owner.

If the pet is removed as a result of any aggressive act on the part of the pet, the pet will not be allowed back on the premises.

## **PART III: Pet Deposits and Fees in Elderly/Disabled Developments**

### ***Overview***

This part describes the PHA's policies for pet deposits and fees in elderly, disabled and mixed population developments. Policies governing deposits and fees in general occupancy developments are described in Part IV.

### ***Pet Deposits***

#### **Payment of Deposit**

The PHA may require tenants who own or keep pets in their units to pay a refundable pet deposit. This deposit is in addition to any other financial obligation generally imposed on tenants of the project.

The maximum amount of pet deposit that may be charged by a PHA on a per dwelling unit basis, is the higher of the total tenant payment (TTP) or such reasonable fixed amount as the PHA may require. The PHA may permit gradual accumulation of the pet deposit by the pet owner

The pet deposit is not part of the rent payable by the resident.

#### **PHA Policy**

Pet owners are required to pay a pet deposit in addition to any other required deposits. The amount of the deposit is \$200 per authorized Category 1 pet, and must be paid in full before the pet is brought on the premises.

A deposit of \$200 may be assessed for some Category 2 pets if the PHA determines there is a likelihood of those pets causing damage to the unit.

### **Refund of Deposit**

The PHA may use the pet deposit only to pay reasonable expenses directly attributable to the presence of the pet, including (but not limited to) the costs of repairs and replacements to, and fumigation of, the tenant's dwelling unit. The PHA must refund the unused portion of the pet deposit to the tenant within a reasonable time after the tenant moves from the project or no longer owns or keeps a pet in the unit.

#### **PHA Policy**

The PHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 31 days of move-out. If the pet is removed from the unit prior to move out, the deposit will be retained until the resident moves from that unit.

The resident will be billed for any amount that exceeds the pet deposit.

The PHA will provide the resident with a written list of any charges against the pet deposit within 31 days of move out as part of the final accounting statement. If the resident disagrees with the charges, the resident may send a written request for review within 17 days of the date on the final accounting letter.

## ***Other Charges***

### **Pet-Related Damages During Occupancy**

#### PHA Policy

All reasonable expenses incurred by the PHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

- The cost of repairs and replacements to the resident's dwelling unit
- Fumigation of the dwelling unit
- Repairs to common areas of the project
- Any additional cleaning/treatment necessary to remove pet odor

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage, and/or any other financial obligations of the resident, are not part of rent payable by the resident.

### **Pet Waste Removal Charge**

The regulations do not address the PHA's ability to impose charges for house pet rule violations. However, charges for violation of PHA pet rules may be treated like charges for other violations of the lease and PHA tenancy rules.

#### PHA Policy

A separate pet waste removal charge of \$10.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action. Charges are due and payable 14 calendar days after billing. If the family requests a grievance hearing within the required timeframe, the PHA may not take action for nonpayment of the charge until the conclusion of the grievance process.

Charges for pet waste removal, and/or any other financial obligations of the resident, are not part of rent payable by the resident.

## **PART IV: Pet Deposits and Fees in General Occupancy Developments**

### ***Overview***

This part describes the PHA's policies for pet deposits and fees for those who reside in general occupancy developments.

## ***Pet Deposits***

A PHA may require a refundable pet deposit to cover additional costs attributable to the pet and not otherwise covered

A PHA that requires a resident to pay a pet deposit must place the deposit in an account of the type required under applicable State or local law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. The PHA must comply with such laws as to retention of the deposit, interest, and return of the deposit to the resident, and any other applicable requirements

## **Payment of Deposit**

PHA Policy

Pet owners are required to pay a pet deposit of \$300 in addition to any other required deposits. The deposit must be paid in full before the pet is brought on the premises.

The pet deposit, and/or any other financial obligations of the resident, is not part of rent payable by the resident.

## **Refund of Deposit**

PHA Policy

The PHA will refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within 30 days of move-out or removal of the pet from the unit.

The resident will be billed for any amount that exceeds the pet deposit.

The PHA will provide the resident with a written list of any charges against the pet deposit within 10 business days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, the PHA will provide a meeting to discuss the charges.

## ***Non-Refundable Nominal Pet Fee***

PHAs may require payment of a non-refundable nominal pet fee to cover the reasonable operating costs to the development relating to the presence of pets

PHA Policy

The PHA does not require pet owners to pay a non-refundable nominal pet fee.

## ***Other Charges***

### **Pet-Related Damages During Occupancy**

PHA Policy

All reasonable expenses incurred by the PHA as a result of damages directly attributable to the presence of the pet in the project will be the responsibility of the resident, including:

The cost of repairs and replacements to the resident's dwelling unit

Fumigation of the dwelling unit

Repairs to common areas of the project

The expense of flea elimination shall also be the responsibility of the resident.

If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in Section 8-I.G, Maintenance and Damage Charges. Pet deposits will not be applied to the costs of pet-related damages during occupancy.

Charges for pet-related damage, and/or any other financial obligations of the resident, are not part of rent payable by the resident.

### **Pet Waste Removal Charge**

The regulations do not address the PHA's ability to impose charges for house pet rule violations. However, charges for violation of PHA pet rules may be treated like charges for other violations of the lease and PHA tenancy rules.

#### PHA Policy

A separate pet waste removal charge of \$50.00 per occurrence will be assessed against pet owners who fail to remove pet waste in accordance with this policy.

Such charges will be due and payable 14 calendar days after billing.

Charges for pet waste removal, and/or any other financial obligations of the resident, are not part of rent payable by the resident.

ATTACHMENT B.1G  
Housing Authority of Washington County  
Statement of Public Housing Safety and Physical Security

Many recent studies have revealed that not only are residents of public housing the most vulnerable segment of the American population in terms of criminal victimization, but that even in projects where the actual incidence of crime is not high, a great fear of crime prevails, especially among the elderly tenants. There is consensus among crime prevention experts that crime reduction programs in public housing must utilize an integrated set of measures, including: (1) physical design, security hardware, and maintenance improvements by management; (2) increased organization of tenants around crime prevention issues; (3) employment of unemployed tenants--both youths and adults--on the rehabilitation of their projects; (4) establishment of on-site crisis intervention and other social service programs; (5) better cooperation between public housing security personnel and the local police; and (6) more public-private agency investment in the upgrading of public housing projects and their surrounding neighborhoods. The Department of Housing and Urban Development's two-year, \$40 million Anti-Crime Demonstration in Public Housing launched in 1979 is the first attempt by the Federal government to wage such a comprehensive attack on crime and its attendant problems in our nation's most neglected residential areas.

**PHA Policy**

The Housing Authority will immediately address and matters of resident security or safety once they are made aware of the problem by either the resident(s) or law enforcement. Decisions on these matters will be made based on physical or financial limitations. The Housing Authority has not nor is not experiencing any significant issues regarding resident safety or security.

**ATTACHMENT B.2-5 & B.3**  
**Housing Authority of Washington County (HAWC)**  
**Goals & Objectives Statement**

**Goal: Increase the availability of decent, safe, and affordable housing.**

The Housing Authority of Washington County will expand the supply of affordable housing by:

- Maintaining average lease-up rate for its Section 8 rental assistance program of 95% or better.
- Leveraging private and public funds to maintain affordable housing opportunities through new development, acquisition and prospects.
- Seeking additional vouchers through the Veterans Affairs Supportive Housing (VASH) Program.
- Converting Housing Choice Vouchers to Project-based Vouchers for specific housing needs.
- Pursuing the transfer of property owned by Washington County as the result of property tax foreclosure actions to the Housing Authority for use as affordable rental units.
- Increase the long-term sustainability of the Low Rent Public Housing Program

The Housing Authority of Washington County will also improve the quality of affordable housing by:

- Continually evaluating and improving Public Housing and Voucher management practices.
- Publishing a participant newsletter periodically throughout the year to notify program participants of important program information, and other topics of interest.
- Increasing customer satisfaction by providing customers a survey to share their feelings about their experience with the Housing Authority of Washington County.
- Holding Resident Advisory Board meetings, no less than 2 times a year.
- Hold Landlord Training Courses 2-3 times per year.

The Housing Authority of Washington County will increase affordable housing choices by:

- Maintaining a database of available units from property owners who wish to work with the Section 8 Housing Choice Voucher Program. Lists of available units are published as information is updated, providing participants in search of housing with a continually fresh list to work from.



- Providing a map to all Housing Voucher Program Participants at their briefing showing areas of poverty deconcentration to allow Voucher participants to easier locate units in areas of low poverty concentration.
- Making available a database that pinpoints housing with features accessible to persons with disabilities in Washington County, and a special packet with detailed information about these dwellings, as well as neighborhood information, including public transportation schedules upon request.
- Partnering with various profit and non-profit agencies to assist in the development of new affordable housing communities throughout the county.
- Promoting homeownership programs under Section 8 Housing Choice Voucher Homeownership Program. Previous Participants have benefited from partnerships with State, County and non-profit agencies to provide essential counseling and downpayment assistance loans.

**Goal: Improve community quality of life and economic vitality**

The Housing Authority of Washington County provides an improved living environment for its program participants by:

- Promoting income mixing in public housing by assuring access for lower income families into higher income developments.
- Continually improving the quality of its public housing and affordable housing stock through preventative maintenance inspections and rehabilitation when necessary.
- Ensuring the accessibility of public housing units by maintaining at least 5% of its units accessible to wheelchair and mobility impaired users. 10% of the units will be designed for those with visual or hearing impairments.

**Goal: Promote self-sufficiency and asset development of families and individuals**

The Housing Authority of Washington County promotes the self-sufficiency of participating households by:

- Voluntarily maintaining its Family Self-Sufficiency Program size over minimum requirements.
- Providing no-cost financial education to FSS program participants and providing access to Individual Development Accounts (IDA).
- Providing Section 8 Homeownership Vouchers to families who are eligible.
- Partnering with other agencies, such as the State of Oregon Adult and Family Services Division and Work Source, to provide supportive services to participating households, including case management, supportive services, and/or employment services.
- Continue with programs such as HCNW sponsored by Work Source and federal grants.
- Establish a independent model and program for self-funding of a program noted as “Housing Plus”.

## **Goal: Ensure Equal Opportunity in Housing for all Americans**

The Housing Authority of Washington County is committed to providing access to affordable housing regardless of race, color, religion national origin, sex, familial status, disability, marital status, source of income, sexual orientation, gender identity, honorably discharged veterans and domestic violence status. Furthermore, the Housing Authority of Washington County provides a suitable living environment for families living in affordable housing, regardless of race, color, religion national origin, sex, familial status, disability, marital status, source of income, sexual orientation, gender identity, honorably discharged veterans and domestic violence status. Finally, the Housing Authority of Washington County does its utmost to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.

## **Annual Progress Statement**

**The Housing Authority of Washington County has expanded the supply of affordable housing by:**

- Maintaining an average lease-up rate for its Section 8 rental assistance program of 98%.
- Maintaining an average occupancy rate of 97% for Low Rent Public Housing Units.
- Maintaining an average occupancy rate of 96% for Affordable Properties.
- Seek additional vouchers for the VASH Program.
- Accepting properties acquired via property tax foreclosures to be used as Affordable Housing.
- Partnering with both profit and non-profit developers to encourage production of low income and work force housing.
- Performing ongoing analysis of the operational and financial sustainability of the LRPB program that conforms to HUD's evaluation criteria.
- Should federal funding be insufficient to preserve required HUD reserves, the HAWC will:
- Maximize the implementation of appropriate cost-efficiencies.
- Analyze the feasibility of pursuing various HUD programs such as the Rental Assistance Demonstration (RAD), Section 18 Demo/Disposition, Moving to Work, etc. Review the feasibility of organizational restructuring, to include outsourcing.

**The Housing Authority of Washington County has also improved the quality of affordable housing by:**

- Continually evaluating and improving Public Housing and Voucher management practices.
- Publishing a participant newsletter periodically throughout the year to notify program participants of important program information, and other topics of interest. This newsletter was published on a semi-annual basis.
- Increasing customer satisfaction by providing customers a comment card to share their feelings about their experience with the Housing Authority of Washington County.

**The Housing Authority of Washington County has increased affordable housing choices by:**

- Maintaining a database of available units from property owners who wish to work with the Section 8 Housing Choice Voucher Program. Lists of available units are published as information is updated, providing participants in search of housing with a continually fresh list to work from.
- Providing a map to all Housing Voucher Program Participants at their briefing showing areas of poverty deconcentration to allow Voucher participants to easier locate units in areas of low poverty concentration.
- Developing a database that pinpoints housing with features accessible to persons with disabilities in Washington County, and creating a special packet with detailed information about these dwellings, as well as neighborhood information, including public transportation schedules.
- Partnering with various non-profit agencies to assist in the development of new affordable housing communities throughout the county.
- Promoting homeownership programs under Section 8 Housing Choice Voucher Homeownership Program Participants have benefited from partnerships with State, county and non-profit and for-profit agencies to provide essential counseling and down payment assistance loans.

**The Housing Authority of Washington County has provided an improved living environment for its program participants by:**

- Promoting income mixing in public housing by assuring access for lower income families into higher income developments.
- Continually improving the quality of its public housing and affordable housing stock through preventative maintenance inspections and rehabilitation when necessary.
- Ensuring the accessibility of public housing units by making at least 5% of its units accessible to wheelchair users. In the previous year, one 3-bedroom house and one duplex were converted to full accessibility.

**The Housing Authority of Washington County has promoted the self-sufficiency of participating households by:**

- Voluntarily maintaining its Family Self-Sufficiency Program size over minimum requirements.
- Providing no-cost financial education to FSS program participants.
- Offering Section 8 Homeownership Vouchers to families who are eligible.
- Partnering with other agencies, such as the State of Oregon Adult and Family Services Division and Work Source, to provide supportive services to participating households, including case management, supportive services, and/or employment services.

**The Housing Authority of Washington County has promoted all principles of Fair Housing by:**

- Providing access to affordable housing regardless of race, color, religion national origin, sex, familial status, and disability. Furthermore, the Housing Authority of Washington County provides a suitable living environment for families living in affordable housing, regardless of race, color, religion national origin, sex, familial status, and disability. Finally, the Housing Authority of Washington County has done its utmost to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.
- Implementing a Limited English Proficiency (LEP) Plan and Policies
- Implementing a Violence Against Women Act (VAWA) Policy

**Housing Authority of Washington County (HAWC)  
STRATEGY FOR ADDRESSING HOUSING NEEDS**

**STRATEGIES**

**A. Need: Shortage of affordable housing for all eligible populations**

**Strategy 1: Maximize the number of affordable units available to the PHA within its current resources by:**

- Employing effective maintenance and management policies to minimize the number of public housing units off-line
- Reducing turnover time for vacated public housing units
- Reducing time to renovate public housing units
- Maintaining or increasing Section 8 lease-up rates by establishing payment standards that will enable families to rent throughout the jurisdiction
- Undertaking measures to ensure access to affordable housing among families affordable by the PHA, regardless of unit size required
- Maintaining or increasing Section 8 lease-up rates by marketing the program to owners, particularly those outside of areas of minority and poverty concentration
- Maintaining or increasing Section 8 lease-up rates by effectively screening Section 8 applicants to increase owner acceptance of program

- Participating in the Consolidated Plan development process to ensure coordination with broader community strategies
- Applying for additional Section 8 project-based units should they become available

**Strategy 2: Increase the number of affordable housing units by:**

- Leveraging affordable housing resources in the community through the creation of mixed-finance housing
- Pursuing housing resources other than public housing or Section 8 tenant-based assistance.
- Partnering with for-profit and non-profit developers to leverage financial resources bonds, tax credits, tax exemptions, project-based vouchers, etc.

**B. Need: Specific Family Types: Families at or below 30% of median**

**Strategy 1: Target available assistance to families at or below 30 % of AMI**

- Employ admissions preferences aimed at families with economic hardships
- Adopt rent policies to support and encourage work

**C. Need: Specific Family Types: Families at or below 80% of median (low-income families)**

**Strategy 1: Target available assistance to families at or below 80% of AMI**

- Employ admissions preferences aimed at families who are working, or engaged in employment training and/or related activities.
- Adopt rent policies to support and encourage work

**D. Need: Specific Family Types: The Elderly**

**Strategy 1: Target available assistance to the elderly:**

- Apply for special-purpose vouchers targeted to the elderly, should they become available
- Provide local preferences to disabled homeless applicants and elderly/disabled families/individuals on a fixed income.

**E. Need: Specific Family Types: Families with Disabilities**

**Strategy 1: Target available assistance to Families with Disabilities:**

- Carry out the modifications needed in public housing based on the section 504 Needs Assessment for Public Housing
- Apply for special-purpose vouchers targeted to families with disabilities, should they become available
- Affirmatively market to local non-profit agencies that assist families with disabilities
- Provide Ranking preference elderly/disabled families/individuals on a fixed income or with no income.

## **F. Need: Specific Family Types: Races or ethnicities with disproportionate housing needs**

### **Strategy 1: Increase awareness of PHA resources among families of races and ethnicities with disproportionate needs:**

- Affirmatively market to races/ethnicities shown to have disproportionate housing needs

### **Strategy 2: Conduct activities to affirmatively further fair housing**

- Counsel Section 8 tenants as to location of units outside of areas of poverty or minority concentration and assist them to locate those units
- Market the Section 8 program to owners outside of areas of poverty/minority concentrations

## **G. Need: Specific Family Types: Foster Families and Children Aging out of Foster Care**

### **Strategy 1: Target available assistance to families with foster children.**

- Employ admissions preferences aimed at families who are adopting or securing permanent guardianship of foster children.
- Because homelessness is often a factor for the return of children to their parents/guardians when engaged with Child Protective Services (CPS), the PHA will apply for special-purpose vouchers, when available, that are targeted to families with CPS involvement and adult children aging out of foster care (i.e. Family Unification Program Vouchers).

### **Reasons for Selecting Strategies**

- Funding constraints
- Staffing constraints

- Limited availability of sites for affordable housing
  - Extent to which particular housing needs are met by other organizations in the community
  - Evidence of housing needs as demonstrated in the Consolidated Plan and other information available to the PHA
  - Influence of the housing market on PHA programs
  - Community priorities regarding housing assistance
  - Results of consultation with local or state government
  - Results of consultation with residents and the Resident Advisory Board
- Results of consultation with advocacy groups

**ATTACHMENT B.4-5**  
Housing Authority of Washington County (HAWC)  
**VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY**

**I. Purpose and Applicability**

The purpose of this policy (herein called “Policy”) is to implement the applicable provisions of The Violence against Women Act of 2005 and the Violence Against Women Reauthorization Act of 2013 (herein referred to collectively as “VAWA”) and more generally to set forth HAWC policies and procedures regarding domestic violence, dating violence, stalking, or sexual assault as hereinafter defined.

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

**II. Goals and Objectives**

This Policy has the following principal goals and objectives:

- Maintaining compliance with all applicable legal requirements imposed by VAWA;
- Promoting the physical safety of victims of actual or threatened domestic violence, dating violence, stalking, or sexual assault who are assisted by HAWC;
- Providing and maintaining housing opportunities for victims of domestic violence, dating violence, stalking, or sexual assault;
- Creating and maintaining collaborative arrangements between HAWC, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence, stalking, or sexual assault who are assisted by HAWC; and
- Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, stalking, or sexual assault affecting individuals assisted by HAWC.

**III. Other DHS Policies and Procedures**

This Policy shall be referenced in and attached to HAWC Five-Year Public Housing Agency (PHA) Plan and shall be incorporated in and made a part of HAWC Admissions and Continued Occupancy Policy and Section 8 Housing Choice Voucher Administrative Plan. HAWC annual PHA Plan shall also contain information concerning HAWC activities, services or programs relating to domestic violence, dating violence, stalking, or sexual assault.

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

**IV. Associated HAWC Activities, Services or Programs.**

- The following activities, services or programs are provided by HAWC, directly or in partnership with other service providers, to child and adult victims of domestic violence, dating violence, sexual assault or stalking:
  - HAWC referrals to the Domestic Violence Resource Center (DVRC).



- The following activities, services, or programs are provided by HAWC to help child and adult victims of domestic violence, dating violence, sexual assault, or stalking maintain housing:
  - Transfer policies under Section 8 and public housing.
  - Preference policy under Section 8 and public housing.
- The following activities, services, or programs are provided by HAWC to prevent domestic violence, dating violence, sexual assault and stalking, or to enhance victim safety in assisted families:
  - Transfer policies under Section 8 and public housing.

## V. Definitions

As used in this Policy:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- The term *affiliated individual* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis (in the position or place of a parent); or
  - Any other individual, tenant, or lawful occupant living in the household of that individual.
- The term *stalking* means:
  - 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 (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

## VI. Admissions and Screening

- A. *Non-Denial of Assistance.* HAWC will not deny admission to public housing or to the Section 8 rental assistance program to any person because that person is or has been a victim of domestic violence, dating violence, stalking, or sexual assault, provided that such person is otherwise qualified for such admission.
- B. *Admissions Preference.* HAWC has an established waiting list preference for victims of domestic violence. The definition of “domestic violence” used for this admissions preference is “actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant’s household”.
- C. *Mitigation of Disqualifying Information.* When so requested in writing by an applicant for assistance whose history includes incidents in which the applicant was a victim of domestic violence, HAWC, may, but shall not be obligated to, take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling. If requested by an applicant to take such mitigating information into account, HAWC shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence and its probable relevance to the potentially disqualifying information. DHS will not disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence.

## **VII. Termination of Tenancy or Assistance**

- A. *VAWA Protections.* Under VAWA, public housing residents and persons assisted under the Section 8 rental assistance program have the following specific protections, which will be observed by HAWC:
  - 1. An incident or incidents of actual or threatened domestic violence, dating violence, stalking, or sexual assault will not be considered to be a “serious or repeated” violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.
  - 2. In addition to the foregoing, tenancy or assistance will not be terminated by HAWC as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence, stalking, or sexual assault engaged in by a member of the assisted household, a guest or another person under the tenant’s control, and the tenant or an affiliated individual is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
    - a) Nothing contained in this paragraph shall limit any otherwise available authority of HAWC or a Section 8 owner or manager to terminate tenancy, evict, or to terminate assistance, as the case may be, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, stalking, or sexual assault in question against the tenant or a member of the tenant’s household. However, in taking any such action, neither HAWC nor a Section 8 manager or owner may apply a more demanding standard to the victim of domestic violence dating violence or stalking than that applied to other tenants.
    - b) Nothing contained in this paragraph shall be construed to limit the authority of HAWC or a Section 8 owner or manager to evict or terminate from assistance any tenant or lawful applicant if the owner, manager or HAWC, as the case may be, can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.

- B. *Removal of Perpetrator.* Further, notwithstanding anything in paragraph VI.A.2. or Federal, State or local law to the contrary, HAWC or a Section 8 owner or manager, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by HAWC.

### **VIII. Verification of Domestic Violence, Dating Violence, Stalking, or Sexual Assault**

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

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

1. A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, or Stalking), which must include the name of the perpetrator.
  2. A federal, state, tribal, territorial, or local police report or court record.
  3. Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.
  4. Record of an administrative agency.
  5. Documentation from a mental health professional.
- B. *Time allowed to provide verification/ failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, stalking, or sexual assault, and who is requested by HAWC, or a Section 8 owner or manager to provide verification, must provide such verification within 14 business days (*i.e.*, 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action; however, HAWC or the Section 8 owner or manager, may extend the 14-day deadline at their discretion.

- C. *Waiver of verification requirement.* The Executive Director (or his/her designee) of HAWC, or a Section 8 owner or manager, may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director (or his/her designee), owner or manager. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

## **IX. Confidentiality**

- A. *Right of confidentiality.* All information (including the fact that an individual is a victim of domestic violence, dating violence, stalking, or sexual assault ) provided to HAWC or to a Section 8 owner or manager in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:
- i. requested or consented to by the individual in writing, or
  - ii. required for use in a public housing eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA, or
  - iii. otherwise required by applicable law.
- B. *Notification of rights.* All tenants of public housing and tenants participating in the Section 8 rental assistance program administered by HAWC shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

## **X. Transfer to New Residence**

- A. *Application for transfer.* In situations that involve significant risk of violent harm to an individual as a result of previous incidents or threats of domestic violence, dating violence, stalking, or sexual assault, HAWC may, if an approved unit size is available at a location that may reduce the risk of harm, approve transfer by a public housing or Section 8 tenant to a different unit in order to reduce the level of risk to the individual. A tenant who requests transfer must attest in such application that the requested transfer is necessary to protect the health or safety of the tenant or another member of the household who is or was the victim of domestic violence dating violence or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.
- B. *Action on requests for transfers.* HAWC will act upon such request within 14 business days.
- C. *No right to transfer.* HAWC will make every effort to accommodate requests for transfer when suitable alternative vacant units are available and the circumstances warrant such action. However, except with respect to portability of Section 8 assistance as provided in paragraph IX. E. below the decision to grant or refuse to grant a transfer shall lie within the sole discretion of HAWC, and this policy does not create any right on the part of any applicant to be granted a transfer.
- D. *Family rent obligations for Public Housing tenants.* If a family occupying HAWC public housing moves before the expiration of the lease term in order to protect the health or safety of a household member, the family will remain liable for the rent during the remainder of the lease term unless released by HAWC. In cases where HAWC determines that the family's decision to move was reasonable under the circumstances, HAWC may wholly or partially waive rent payments and any

rent owed shall be reduced by the amounts of rent collected for the remaining lease term from a tenant subsequently occupying the unit.

- E. *Portability.* Notwithstanding the foregoing, a Section 8-assisted tenant will not be denied portability to a unit located in another jurisdiction (notwithstanding the term of the tenant's existing lease has not expired, or the family has not occupied the unit for 12 months) so long as the tenant has complied with all other requirements of the Section 8 program and has moved from the unit in order to protect a health or safety of an individual member of the household who is or has been the victim of domestic violence dating violence or stalking and who reasonably believes that the tenant or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

## **XI. Court Orders/Family Break-Up**

- A. *Court orders.* It is HAWC policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by HAWC and their property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.
- B. *Family break-up.* Other HAWC policies regarding family break-up are contained in HAWC Public Housing Admissions and Continuing Occupancy Plan (ACOP) and its Section 8 Administrative Plan.

## **XII. Relationships with Service Providers**

It is the policy of HAWC to cooperate with organizations and entities, both private and governmental, which provide shelter and/or services to victims of domestic violence. If a HAWC staff member becomes aware that an individual assisted by HAWC is a victim of domestic violence, dating violence, stalking, or sexual assault, HAWC will refer the victim to such providers of shelter or services as appropriate.

Notwithstanding the foregoing, this Policy does not create any legal obligation requiring HAWC either to maintain a relationship with any particular provider of shelter or services to victims or domestic violence or to make a referral in any particular case.

## **XIII. Notification**

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

## **XIV. Relationship with Other Applicable Laws**

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

## **XV. Amendment**

This policy may be amended from time to time by HAWC as approved by the Washington County Housing Authority Board of Directors.

**ATTACHMENT C**  
**Housing Authority of Washington County (HAWC)**  
**Annual Progress Statement**

**The Housing Authority of Washington County has expanded the supply of assisted housing by:**

- Maintaining an average lease-up rate for its Section 8 rental assistance program of 98%.
- Maintaining an average occupancy rate of 97% for Low Rent Public Housing Units.
- Maintaining an average occupancy rate of 96% for Affordable Properties.
- Seek additional vouchers for the VASH Program.
- Accepting properties acquired via property tax foreclosures to be used as Affordable Housing.
- Partnering with both profit and non-profit developers to encourage production of low income and work force housing.

**The Housing Authority of Washington County has also improved the quality of assisted housing by:**

- Continually evaluating and improving Public Housing and Voucher management practices.
- Publishing a participant newsletter periodically throughout the year to notify program participants of important program information, and other topics of interest. This newsletter was published on a quarterly basis.
- Increasing customer satisfaction by providing customers a comment card to share their feelings about their experience with the Housing Authority of Washington County.

**The Housing Authority of Washington County has increased assisted housing choices by:**

- Maintaining a database of available units from property owners who wish to work with the Section 8 Housing Choice Voucher Program. Lists of available units are published as information is updated, providing participants in search of housing with a continually fresh list to work from.
- Providing a map to all Housing Voucher Program Participants at their briefing showing areas of poverty deconcentration to allow Voucher participants to easier locate units in areas of low poverty concentration.
- Developing a database that pinpoints housing with features accessible to persons with disabilities in Washington County, and creating a special packet with detailed information about these dwellings, as well as neighborhood information, including public transportation schedules.

- Partnering with various non-profit agencies to assist in the development of new affordable housing communities throughout the county.
- Promoting home ownership programs under Section 8 Housing Choice Voucher Homeownership Program and Section 32 Public Housing Homeownership Program. Participants have benefited from partnerships with State, county and non-profit and for-profit agencies to provide essential counseling and downpayment assistance loans.

**The Housing Authority of Washington County has provided an improved living environment for its program participants by:**

- Promoting income mixing in public housing by assuring access for lower income families into higher income developments.
- Continually improving the quality of its public housing and affordable housing stock through preventative maintenance inspections and rehabilitation when necessary.
- Ensuring the accessibility of public housing units by making at least 5% of its units accessible to wheelchair users. In the previous year, one 3-bedroom house and one duplex were converted to full accessibility.

**The Housing Authority of Washington County has promoted the self-sufficiency of participating households by:**

- Voluntarily maintaining its Family Self-Sufficiency Program size over minimum requirements.
- Providing no-cost financial education to FSS program participants.
- Offering Section 8 Homeownership Vouchers to families who are eligible.
- Partnering with other agencies, such as the State of Oregon Adult and Family Services Division and Work Source, to provide supportive services to participating households, including case management, supportive services, and/or employment services.

**The Housing Authority of Washington County has promoted all principles of Fair Housing by:**

- Providing access to assisted housing regardless of race, color, religion national origin, sex, familial status, and disability. Furthermore, the Housing Authority of Washington County provides a suitable living environment for families living in assisted housing, regardless of race, color, religion national origin, sex, familial status, and disability. Finally, the Housing Authority of Washington County has done its utmost to ensure accessible housing to persons with all varieties of disabilities regardless of unit size required.
- Implementing a Limited English Proficiency (LEP) Plan and Policies  
Implementing a Violence Against Women Act (VAWA) Policy

**ATTACHMENT D**  
**Housing Authority of Washington County (HAWC)**  
**Special Public Housing Programs**

**General Disposition**

The Housing Authority of Washington County may consider the disposition of its remaining 244 Public Housing dwelling units if HUD does not provide enough Operating Subsidy and/or Capital Fund Grants to effectively operate and maintain safe, decent and sanitary dwelling units under the Public Housing Program.

**SECTION 18**

The Housing Authority is requesting HUD approved a Section 18 Disposition for a total of 60 scattered sites throughout Washington County. These single-family homes will be sold at Fair Market Value. Current residents will have the opportunity to purchase their home before it goes to the general market. In addition, HAWC will work with local jurisdiction such as Cities for the possible purchase of the homes. After this offer is made but not accepted the homes will be sold to the general public with the use of a professional real estate broker. The value of the homes will be determined by a standard competitive market analysis done by the brokerage at the time of listing. It is anticipated that the sale of 60 homes at an average sale price of \$320,000 will generate approximately \$17,800,000 over a period that will encompass several fiscal cycles. These funds will be maintained and used to purchase multifamily properties as the appropriate properties come to market and meet all the Housing Authorities requirements.

**SECTION 8 HOME OWNERSHIP PROGRAM**

During the previous fiscal year, weak economic conditions coupled with high rates of unemployment impacted many of the Section 8 participants. There were no homes sold during the previous fiscal period. These same challenges are likely to impact many of the program participants in the upcoming fiscal period.

**PROJECT-BASED SECTION 8 VOUCHERS**

Project-based vouchers are an appropriate option for promoting access to affordable housing to homeless and low-income individuals with multiple barriers or special need requirements. The Housing Authority will continue to project-base the remaining vouchers available from the 75 vouchers approved in the FY2009 PHA Plan as client turnover takes place. These 75 project-based vouchers were assigned to two categories – 50 for chronically homeless persons and 25 for persons who are homeless or have special needs.

In the Chronically Homeless category, the Washington County 10-Year Plan identifies a strategy for 50 project-based vouchers for chronically homeless single adults. Twelve of



the 50 vouchers were allocated in FY2009 to a local non-profit housing provider. The remaining 38 vouchers were allocated in FY2011.

In the Special Needs category, all 25 project-based vouchers were allocated to community partners in FY2009.

In FY2011 we identified the need for 138 project-based vouchers. 38 of these vouchers were designed for chronically homeless and 48 were identified for extremely low income.

In FY2012, the Housing Authority continued allocation of all remaining vouchers using the competitive process requirements of the RFP (Request for Proposal) to qualify participating projects, non-profit service/housing providers, and or landlords in Washington County. In addition, the Housing Authority authorized an additional 62 project-based vouchers in FY2013 to Extremely Low Income populations through a new RFP process based on an evaluation of identified community needs in designated countywide locations as prioritized in the goals and strategies of the County's Consolidated Plan and the 10-Year Plan to End Homelessness. The Housing Authority had elected not to assign any additional project-based vouchers in the FY 2014 and FY 2015 fiscal periods. For the FY 2016 fiscal year, the housing authority is requesting an additional 24 PBV's for very low-income residents. In 2016 an additional 100 PBV's were approved and were 100 in 2017 all designated for low income residents.

The Housing Authority in late FY2009 was awarded 25 HUD-VASH vouchers for homeless veterans in partnership with the Department of Veterans Affairs. All 25 vouchers were fully leased in FY2010. In FY2013 the Housing Authority was awarded an additional 35 HUD-VASH vouchers. In FY2014 the Housing Authority received an additional 14 VASH vouchers. The Housing Authority will continue to seek additional Veterans Affairs Supportive Housing (VASH) vouchers whenever new allocations are made available. In the 2019 Plan the Housing Authority will ask for an additional 100 project-based vouchers.

### **MEDICAL MARIJUANA**

On February 10, 2011 the Assistant Secretary for Public and Indian Housing at the U.S. Department of Housing and Urban Development (HUD) published a memo regarding the use of Medical Marijuana in Public Housing and Housing Choice Voucher Programs. The purpose of the Memorandum was to provide guidance on admissions, continued occupancy and termination policies in states that have enacted laws allowing the use of medical marijuana. The State of Oregon is one such state. The Memorandum addresses New Admissions and Current Residents.

### **New Admissions**

The Quality Housing and Work Responsibility Act (OHWRA) of 1998 (42 U.S.C. §13661) requires that Public Housing Authorities (PHA's) administering HUD's rental

assistance program establish standards and lease provisions that prohibit admission to Public Housing and Housing Choice Voucher programs based on the illegal use of controlled substances, including state legalized medical marijuana. State laws that legalize medical marijuana directly conflict with the admission requirements set forth in QHWRA and thus are subject to federal preemption.

### **Current Residents**

For existing residents, QHWRA requires PHAs to establish occupancy standards and lease provisions that will allow the PHA to terminate assistance for use of a controlled substance. However, the law does not compel such action and PHAs have discretion to determine continued occupancy policies that are most appropriate for their communities.

PHAs in states that have enacted laws legalizing the use of medical marijuana must therefore establish a standard and adopt written policy regarding whether to allow continued occupancy or assistance for residents who are medical marijuana users. The decision of whether to allow continued occupancy or assistance to medical marijuana users in these states is the responsibility of PHAs, not of the Department (HUD).

### **HAWC Policies**

Based on this guidance the Housing Authority of Washington County has adopted the following policies and procedures:

1. Applicants: Current users of medical marijuana, even when authorized for such use under state law, shall not be eligible for admission into the PHA's public housing and Section 8 Housing Choice Voucher programs. For purposes of this policy, current use shall be defined as the use of marijuana, including medical marijuana, in any form, within 120 days prior to the date of the applicant's signed Personal Declaration form.
  - As a recipient of federal funds, the PHA is required to comply with all federal laws. Marijuana is categorized as a Schedule I substance under the Controlled Substance Act (CSA). See U.S.C. §801 et. seq. The manufacture, distribution or possession of marijuana is a federal criminal offense, and it may not be legally prescribed by a physician for any reason. See U.S.C. §§\_841(a)(1); 844(a); 812(b)(1)(A)-(C).
  - Section 576(b) of the Quality Housing and Work Responsibility Act (QHWRA) of 1998 (42 U.S.C. §13661) requires the PHA to deny admission to those households with a member who the PHA determines is, at the time of consideration for admission, illegally using a "controlled substance" as that term is defined in the Controlled Substance Act.
  - The PHA shall not permit the use of medical marijuana as a reasonable accommodation because: 1) persons who are currently using illegal drugs, including medical marijuana, are categorically disqualified from protection under the disability definition provisions of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act; and 2) such accommodations are

not reasonable under the Fair Housing Act because they would constitute a fundamental alteration in the nature of the PHA's operations.

2. Current residents: Under the termination standards of the Quality Housing and Work Responsibility Act (QHWRA) of 1998 (42 U.S.C. §13661), the PHA has discretion in (1) public housing to evict or refrain from evicting a current tenant and in (2) the Section 8 program a current program participant who the PHA determines is illegally using a controlled substance.

While the PHA may not grant reasonable accommodations for medical marijuana use, it retains discretion to evict or refrain from evicting *current residents who engage in such use* as set forth in compliance with PHA policies and the Quality Housing and Work Responsibility Act (QHWRA) of 1998 (42 U.S.C. §13661).

3. Current Use: The PHA has determined that limited use of medical marijuana by current tenants and participants is permissible only under the following conditions:
  - Except as further limited herein, the current tenant's/program participant's use of medical marijuana shall be conducted in strict conformance with the laws of the State of Oregon set forth in ORS 475.300 to ORS 475.346.
  - Current residents Of Public Housing and participants of the Section 8 Housing Choice Voucher Program are prohibited from growing, manufacturing, distributing or selling any illegal or controlled substances while on either program.
  - Current residents of Public Housing and participants of the Section 8 Housing Choice Voucher are prohibited from smoking marijuana, in any form, at all times while on PHA property, on leased or rented premises or in or on voucher-subsidized premises, and must utilize medical marijuana in an alternate delivery format (pills, liquids, food substances, etc.) as authorized under state law.
  - Current residents of Public Housing and participants of the Section 8 Housing Choice Voucher Program are prohibited from growing marijuana, including medical marijuana, always while on PHA property, on leased or rented premises or in or on voucher-subsidized premises.
4. Termination: Failure to comply with the PHA's policies regarding medical marijuana shall result in lease termination (public housing) or termination of assistance (Section 8 Housing Choice Voucher).

### **New Admissions**

The Quality Housing and Work Responsibility Act (QHWRA) of 1998 (42 U.S.C. §13661) requires that Public Housing Authorities (PHA's) administering HUD's rental assistance program establish standards and lease provisions that prohibit admission to Public Housing and Housing Choice Voucher programs based on the illegal use of controlled substances, including state legalized medical marijuana. State laws that

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PHAs in states that have enacted laws legalizing the use of medical marijuana must therefore establish a standard and adopt written policy regarding whether to allow continued occupancy or assistance for residents who are medical marijuana users. The decision of whether to allow continued occupancy or assistance to medical marijuana users in these states is the responsibility of PHAs, not of the Department (HUD).

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1.Applicants: Current users of medical marijuana, even when authorized for such use under state law, shall not be eligible for admission into the PHA's public housing and Section 8 Housing Choice Voucher programs. For purposes of this policy, current use shall be defined as the use of marijuana, including medical marijuana, in any form, within 120 days prior to the date of the applicant's signed Personal Declaration form.

As a recipient of federal funds, the PHA is required to comply with all federal laws. Marijuana is categorized as a Schedule I substance under the Controlled Substance Act (CSA). See U.S.C. §801 et. seq. The manufacture, distribution or possession of marijuana is a federal criminal offense, and it may not be legally prescribed by a physician for any reason. See U.S.C. §§ 841(a)(1); 844(a); 812(b)(1)(A)-(C).

Section 576(b) of the Quality Housing and Work Responsibility Act (QHWRA) of 1998 (42 U.S.C. §13661) requires the PHA to deny admission to those households with a member who the PHA determines is, at the time of consideration for admission, illegally using a "controlled substance" as that term is defined in the Controlled Substance Act.

The PHA shall not permit the use of medical marijuana as a reasonable accommodation because: 1) persons who are currently using illegal drugs, including medical marijuana, are categorically disqualified from protection under the disability definition provisions of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act; and 2) such accommodations are not reasonable under the Fair Housing Act because they would constitute a fundamental alteration in the nature of the PHA's operations.

2. Current residents: Under the termination standards of the Quality Housing and Work Responsibility Act (QHWRA) of 1998 (42 U.S.C. §13661), the PHA has discretion in (1) public housing to evict or refrain from evicting a current tenant and in (2) the Section 8 program a current program participant who the PHA determines is illegally using a controlled substance.

While the PHA may not grant reasonable accommodations for medical marijuana use, it retains discretion to evict or refrain from evicting ***current residents who engage in such use*** as set forth in compliance with PHA policies and the Quality Housing and Work Responsibility Act (QHWRA) of 1998 (42 U.S.C. §13661).

3. Current Use: The PHA has determined that limited use of medical marijuana by current tenants and participants is permissible only under the following conditions:

Except as further limited herein, the current tenant's/program participant's use of medical marijuana shall be conducted in strict conformance with the laws of the State of Oregon set forth in ORS 475.300 to ORS 475.346.

Current residents Of Public Housing and participants of the Section 8 Housing Choice Voucher Program are prohibited from growing, manufacturing, distributing or selling any illegal or controlled substances while on either program.

Current residents of Public Housing and participants of the Section 8 Housing Choice Voucher are prohibited from smoking marijuana, in any form, at all times while on PHA property, on leased or rented premises or in or on voucher-subsidized premises, and must utilize medical marijuana in an alternate delivery format (pills, liquids, food substances, etc.) as authorized under state law.

Current residents of Public Housing and participants of the Section 8 Housing Choice Voucher Program are prohibited from growing marijuana, including medical marijuana, always while on PHA property, on leased or rented premises or in or on voucher-subsidized premises.

4. Termination: Failure to comply with the PHA's policies regarding medical marijuana shall result in lease termination (public housing) or termination of assistance (Section 8 Housing Choice Voucher).

## Housing Needs of Families on the Waiting List

Waiting List Type:

Housing Choice Voucher

Attachment E-1

	# of Families	% of Total Families	Annual Admissions
<b>Waiting List Total</b>	<b>892</b>		<b>0</b>
Extremely Low Income (30% AMI and under)	185	20.74%	
Very Low Income (31-50% AMI)	38	4.26%	
Families with Children	22	2.47%	
Elderly Families	90	10.09%	
Disabled Families	273	30.61%	
Race (White)	529	59.30%	
Race (Black)	218	24.44%	
Race (Asian)	27	3.03%	
Race (American Indian)	10	1.12%	
Race (Native Hawaiian)	9	1.01%	
Race (Multiple)	44	4.93%	
Race (Unknown/Decline to state)	55	6.17%	
Ethnicity (Hispanic of any race)	151	16.93%	

### Characteristics by Household Size

1 person	466	52.24%
2 persons	135	15.13%
3 persons	141	15.81%
4 persons	69	7.74%
5 persons	36	4.04%
6 persons	30	3.36%
7 persons	6	0.67%
8 persons	5	0.56%
9 persons	3	0.34%
10 or more persons	1	0.11%

Current waiting list status:

Closed

Status Effective Date:

2/20/2020

Does the PHA expect to open the list during the PHA plan year?

No

## Housing Needs of Families on the Waiting List

Waiting List Type: Public Housing  
Attachment E-1A

	# of Families	% of Total Families	Annual Admissions
<b>Waiting List Total</b>	<b>893</b>		<b>18</b>
Extremely Low Income (30% AMI and under)	293	32.81%	
Very Low Income (31-50% AMI)	37	4.14%	
Low Income (51-80% AMI)			
Families with Children	7	0.78%	
Elderly Families	216	24.19%	
Disabled Families	485	54.31%	
Race: Native American/Alaskan			
Race: Asian/Pacific Islander	73	8.17%	
Race: Black/African-American	147	16.46%	
Race: Native Hawaiian			
Race: White	680	76.15%	
Race: Multiple			
Race: Unknown/Not Reported			
Ethnicity: Hispanic	90	10.08%	

### Characteristics by Bedroom Size

1 bdr	852	95.41%
2 bdr	41	4.59%
3 bdr	0	0.00%
4 bdr	0	0.00%

Current waiting list status:

Closed

Status Effective Date:

2/20/2020

Does the PHA expect to open the list during the PHA plan year? Opened 2/10/2020 to 2/24/2020

**Attachment G**  
**Housing Authority of Washington County**  
**(HAWC)**  
**Definitions of "Substantial Deviation from the 5-Year Plan" and "Significant Amendment or Modification to the 5-Year Plan and Annual Plan"**

Any of the following actions will be considered a *Substantial Deviation from the 5-Year Plan*:

- A change in the PHA's approved mission statement; and
- A significant, non-emergency change in the PHA's approved goals and objectives.

Any of the following actions will be considered a *Significant Amendment or Modification to the 5-Year Plan and Annual Plan*:

- Changes to rent or admissions policies or organization of the waiting list;
- Additions of non-emergency work items (items not included in the current Annual Statement or 5-Year Action Plan) exceeding \$75,000 or change in use of replacement reserve funds under the Capital Fund; and
- Any change with regard to demolition or disposition, designation, homeownership programs or conversion activities such as MTW status.

A link to the approved Plan can be found at:

**<http://www.co.washington.or.us/Housing/PoliciesPlans/plans.efm>**



## ATTACHMENT H

### Housing Authority of Washington County (HAWC) Identification and Implementation to Remove Fair Housing Barriers

#### Introduction

In 2011 the Washington County (led by the Department of Community Development) and the Cities of Beaverton and Hillsboro initiated a process to review Fair Housing practices throughout the County and local municipalities in its preparation of a new Fair Housing Plan. This process was guided by monthly meetings of a Fair Housing Advisory Committee that included participation by the Housing Authority and other community members. In Section V of this study and what is to become the Washington County Fair Housing Plan (May 2012), a thorough review of the Housing Authority was conducted by students from Portland State University. The findings of the study reflected no Fair Housing practice concerns with the Housing Authority. This Plan can be found at:

<http://www.co.washington.or.us/CommunityDevelopment/Planning/fair-housing-plan.cfm>

The Housing Authority is responsible for various subsidized and non-subsidized housing programs throughout the County. The two primary programs are Housing Choice Vouchers and Public Housing. In order to improve program access and availability of services, the Housing Authority conducted a review of Fair Housing policies and practices to identify possible program impediments and recommended solutions. These are listed below as (1) general impediments which are likely to impact all programs and (2) program impediments.

#### I. General Impediments

Impediment: Identify and Track Fair Housing Complaints

##### Recommendations/Status

The Housing Authority will continue to assist individuals in completing the Fair Housing complaint forms. Additionally, HAWC will implement a complaint tracking tool, which will list the complainant's name, address, date call was initiated and a brief description of the complaint. This information is maintained in a log book administered by the reception staff. The Housing Authority will develop and use a follow-up correspondence letter to the complainant within a reasonable time after an investigation by the agency Fair Housing Officer is completed. HAWC will document and track the complaints and all follow-up correspondence/action taken to resolve the complaint. An assessment will be made annually in January to identify any trends and areas requiring further training or improvement and will be completed in annually in January by the Asset Manager and Section 8 Team Manager. Notation of the review will be maintained in the log book.

Impediment: Identify Need for Language and Alternative Communications Formats

##### Recommendations/Status

The Housing Authority implemented a Limited English Proficiency program (LEP) in 2007. The program was reviewed in 2012 and necessary changes made based on identification of primary languages throughout the County. This program includes identification of individuals with language or communication barriers. Services are provided verbally and through selected vital written documents. The program also includes Interpretation and Translation services available in approximately 20 languages and dialects. The Housing Authority will continue to offer alternative means of communication for persons who request alternate communication methods. The Housing Authority

will improve identification of communication barriers and further improve the current track system for such requests.

**Impediment: Evaluate Accessibility to Agency Offices and Staff for Person with Disabilities**

**Recommendations/Status**

The Housing Authority's offices are incorporated into Washington County and, as such, are continually evaluated for accessibility by persons with disabilities. This would include evaluation under the *Fair Housing Act* and the *American with Disabilities Act*.

**Impediment: Annual Fair Housing and Reasonable Accommodation/Modification Training**

**Recommendations/Status**

The Housing Authority recognizes the importance of providing ongoing training in Fair Housing to all employees. HAWC provides staff with continued education in this area by participating in yearly workshops on this subject. Staff will continue, at least annually, to attend presentations from outside professional organizations regarding all segments of the Fair Housing Act.

Additionally, HAWC recognizes the importance of addressing requests for Reasonable Accommodations/Modifications for persons with disabilities. Our policy regarding Reasonable Accommodations/Modifications will be reviewed at least annually during reviews of the Section 8 Administrative Plan and the Public Housing ACOP in order to address the delivery of these services to persons with disabilities. The review will be completed in January by the Rental Assistance Program Manager and the Asset Manager. Staff will receive annual presentations or participate in workshops regarding this subject.

**Impediment: Accessibility to Family Self-Sufficiency (FSS) and Work Source Programs**

**Recommendations/Status**

The Housing Authority offers special programs which offer self-sufficiency or educational opportunities to all qualified program participants. These programs encourage participants through established goals to improve their financial or educational status. The programs generate savings income via a matching escrow account. The Work Source program (Housing Works) is a special program which offers opportunities to clients to engage in educational classes or obtain college level degrees. HAWC insures that these programs are made available regardless of any protected class designated under Federal, State or Local jurisdictions. The Housing Authority will provide program information and availability at both move-in (Public Housing), initial Section 8 briefing and at each annual income recertification.

**II. Program Impediments**

**A. Housing Choice Vouchers**

**Impediment: Uniform Payment Standard for Each City**

**Recommendations/Status**

The Housing Authority may offer a separate exception payment standard for a designated part of the fair market rent area in its jurisdiction with HUD's approval. However, HAWC generally does a

comparable rent analysis for its jurisdiction and offers the same payment standards in all of its areas. This ensures that participants in any area of its jurisdiction have access to the maximum (highest) payment standard for each unit size.

To determine that no specific groups of individuals are denied access to housing based upon the amount of our payment standards, HAWC will compile a rent level survey, at the time there is a change in fair market rents (FMR), to ensure that the payment standards for each unit size is maximized to allow program participants equal access to affordable housing units in its jurisdiction.

The survey will be available for review at the time the HAWC changes its payment standards and completed by the Rental Assistance Program Manager. The rent survey will include a rent analysis of three (3) to seven (7) large, medium and small apartment complexes with various bedroom size units to determine the projected rental subsidy level (or payment standards) for the next twelve months in each of its primary and secondary cities. Additionally, HAWC will perform the same or similar rent structure survey for single family homes, as stated above, for various bedroom sizes in its primary and secondary cities. During this process, HAWC will identify specific units with accessibility amenities for individuals with disabilities.

### **Impediment: Identify Income, Racial and Ethnicity Mixture by Zip Code**

#### **Recommendations/Status**

Area income, racial and ethnicity mixing are important to the success of our rental assistance programs and our residents' quality of life. Semi-annually, the Housing Authority will complete a program analysis of units leased by zip codes based upon family income and ethnicity. The data will be utilized in determining whether the Housing Authority continually meets its requirement for program deconcentration as required by HUD. The data will be used to update our Briefing Maps (An informative tool for program participants) used to indicate areas of high poverty levels. Additionally, the information will assist in determining Fair Housing objectives for the Housing Authority.

### **Impediment: Identify Impact by Housing Types**

#### **Recommendations/Status**

Unrealistic zoning codes can impact opportunities for fair housing. HAWC representatives will participate, to the extent practical, in housing groups or initiatives as required that bring together housing specialists, developers, investors, building code enforcement or specialists and rehabilitation contractors who are interested in constructing/rehabbing buildings for specific housing types that can be utilized by program participants. One of the main objectives of the housing "coalition" must be to ensure that where dense housing types are to be constructed, they can be placed in non-traditional areas/zones and spread out throughout our jurisdiction in order to offer more areas for housing choices and transportation options to residents. Additionally, the coalition's interest should be to monitor building or zoning codes and address harmful requirements that impede or impact specific protected groups of individuals from accessing equal housing opportunities.

### **Impediment: Expanding Housing Opportunities**

#### **Recommendations/Status**

The Housing Authority recognizes the value of expanding housing opportunities within its jurisdiction. The HAWC has an Assets Manager, whose responsibilities include meeting with landlords, property

managers and developers to increase the educational level for these groups concerning opportunities to expand housing opportunities in our area. He/she also works to recruit new landlords and potential home sellers, especially in areas not usually utilized by applicants and program participants. HAWC has at least an annual Landlord Presentation or Workshop that is open to the community.

The Housing Authority will increase these presentations and workshops to at least a semi-annual basis and will develop and implement a tracking tool that indicates the subjects or topics discussed during these sessions, including Fair Housing educational information and concerns expressed by owners regarding our rental assistance programs.

## **B. Public Housing**

### **Impediment: Adjusting to New Physical Environments**

#### **Recommendations/Status**

Program participants of various ethnic or national origin backgrounds have often not lived in a housing situation that may include equipment that is unfamiliar to them. This may include such items as stoves, heating equipment or safety devices such as smoke detectors. A thorough and complete hands-on demonstration is being conducted to insure proper and safe use of such equipment by both the Public Housing Occupancy Specialist and a Lead Maintenance Technician. In addition, staff insures that participants have adequate language translation during any move-in activity at the property. HAWC will continue to improve this education process by the use of more written instructions and visual aids (pictures).

### **Impediment: Handling of Maintenance Requests**

#### **Recommendations/Status**

To ensure **all** program participants can enjoy their housing regardless of their various ethnic or national origin backgrounds, all program participants are carefully instructed on what constitutes maintenance problems, how to handle various issues, their responsibility and how to request services. Currently this information is provided to all participants in written form and for the past year, all new move-in actively has also resulted in the placement of an informational placard placed in the unit kitchen. This action has been completed for all Public Housing units.

### **Impediment: Reasonable Accommodation and Reasonable Modification Policies & Processing**

#### **Recommendation/Status**

This area is of special concern to the Public Housing program in its role as both the Case Manager and the Landlord. Our goal is to more fully explain to all participants at program entry their rights for Reasonable Accommodations and/or Modifications. This would include explaining how to make a request and the process followed by HAWC to review and then approve or disapprove their request. It would also more fully address any action required by the participant or the Housing Authority to complete any approved request.

## **Impediment: Aging Plans, Documents and Policies**

### **Recommendation/Status**

From time to time laws, policies or standards may change as a result of changes in the Oregon Landlord & Tenant Act or other Federal Regulations. This may require changes in operational policies or procedures and the supporting documents. The Public Housing or the Section 8 Team staff will review these possible changes annually or as they are made aware to insure primary operational policies such as the Admissions and Continued Occupancy Policy or the Section 8 Administrative Plan are updated as necessary. This will also include the associated forms or the future inclusion of new forms, documents or changes in policies as required.

## **Impediment: Location of Public Housing Units**

### **Recommendation/Status**

While the Public Housing units owned by the Housing Authority are spread throughout the County, they are more highly concentrated on the West side of the County. As many applicants and program participants represent various cultures, there may be a desire by them to locate within their established community where both family and supportive services are more prevalent. Experience has shown this to be more concentrated in the East County area. The Housing Authority will take this under consideration if or when future Public Housing units are added to the portfolio.

## **Impediment: Criminal screening – Both Programs**

### **Recommendation/Status**

The Housing Authority has recognized excessive screening primarily for misdemeanor crimes creates an unnecessary barrier. Both the policies in the ACOP and the Section 8 Administrative program have been adjusted to remove most of these type of petty crimes from the screening criteria. In the case of a denial, a second review has been instigated for an automatic review by the department Assistant Director.