

# Administrative Plan

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Combined Administrative Policies for Section 8  
and HOME Tenant Based Rental Assistance  
Programs.

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## Statement of Compliance

### Purpose

The Lawrence-Douglas County Housing Authority (LDCHA) was created in July 1968 as an agent of the City of Lawrence with the power to plan, construct, maintain, operate, and manage any low-rent housing project or program of the city. In 1977, the Authority was selected to administer Section 8 housing programs for the City of Lawrence, and in 1983 for Douglas County. In 1993, the LDCHA was selected to administer HOME Tenant Based Rental Assistance (TBRA) grants for the City of Lawrence. In 1998, the LDCHA was selected to participate in the Moving to Work (MTW) Demonstration Program. The mission of the Housing Authority is to provide decent, safe and sanitary housing for eligible low-income persons.

The LDCHA is dedicated to the coordination of and cooperation between programs and agencies within the community and endeavors to make the rental assistance programs under its administration successful in all respects. The LDCHA continues to establish and strengthen a meaningful information and referral system with local social service agencies to help meet the non-housing needs of participants.

Administration of housing programs and the functions and responsibilities of the LDCHA staff shall comply with Federal regulation, the LDCHA Personnel Policy, Equal Housing Opportunity Plan (EHOP) and MTW Plan. All Federal, State and local housing laws, Fair Housing Regulations and LDCHA administrative policies will be followed and are incorporated herein by reference.

The purpose of this Administrative Plan (Plan) is to establish policies for items not covered under Federal regulation for the Section 8 Housing Choice Voucher and HOME TBRA programs. The Plan covers both admission and continued participation in these programs. The Plan also makes reference to the Section 8 Existing Housing Assistance Payment Certificate and Housing Voucher programs which were merged to form the Housing Choice Voucher program and to the Section 8 Moderate Rehabilitation program which is no longer in administration by the LDCHA. Policies are the same for all programs unless otherwise stated. The LDCHA is responsible for complying with all subsequent changes in HUD regulations pertaining to these programs.

When practices and procedures outlined in the Plan are in need of modification due to changes in Federal regulation, State or local laws, LDCHA policy, and/or other circumstances indicating a need for review of program procedures, LDCHA staff will develop Plan revisions and recommend appropriate modifications to the LDCHA Executive Director. All revisions to the Plan will be brought to the LDCHA Board of Housing Commissioners (Board) for approval in the form of a resolution. Board approved revisions to the Plan will be submitted to the Kansas City Regional Office of the U. S. Department of Housing and Urban Development (HUD). New procedures required by revisions to the Plan will be implemented by LDCHA staff upon approval by the LDCHA Board of Housing Commissioners.

All issues not addressed in this Plan related to tenants and participants are governed by Federal regulations, HUD Notices and Memos, the LDCHA's MTW Plan, the Kansas Residential Landlord/Tenant Act, City of Lawrence, Kansas ordinances, and other applicable Federal, State and local laws.

## Administrative Fee Reserves

LDCHA administrative fees may only be used to cover costs incurred to perform LDCHA administrative responsibilities for the program in accordance with HUD regulations and requirements. Reserve accounts for excess administrative fees are maintained in compliance with HUD regulations. The LDCHA Board of Housing Commissioners has established a zero dollars threshold for expenditures from administrative fee reserves accounts that may be used for other housing purposes without approval of the Board.

## Special Purpose Funding

All funding provided to the LDCHA for special purposes, in aid of specific families or categories of families will be administered in compliance with regulations governing the funding allocation. For rules on HOME program security and utility deposits, see Chapter 15, Deposits and Security Deposit Claims.

## Housing Discrimination

It is the policy of the LDCHA to comply with all Federal, State and local nondiscrimination laws and to operate in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

Specifically, the LDCHA shall not, on account of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability, or sexual orientation, deny any family or individual the opportunity to apply for or receive assistance from any program under its administration.

The LDCHA subscribes to HUD's "open-housing" policy and, as such, will maintain lists of available housing units submitted by owners and in all neighborhoods within the LDCHA's jurisdiction to ensure "greater mobility and housing choice" to low-income households served by this agency. The LDCHA complies with all equal opportunity requirements under contract or federal law, including those cited in 24 CFR and title II of the Americans with Disabilities Act.

## Assistance in Discrimination Claims

To further its commitment to full compliance with applicable Civil Rights laws, the LDCHA will provide Federal, State and local information to Program participants regarding discrimination and any recourse available to them should they feel they have been the victim of discrimination. Such information will be made available at any time upon request from the LDCHA office and is a part of the participant briefing session. All applicable Fair Housing information and discrimination complaint forms are a part of the Voucher holders' packet.

## Privacy Rights

Information concerning applicants and program participants will be maintained under confidentiality of information requirements. Requests for information must be accompanied by a written release request in order for the LDCHA to release information involving an applicant or participant, unless disclosure is authorized under Federal or State law. All applicants and program participants are required to sign the Federal Privacy Act and Authorization for Release of Information forms at the time of application and once a year thereafter.

## Reasonable Accommodations

It is the policy of the LDCHA to provide reasonable accommodations to all program participants and applicants so that they may enjoy the same benefits as any non-disabled person. Such reasonable accommodations will be granted in conformance with the requirements and limits set forth in Title VIII of the Civil Rights Act as amended by the Fair Housing Amendments Act of 1988, and Section 504 of the Rehabilitation Act, and applicable federal regulations governing the Section 8 and HOME programs.

The LDCHA will provide a notice to each program participant or applicant that they may, at any time, request reasonable accommodation of a household member's disability. Staff will make every effort to ensure that reasonable accommodations are made so persons with disabilities can participate and enjoy all services provided.

The following procedures will be followed in reviewing requests for reasonable accommodation:

1. Requests must be in writing submitted to the Director of Housing Assistance. The request must state the accommodation requested. Receipt of requests will be acknowledged in writing.
2. Staff will evaluate the request to see if the accommodation requires a modification to any agency rule, policy or procedure, or if it requires a budgetary expenditure. Where such modification/expenditure is required to meet the request, an impact/cost analysis will be done to determine the effect of granting the request on the agency.
3. Requests to accommodate a medical condition must contain documentation from a medical physician qualified to make the assessment. When necessary, staff will contact the doctor in writing and further consult with the doctor to verify and clarify the nature and extent of the request or modification needed. A written record of all communications will be kept.
4. Should there be any disagreements over the nature or extent of the requested accommodation, staff will meet with the participant in an attempt to resolve by mutual agreement all differences.
5. Participants will receive written notice of approval, denial or mutual agreements reached in granting the reasonable accommodation. Where the request is denied, the participant will receive written notice stating the reasons for the denial and providing an opportunity for a review of the decision. Reviews will be held in conformance with the LDCHA's Informal Review policy as stated herein.

## Affirmatively Furthering Fair Housing

The LDCHA affirmatively furthers fair housing opportunities for classes protected under the Fair Housing Act through activities in the following areas:

### Advertising.

Employment opportunities at the LDCHA, including Family Self-Sufficiency Coordinators, are advertised internally for three (3) days and then advertised in the most widely distributed general population media, including but not limited to newspaper, radio and television, for not less than five (5) days. Employment opportunities are also posted on the LDCHA web site.

Waiting list opening, closing and other program and benefit information is advertised through general population newspaper, radio and television advertising and is listed on the LDCHA web site.

### Marketing

LDCHA displays the required Fair Housing posters and provides information on fair housing and non-discrimination to all persons with whom we do business. Fair housing and housing discrimination is

available in both English and Spanish. All information distributed by the LDCHA and can be provided for persons with disabilities, including vision, hearing and reading impairments.

Information about LDCHA programs is made available to all residents of the City of Lawrence and Douglas County through staff participation in information events, distribution of information brochures and cards to local social service agencies, libraries, community centers, schools and public offices throughout the city and county.

Renter Education Program. The LDCHA conducts monthly sessions covering local rental laws, fair housing and housing discrimination, landlord/tenant issues, and budgeting for housing expenses. The sessions are open to all applicants and participants in LDCHA programs free of charge.

Foreign Language Documents. Basic LDCHA information handouts, residents' handbooks, contracts, and forms have been translated into Spanish and are available at the LDCHA Administrative Offices.

LDCHA staff are members of:

City of Lawrence Housing Practitioners Panel - 4 quarterly panel meetings.

Community Cooperation Committee – Monthly meetings, reports to the City of Lawrence Community Commission on Homelessness

Community Commission on Homelessness – Monthly meetings, reports to the City Commission.

Housing Needs Task Force – Monthly meetings, reports to the City Commission.

LDCHA staff participate in the following events:

City of Lawrence Resource Fair – Annual, city-wide event. Staff distribute agency information and answer questions.

Landlord's Information Fair – Annual county-wide event. Staff attends and distributes agency information.

Quarterly landlord seminars – LDCHA hosted lunch meetings for landlords participating in or interested in agency programs.

Lawrence School District – LDCHA staff members conducts a housing opportunities information session with students in the school district's community support program.

#### Accessibility

All LDCHA buildings are wheelchair accessible. Thirty (30), or 7% percent of LDCHA rental units, are handicap accessible. Information on accessibility modifications is made available to tenants and tenants are referred to Independence, Inc., the area disability resources agency, for assistance finding further information on accessibility modifications or resources.

The LDCHA provides sign language interpreters for tenants and applicants, as needed.

#### Fair Housing Referral

The LDCHA refers residents and applicants with questions about Fair Housing issues to Housing and Credit Counseling, Inc.

#### Discrimination Complaint Information

Discrimination complaint forms are made available to all applicants and residents of the LDCHA and assistance is provided in contacting the appropriate office to file a complaint upon request.

#### Expanding Housing Choice

Under the Moving To Work (MTW) Demonstration program the LDCHA maintains a combined waiting list for all family programs, offers a rent structure designed to benefit working families, and applies rent policies that give the family greater choice of rental unit.

Through the MTW program families can participate in a homeownership escrow program or a homeownership counseling program to get ready for homeownership.

See Chapter 9 of the LDCHA Administrative Plan for more detail on how the LDCHA encourages participation of owners in areas outside census tracts with high poverty concentrations.

A voucher payment standard equal to 110% of the fair market rent has been established jurisdiction-wide. This higher payment standard is applied in both income based and MTW rent structures.

As part of the voucher briefing packet the LDCHA provides jurisdiction maps showing census tracts of low poverty concentration and addresses the benefits of choosing a rental unit in an area of low poverty concentration.

The LDCHA provides a list of owners participating in the program and listings of units available for rental to voucher holders.

The LDCHA explains portability to families at briefings.

The LDCHA continuously reviews the need for exception rents to provide access to units in higher census tracts.

### Limited English Proficient Persons

The LDCHA has assessed the need for assistance to non-English speaking recipients and applicants in Douglas County, Kansas and determined that vital LDCHA documents be available in Spanish language versions to enable persons with limited English proficiency to access LDCHA programs. Translations of these documents has been done and the documents are available at all LDCHA administrative and management offices. LDCHA staff obtain translations and translator services to assist applicants or program participants speaking languages other than Spanish through the appropriate University of Kansas language program office. English as a second language programs and services are available on an as needed basis through the LDCHA Resident Services Office.

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## Programs Organization and Staff

### General Housing Assistance Staff

The LDCHA General Housing Assistance department is a division of the LDCHA responsible for determinations of eligibility and calculation of level of benefits and tenant rent for all programs except for Senior Housing.

The department is comprised of the following staff:

1. Director of Housing Assistance - Responsible for all operations relating to administration of the rent subsidy and public housing programs including accurate application and compliance with LDCHA policies, federal, state and local regulations; staff supervision; and management of the department. The Director reports to the Executive Director of the LDCHA.
2. Admissions Specialist – Responsible for timely implementation of application policies and procedures, including application taking, collection and verification of information.
3. Initial Occupancy Specialist - Responsible for accurate and timely implementation of initial occupancy procedures in accordance with LDCHA policies, state, federal and local regulations governing; determination of initial eligibility for participation in LDCHA programs; waiting list management; monitoring initial participation; contract preparation; notification of program requirements; creation and maintenance of electronic and hardcopy case files.
4. Continued Occupancy Specialist - Responsible for accurate and timely implementation of continued occupancy procedures in accordance with LDCHA policies, state, federal and local regulations governing verification and determination of continued tenant eligibility for LDCHA rental assistance programs; tracking and monitoring ongoing tenant and landlord contracts; calculation of tenant rent; calculation and disbursement of monthly utility reimbursements and housing assistance payments; monitoring of tenant accounts due to debts to the program; notification of program requirements and maintenance of computerized and hardcopy case files.
5. Receptionist - Responsible for departmental secretarial and reception duties including scheduling appointments; filing correspondence, forms, reports and other materials; maintaining current list of tenants and landlords; answering, recording and routing incoming calls; greeting visitors to the office; giving out general information about LDCHA programs and LDCHA operations; and maintaining masters of departmental forms and information sheets.

All staff members are required to perform the above duties as well as any additional duties necessary to insure the proper operation of the department. Staffing and organization may vary depending on available resources and required workload.

### Records System

In 1990, the LDCHA began conversion to an automated tenant and financial records system. This system is used to maintain current data on applicants, tenants, owners and units under LDCHA

programs. The system performs computations for issuance of HAP and Utility Allowance Reimbursement checks, maintains records of payments issued, and generates HAP Register reports. The system also generates required HUD forms for applicant and tenant information. Statistical reports for monitoring and review of program operations are available through the tenant records system as are reports and lists for scheduling and tracking of program activities.

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## Applications

### General Policy

Applications are taken and a preliminary verification of eligibility is conducted under federal regulations and criteria adopted by the LDCHA Board of Housing Commissioners. All applicants verified as eligible by the preliminary application and are placed on the General Housing Assistance waiting list for the first available form of assistance. When an applicant's name nears the top of the waiting list, and it is anticipated that assistance will be available, the applicant is contacted to complete the application and a housing interview is conducted. Final eligibility information is collected and verified.

Preliminary application forms are available at the LDCHA offices located at 1600 Haskell Avenue, Lawrence, Kansas and through the LDCHA internet web site. Preliminary application forms are distributed to interested persons whenever the waiting list is open and completed applications may be turned in at any time.

If the number of applicants on the waiting list is such that any new applicant would be forced to wait more than 365 days for assistance under the LDCHA programs, the taking of applications will be suspended and the waiting list closed until such a time as there is a significant reduction in the number of applicants on the waiting list or an increase in available resources for assistance. Notice of such suspension will be published in accordance with federal regulations and LDCHA policies. Similar notice will be given when application taking is resumed.

### Application Taking

Application may be made in person or by mail. Applications are dated with the date and time they are received. Applications received by mail are dated with the date received and with the time of mail delivery.

Individuals who have a physical impairment or other special needs that requires assistance in completing the application forms may call the LDCHA office to schedule an application appointment. Arrangements will be made to accommodate persons with special needs, including but not limited to providing an interpreter, Braille documents, or staff travel for an interview outside of the office.

Any family and/or individual requesting an application for rental assistance will be given an opportunity to apply as long as the waiting list is open and the LDCHA is accepting applications.

Applications will not be accepted for processing within 24 months of the date a former participant's housing terminated when the termination was due to program or lease violations. Applications will not be accepted for processing within 24 months of the date of denial of eligibility for the waiting list for applicants who have been denied eligibility. Both program participants terminated for cause and applicants denied eligibility are offered full administrative due process at the time of any termination or denial.

## Application Procedures

A basic application form will be used for all LDCHA programs. The form is filled out by the applicant. Caseworkers or family members may fill out the application form for an applicant if circumstances such as physical disability, illness, etc., prohibit the applicant from filling out the form.

The purpose of the application is to assess eligibility or ineligibility and to determine placement on the waiting list.

The application will contain the following basic information:

- ▶ Name, age and date of birth of all household members
- ▶ Certification of citizenship for all household members
- ▶ Sex and relationship of household members
- ▶ Address/es and telephone number/s
- ▶ Amount and source of all income and assets
- ▶ Information on handicaps and disabilities of family members
- ▶ Information on race and ethnicity of head of household
- ▶ Information related to selection preference
- ▶ Social Security Numbers for all household members age 6 months and over

When the applicant is contacted to complete the application the following information will be collected and verified:

- ▶ Three years of residential history
- ▶ Any changes in income

## Verification and Eligibility Notification

Applicants are required to provide documentation of all information with the application. Information provided by the applicant to determine eligibility will be verified within 30 days of submission and if more than 60 days have elapsed before issuance of assistance. This information will include family composition, income, assets, allowances and deductions, preference status, full-time student status, criminal history, residential history and other factors relating to eligibility determination.

All applicants will be notified of the results of the verification process. Notification of applicants concerning their eligibility for admission to the LDCHA programs will be in writing and will contain information regarding the applicant's right to an informal review on decisions of denial of eligibility.

When verification is complete, applicants certified eligible will be placed on the waiting list, in order of any applicable preference, by the date and time of their initial application.

Applicants that are ineligible for participation in the LDCHA programs will be notified and instructed to reapply should changes in their circumstances make them eligible in the future. This notification will state the reason/s for ineligibility and any other pertinent information concerning the application or the application process, their right to an informal review of the decision to deny eligibility, and the procedure to follow to request an informal review.

## Application Verification Procedures

Third party verifications of income information will be obtained. Wage matching will be conducted with the state wage information agency and a local police records screen conducted. Oral third party verifications are acceptable and will be properly documented by LDCHA staff. When third party verification is not possible, staff will use documents provided by the applicants. Documents will be photocopied, when not prohibited by law. When documents cannot be photocopied, staff certification forms noting document viewed will be used to record the source of information and the information obtained. These will be signed and dated by the staff who viewed the document.

If both third party and document viewed are not available as verification methods, the LDCHA will accept a notarized applicant certification with the required information.

Acceptable verification of preferences is listed under the PREFERENCE section below.

## Changes in Circumstances While On the Waiting List

Applicants are responsible for informing the LDCHA of changes in family circumstances, including income, and are responsible for responding to requests from the LDCHA for updated application information. Refusal to provide information will result in the applicant being removed from the waiting list.

A change in circumstances, which makes the applicant ineligible for housing assistance under LDCHA eligibility criteria, will result in a notification of denial of eligibility. The same notification procedures outlined above will be followed.

If a member of the applicant family becomes ineligible due to a change in circumstances while on the waiting list, the applicant will be notified of such and given 30 days to inform the LDCHA of a change in their household composition. If no such change is reported, the applicant will be removed from the waiting list and notified of denial of eligibility.

Applicants denied eligibility because of changes in circumstances while on the waiting list will be offered an opportunity for an informal review of the decision under procedures outlined in this Plan.

## Determinations of Eligibility

All final applications will be reviewed by a committee made up of the Admissions Specialist, Initial Occupancy Specialist, Property Management Specialist, and the Director of Housing Assistance. This committee shall render eligibility determinations which shall be carried out by the Admissions Specialist. This committee shall conduct reviews of eligibility requested by applicants denied eligibility who wish to present new or more complete information. This committee shall offer a hearing before the hearing officer of the LDCHA to all applicants denied eligibility for the LDCHA waiting lists, except for Senior Housing.

## Preferences and Waiting Lists

### Waiting Lists

The LDCHA shall maintain a combined waiting list for all programs in accordance with the following:

**Files** - A permanent file will be established for each applicant.

**Organization of Waiting List** - Applicants will be listed in order of verified preference eligibility. Applicants equal in preference will be listed by date and time of application.

**Income Limits** - All applicants must meet federally determined Very Low-Income limits.

**Updating the Waiting List** - The waiting list will be updated monthly and purged once a year.

**Portability Exclusion** - Applicants holding a Voucher from another jurisdiction will not be placed on the waiting list, but will be treated under portability procedures.

**HOME TBRA Funding Administered for Other Agencies** - The LDCHA will maintain separate waiting lists for applicants referred through agencies that have contracted with the LDCHA to administer HOME TBRA grants.

### Waiting List Preferences

Eligible applicants are entitled to be placed on the LDCHA General Housing Assistance waiting list and receive preference in selection for available assistance if they meet local preference criteria.

Applicants entitled to priority placement on the waiting list under local selection preferences include applicants who reside or work in Douglas County, Kansas;

Applicants will be placed on the waiting list according to information provided by them as to their qualification for local preference. This preference claim will be verified at the time of application.

Applicant circumstances may change while awaiting an offer of assistance. These changes may affect entitlement to a preference. Whenever applicants claim a different preference, they will be placed on the waiting list in the order of their claimed preference.

#### Local Residency Preference - 100 points.

Applicants whose current or most recent residential address is in Douglas County, Kansas or who are relocating to the county for purpose of employment.

The following will be considered verification of residency:

- ▶ Current lease for an address in Lawrence or Douglas, County Kansas;
- ▶ Current driver's license with local address;
- ▶ Current affidavit, if homeless, of receiving services by a local social service agency and considered to be a resident of Douglas County by that agency.

- ▶ The following will be considered verification of working in Douglas County:
- ▶ Statement of current or guaranteed future employment from an employer located in Douglas County.

## Waiting List Placement And Order Of Selection

### Placement

After eligibility has been determined, applicant information is entered into the tenant records system for waiting list placement. When record entry is complete, waiting lists are generated with applicants are placed on the waiting list according to preference points, in order of the date and time of application.

### Selection Priority

Selection of applicants from the waiting list is based on priority as determined by eligibility. Single persons who are elderly, disabled or handicapped are given priority over other single persons on the waiting list.

### Changes in Waiting List Placement.

An applicant's place on the waiting list may be affected by changes in circumstances regarding preference eligibility, refusal of an offer of assistance, and expiration of an offer of assistance.

An applicant may refuse one offer of assistance and retain their place on the waiting list. If a second offer is refused and the applicant has been offered all forms of housing assistance for which they are eligible, the applicant is removed from the waiting list. Offers of specific Moderate Rehabilitation units will not count toward the two-offer refusal limit.

An applicant who accepts an offer of assistance but does not use the assistance to lease a unit within the maximum allowed number of days and does not respond to staff requests for information concerning the progress of their search for housing will be removed from the waiting list.

### Rental Rehabilitation

Vouchers allocated under the Section 8 Rental Rehabilitation Program will be issued according to the following procedures.

Housing Choice Vouchers will be issued to eligible families who are physically displaced by Rental Rehabilitation projects as local preference holders if:

1. The family is required to vacate a unit because of physical construction, overcrowding, or change in the use of the unit; or
2. The family's post-rehabilitation rent would be greater than 35% of adjusted income.

Families displaced from Rental Rehabilitation units must submit an application to the Lawrence-Douglas County Housing Authority and must be eligible to participate in the Housing Choice Voucher program.

### Formula Vouchers

Housing Vouchers provided under a formula allocation, turnover housing and any other housing component (except the Freestanding Demonstration and/or the small PHA/Rural Area Demonstration Programs) will be governed by the same procedures as other programs.

## Maintaining and Updating the Waiting List

The LDCHA maintains an accurate waiting list in conformance with HUD regulations.

### Maintaining Applicant Information

Applicant information is entered into the automated records system and verified for accuracy against original document in the applicant's file. Applicant records and reports generated by the automated records system, including a waiting list report, provide the following information on eligible households:

- ▶ Name of head of household;
- ▶ Date and time application was received;
- ▶ Size of unit required under occupancy standards;
- ▶ Preference status;
- ▶ Minority status;
- ▶ Social Security Numbers of all family members over six months of age.

### Updating the Waiting List

The LDCHA regularly collects updated information on wait-listed applicants to insure the waiting list is current and accurate.

Letters are mailed to the applicant's last know address requesting confirmation of their continued interest in LDCHA programs. The letter includes a form the applicant is to fill out and return within 15 days to retain their place on the waiting list. If the form is not returned, either by mail or in person, the applicant's name is removed from the waiting list.

Prior to removing applicants who have not responded to the update request, a notice will be published in the local newspaper announcing the waiting list update and requesting all persons who may not have received the update request to contact the LDCHA if they are interested in remaining on the waiting list.

### Returned Mail

The LDCHA will not be responsible for an applicant's failure to respond for any reason due to postal delay or inability to deliver mail. Accurately addressed mail that is returned by the Post Office for lack of a forwarding address will cause the applicant to be removed from the waiting list.

### Reinstatement on the Waiting List

The LDCHA's decision to remove an applicant with a disability from the waiting list for failure to respond is subject to reasonable accommodation in accordance with the reasonable accommodation policies outlined herein.

Applicants reinstated on the waiting list as a result of a reasonable accommodation for a disability, or as a result of removal in error, will be placed on the list at their former position.

## Chapter

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## Eligibility

The LDCHA will determine eligibility for placement on the waiting list, issuance of assistance, admission to assistance programs and continued participation in compliance with the federal regulations governing Section 8 Housing Choice Voucher (HCV) and HOME programs and policies adopted by the LDCHA Board of Housing Commissioners as outlined herein. Information for eligibility determinations will be current within 60 days of any notice or action.

### Federal Eligibility Requirements

#### Income

The family's gross annual income shall not exceed the Very Low-Income limit for Douglas County, Kansas established by HUD for the number of people in the family. The family may be determined eligible if gross annual income exceeds this limit but is within the low-income guideline for Douglas County, Kansas, if the family meets one of the following criteria:

- ▶ The family has been continuously assisted under the 1937 Housing Act.  
An applicant is considered continuously assisted if they are receiving assistance under any 1937 Housing Act program at the time of application and/or admission to the LDCHA program. A participant in LDCHA programs is considered continuously assisted if no more than 120 days has elapsed between periods of assistance under any 1937 Housing Act program.
- ▶ The family has been physically displaced by rental rehabilitation activity under 24 CR part 511.
- ▶ The family resides in a HOPE 1, HOPE 2 or a project subject to a homeownership program under 24 CFR 248.173, and is a non-purchasing family.
- ▶ The family is displaced by prepayment or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.

#### Family Composition

The applicant or participant must qualify as a family.

- ▶ The term "family" refers to one person or a group of persons and includes a family with a child or children as well as a family without children. Groups and/or individuals meeting the following criteria qualify as a family for the purpose of assistance through LDCHA programs.
  1. A single person.
  2. Two or more persons who identify themselves as a family with a designated head of household who is the responsible person for the family, legally and morally responsible for the group, and is actually looked to and held accountable for family needs.
  3. A group of two or more elderly or disabled persons living together.
  4. One or more elderly or disabled persons living together with one or more live-in aides.
- ▶ Children in temporary foster care are members of the family. Foster care placement must be reported by the family and will be verified as part of an eligibility determination.

- ▶ A live-in aide is a person who resides with an elderly or disabled person but is not considered a member of the assisted family. The income of a live-in aide is not counted in total household income. A live-in aide cannot assume waiting list placement or housing assistance as the remaining family member should the elderly or disabled person vacate the assisted unit or leave the family. A live-in aide may be a relative of one or more members of the family, but may not have a child as a resident of the household. To qualify as a live-in aide, a person providing attendant services must be a person who:
  1. Is essential to the care and well being of the elderly or disabled family member; and
  2. Is not obligated for the support of the elderly or disabled person; and
  3. Would not be living in the unit except to provide necessary support services; and
  4. Has not committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program; and
  5. Does not engage in drug-related criminal activity or violent criminal activity; and
  6. Does not owe rent or other amounts to the LDCHA or any other housing authority in connection with HCV or public housing assistance.

As part of an eligibility determination, applicants and/or participants with a live-in attendant must report the name, date of birth and social security number of their live-in aide, certify to the person's previous participation and/or residency in housing assistance programs, and provide documentation from a qualified medical practitioner that the person named is able to perform the essential care services needed by the elderly or disabled family member. Any change in information concerning a live-in attendant must be reported within 10 days of the date the applicant/participant becomes aware of the new information.

- ▶ Applicants and participants must provide identification of each family member in the form of a social security card and either a birth certificate or registration. Other identification documents will be accepted on a case-by-case basis providing these documents contain, in unaltered form, the full name, social security number, sex, place of birth and date of birth for the person.
- ▶ Participants will be required to provide identification documents at the time of regularly scheduled reexamination of eligibility, if not already provided, and when any additional person is added to the family.

### **Student Status**

The LDCHA will not provide assistance to an individual enrolled as a student at an institution of higher education who meets the following criteria:

1. Is under age 24;
2. Is not a veteran of the United States military;
3. Is not married;
4. Does not have a dependent child;
5. Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance.

### **Citizenship Status**

The LDCHA will place on the waiting list and provide assistance to United States citizens and eligible non-citizens under Section 214 of the Housing and Community Development Act of 1980, as amended.

- ▶ Citizens will be required to sign a declaration of citizenship for each family member, regardless of age.

1. A declaration of citizenship will be required at the time of application and when any new member is added to an applicant family while on the waiting list.
  2. Participants will be required to sign a declaration of citizenship as part of the first regular re-examination following implementation of this rule and whenever any new member is added to the family.
- ▶ Non-citizens must have eligible immigration status under federal regulations.
  - ▶ Documentation of eligible immigration status will be required at the time of application and whenever any new member is added to the family. Documentation must be in the form required by federal regulation.
  - ▶ Verification of immigration status will be conducted through procedures established under federal regulation.

### **Eviction for Drug-Related Activity**

The LDCHA will not place on the waiting list or provide assistance to persons evicted from public housing, Indian housing, Section 8 programs or Section 23 programs because of drug-related criminal activity for 3 years from the date of such eviction.

The date and reason for the eviction will be verified with the housing authority, agency or owner operating the applicable program or property as part of a determination of initial eligibility or continued eligibility under procedures outlined in this plan.

- ▶ The LDCHA will waive this requirement if:
  1. The person demonstrates successful completion and/or current participation in a rehabilitation program approved by the LDCHA; or
  2. The circumstances leading to the eviction no longer exist.

### **Illegal Drug and Alcohol Users**

The LDCHA will not place on the waiting list or provide housing assistance to any person, including a juvenile, who is determined to illegally use a controlled substance or to abuse alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents as evidenced by:

1. Arrest or conviction for possession of a controlled substance; or
  2. Arrests and/or convictions for disturbances or other violations of the law while under the influence of alcohol or a controlled substance; or
  3. Documented lease violations for disturbances or destruction of property while under the influence of alcohol or a controlled substance; or
  4. Documented allegations from reliable sources of behavior while under the influence of illegal drugs and/or alcohol that endangers the health or safety of children, other members of the family, neighbors or other community members.
- ▶ The LDCHA will waive this requirement if the person demonstrates to the LDCHA's satisfaction that they no longer engage in drug-related activity or abuse of alcohol and:
    1. The person has successfully completed a supervised drug and/or alcohol rehabilitation program; or
    2. The person is participating in a supervised drug/alcohol rehabilitation program approved by the LDCHA; or
    3. The person is otherwise successfully rehabilitated.

## Additional Eligibility Criteria

In addition to meeting the eligibility requirements listed above, applicants and program participants must meet the following criteria:

### Criminal Activity

The LDCHA will not place on the waiting list or provide assistance to any family member who has been convicted of the manufacture, sale or distribution of methamphetamine.

The LDCHA will not place on the waiting list or provide assistance to any family member who has been convicted of a sexual or violent crime against a child.

The LDCHA will not place on the waiting list or provide assistance to any family member who is required to register with any State's sexual predator list.

The LDCHA will not place on the waiting list or provide assistance to a family when a preponderance of evidence indicates that any member of the family, including a juvenile, engages in or has engaged in violent criminal activity regardless of whether the family member has been arrested or convicted.

- ▶ Preponderance of evidence will include, but is not limited to:
  1. Reports from law enforcement agencies of active investigation for a violent crime;
  2. Records of arrests and conviction for violent crimes reflecting a pattern of continued criminal activity and/or habitual violent criminal behavior;
  3. Recommendations from law enforcement, probation and parole agencies.
- ▶ Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property.
- ▶ Screening of criminal records will be conducted for all adult family members as a routine part of any eligibility determination. Criminal records will be screened for any adult added to a participating family.

The LDCHA will not be obligated to undertake investigation of criminal activity by applicants and/or participants except as reliable indicators of involvement in violent crimes by a family member present themselves.

- ▶ The LDCHA will waive this requirement if the person determined to be involved in violent criminal activity vacates the unit and is removed from the applicant's or participant's family. Certification of such removal will be required from the head of household, and must be signed by the person removed from the family and, if the family is a program participant, from the landlord of the assisted rental unit.

### Debts for Current or Previous Housing Program Participation

The LDCHA will not place on the waiting list or provide housing assistance to a family if any adult family member:

1. Currently owes rent or other amounts to the LDCHA or any other housing authority in connection with housing assistance programs under the 1937 Housing Act; or
2. Has failed to repay the LDCHA or any housing authority for amounts paid to an owner under a HAP contract for rent, damages or other amounts owed under a lease, or for vacancy loss paid to an owner; or
3. Has breached an agreement to repay the LDCHA, or any other housing authority, for amounts owed to a housing authority for any reason.

- ▶ Breach of a repayment agreement with the LDCHA will be considered to occur if the family fails to make two consecutive payments.
- ▶ The LDCHA will verify debts and repayment status with other housing authorities at the time of application and when an adult family member is added to a participating family based on information reported by the family concerning prior participation in assisted housing programs.

Applicants or participants with debts for prior participation that have never been under a repayment agreement will be offered the opportunity to enter into an agreement to make periodic payments. They will have 30 days from the date of the offer to enter into the agreement and begin making payments.

- ▶ Applicants who do not enter into a repayment agreement within the 30 days must pay the debt in full to be determined eligible and placed on the waiting list.
- ▶ Applicants who enter into a repayment agreement and breach the agreement by missing two consecutive payments will be given 30 days to bring their payments current. If they fail to do, so they will be removed from the waiting list.
- ▶ Participants who do not enter into a repayment agreement, begin making payments, and remain current in their payments will be determined ineligible and their assistance will be terminated upon a 30-day notice.
- ▶ The LDCHA will retain the right to consider all circumstances in denying eligibility and terminating assistance for debts due to prior participation and in offering to enter into or negotiate repayment agreements.

### Violations of Family Obligations

The LDCHA will not place on the waiting list or provide assistance to a family if the family or an adult member of the family violates or has had assistance terminated for violations of the family obligations under a Certificate of Family Participation or Housing Voucher as a result of either previous or current participation in housing assistance programs through the LDCHA or any other housing authority.

Action to deny or terminate assistance will be taken in conformance with federal regulations and LDCHA policies as stated in this Plan.

- ▶ Failure to supply complete information required under federal regulation or LDCHA policies as a part of any reexamination of eligibility will be considered a violation of family obligations. The family will be notified of the violation and given 10 days to provide the required information before they are determined ineligible and given a 30-day notice of action to terminate assistance.
- ▶ Providing false information will result in a 30-day notice of action to terminate assistance. Falsification of information will be verified and documented by LDCHA staff prior to any determination of ineligibility.
- ▶ The family will be required to correct the following breaches of Housing Quality Standards (HQS) to stay in compliance with their family obligations.
  1. Failure to provide and/or maintain utility service that the owner is not required to pay for under the lease. The tenant and the owner will be notified of this violation of family obligations at the time of any inspection findings report.
  2. Failure to provide and/or maintain tenant-owned appliances. The tenant and the owner will be notified of this violation of family obligations at the time of any inspection findings report.
  3. Damages to the dwelling unit, beyond ordinary wear and tear, caused by the members of the household and/or their guests. The owner will have right of repair in the case of physical damage to property. Owners electing to conduct their own repairs and bill the tenant will be required to provide the tenant with an itemized list of repair costs and send a copy to the LDCHA. The LDCHA will take action for violation of family obligations upon notice from the owner that the tenant has failed to reimburse the owner for repair of tenant-caused damages.

Family caused HQS violations which are life threatening must be corrected within 24 hours; other HQS violations caused by the family must be corrected within 30 days. Failure to comply with correction requirements will result in a determination of ineligibility and a 30-day notice of termination of assistance.

The family and the owner will be informed of these obligations and the consequences of failure to correct tenant-caused HQS violations prior to any regularly scheduled inspection.

- ▶ Failure to allow the LDCHA to conduct a scheduled inspection of the assisted unit will result in a determination of ineligibility. The LDCHA will give at least 48 hours advance, written notice of an inspection and will allow the family to reschedule the inspection once upon 24-hour notice. Tenants who fail to allow an inspection or fail to reschedule an inspection will be notified of a second inspection appointment and informed of their obligation to allow inspections. Failure to allow the second inspection will result in a determination of ineligibility and a 30-day notice of action to terminate assistance.
- ▶ Assisted families that receive notice of serious or repeated lease violations that lead to termination of tenancy will be determined ineligible for continued assistance. Owners and families will be required to provide copies of all lease violation and eviction notices to the LDCHA.
- ▶ The family must provide a written notice of intent to terminate tenancy to the owner with a copy to the LDCHA in conformance with lease provisions, federal regulations and state law. Failure to give such notice will result in a determination of ineligibility for continued assistance.
- ▶ A family that is not able to occupy the assisted unit or that has a residence other than the assisted unit will be determined ineligible and notified of action to terminate assistance. The LDCHA will verify and document additional residences and/or family inability to reside in the unit as part of such eligibility determination.
- ▶ The LDCHA must approve family composition. Failure to inform the LDCHA of additional members in the assisted family within the month that the person joins the family will be considered a violation of family obligations. The family must report the birth, adoption or court-awarded custody of a child and provide required identification documents. The family must submit a request for LDCHA approval of an adult joining the family that includes complete identification and income information, required releases and certifications and permission to add the person to the assisted lease. The LDCHA will verify eligibility of adults joining the family under procedures outlined in this Plan.
- ▶ Family members who no longer reside in the assisted unit must be reported to the LDCHA within the month the person leaves the unit. The LDCHA will require adult family members who leave the unit to be removed from the lease with approval of the owner. The LDCHA will verify the new residence of any adult removed from an assisted household.
- ▶ The LDCHA will approve, upon written request by the family, the addition of foster children and live-in attendants as residents of the assisted unit. The family must supply a statement from the owner approving residence of a foster child or live-in attendant, complete identification documents for each such additional resident, and documentation of foster child placement. Approval of a live-in attendant will be based on medical need for attendant care as outlined in this Plan.
- ▶ A family who sublets, re-rents, assigns or transfers the lease of their assisted unit to any entity will be in violation of their obligations under the program and determined ineligible for continued assistance.
- ▶ The family may be absent from the unit, no member of the family residing in the unit, for a period of no more than 6 consecutive months during any 12 month period. The family must resume occupancy of the unit by the end of the fifth month to continue receiving assistance beyond the end of the sixth month. The family must notify the LDCHA of any absence from the unit longer than 30 days. Such notice must be given during the month in which the absence occurs, must state the reason for the absence and the length of time the family expects to be absent. A copy

of the notice must also be given to the owner. Upon return to the unit, the family must notify the LDCHA and the owner. Failure to notify the LDCHA of a temporary absence from the unit will result in a determination of ineligibility and notification of action to terminate assistance.

- ▶ A family that owns or has an interest in the assisted unit will be determined ineligible and notified of action to terminate assistance unless the family is participating in an approved home ownership program.
- ▶ A family that has been determined to have committed fraud under the criteria outlined in the LDCHA Fraud Policy will be determined ineligible and notified of action to terminate assistance. Bribery or any other corrupt or criminal act in connection with the programs will also be grounds for an ineligibility determination and action to terminate assistance. The LDCHA will document such actions prior to any determination.
- ▶ A family receiving duplicative housing assistance will be determined to be ineligible and notified of action to terminate assistance.

## Suitability of Tenant

The LDCHA department screens all applicants for the waiting list on the basis of factors which relate to the suitability of the family as a tenant as allowed under federal regulation.

## Grounds for Denial and Termination of Eligibility

The LDCHA may at any time deny eligibility or terminate assistance in the following circumstances:

1. Violations of family obligations under the program;
2. Eviction from public housing;
3. Termination of assistance by a housing authority;
4. Involvement in drug-related and/or violent criminal activity;
5. Fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
6. Debts to the LDCHA or any other housing authority;
7. Failure by a family in the Family Self-Sufficiency program to comply, without good cause, with their contract of participation;
8. Whenever a family or any family member has engaged in or threatened abusive or violent behavior toward LDCHA staff.
9. Failure by the family or any family member to sign and submit consent forms for obtaining information in accordance with federal regulations and LDCHA policy.
10. Failure by the family or any family member to comply with the work requirement under the Moving to Work Demonstration program.

## Discretion to Consider Circumstances

In any determination of eligibility the LDCHA will retain the right to consider all circumstances on a case-by-case basis as allowed under federal regulations.

## Readmission

Families determined ineligible and terminated from the program due to serious lease violations resulting in violations of the family's obligations under the program may be readmitted to a LDCHA program if, at the time they reapply, they can demonstrate that they have not lost their housing for serious lease violations for a period of at least three years.

## Chapter

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## Appeals and Complaints

The LDCHA programs will be administered in compliance with federal regulations granting applicants and participants an opportunity to appeal decisions to deny, terminate or reduce housing assistance.

### Review and Hearing Officer

The LDCHA Executive Director serves as the Review and Hearing Officer for all appeal and grievance procedures provided through the LDCHA. Initial decisions to deny or terminate assistance are made by departmental staff. The Executive Director does not take part in these determinations.

In the absence of the Executive Director, or should circumstances be such that the Executive Director is not able to act as the Review and Hearing Officer, an alternate will be named by the administrative staff member in charge of the agency at the time or by the Board of Housing Commissioners.

### Review or Hearing Not Required

The LDCHA will not offer or conduct informal reviews or hearings of objections to the following:

1. LDCHA discretionary administrative determinations.
2. General policy issues or class grievances.
3. Determinations of family unit size under LDCHA subsidy standards.
4. Determinations not to grant an extension or suspension of a voucher term.
5. Determinations not to approve a unit or a proposed lease.
6. Determinations that a unit is not in compliance with Housing Quality Standards (HQS).
7. Determinations that a unit does not comply with HQS because of family size or composition.
8. Establishment of the LDCHA schedule of utility allowances.
9. Determinations to exercise or not to exercise any right or remedy against the owner under a HAP contract.

### Informal Review of Applicant Determinations

The LDCHA will offer applicants for all programs an opportunity for an Informal Review of the following decisions denying admission to the programs.

1. Denial of placement on the waiting list due to a decision that the applicant is not eligible under federal and/or LDCHA eligibility criteria.
2. Removal of an applicant from the waiting list due to a determination that the applicant no longer meets federal and/or LDCHA eligibility criteria because of a change in circumstances.

Eligible applicants denied local preference will be offered an opportunity to meet with LDCHA staff and review the basis of the decision. Notice will be sent to the applicant of any change in the determination

as a result of this meeting.

## Informal Hearing on Participant Determinations

Program participants will be offered an opportunity for an informal hearing to consider whether program staff has made the determinations listed below in accordance with applicable laws, HUD regulations and LDCHA policies.

1. The family's annual or adjusted income used to compute housing assistance payment.
2. The utility allowance for tenant-paid utilities.
3. Family unit size under LDCHA subsidy standards.
4. Determination that the unit a family occupies has more bedrooms than are appropriate for the family's unit size under LDCHA subsidy standards or the LDCHA's denial of the family's request for an exception from the subsidy standard.
5. Termination of assistance under federal and LDCHA criteria for determination of participant eligibility as outlined in this Plan.
6. Termination of assistance for temporary family absence from the unit for a period of longer than five (5) consecutive months.

## Review and Hearing Procedures

The LDCHA will offer and conduct informal reviews and hearings under the following procedures.

All notices referred to in the procedures outlined below will be in writing.

- ▶ Participants notified of the following decisions will first be given an opportunity to meet with LDCHA staff for an explanation of the basis of the change:
  1. Determination of annual or adjusted income used for calculation of rent and housing assistance payment;
  2. Determination of the allowance for tenant-paid utilities; and
  3. Determination of family unit size.

The meeting may be arranged by telephone, written or personal request and will be scheduled during normal business hours at the mutual convenience of LDCHA staff and the participant.

- ▶ Notice of a decision to terminate assistance to a program participant will be given prior to termination of payment under a HAP contract. If requested, an Informal Hearing will be conducted and the hearing determination notice sent to the participant before termination of payment.
- ▶ Notice of the decision will be sent to the applicant/participant at the most current mailing address on record within no more than two (2) weeks of the decision. The notice will:
  1. State the reason(s) for the decision;
  2. Offer the applicant/participant an opportunity to request an informal review/hearing of the decision; and
  3. Explain how to request a review/hearing.
- ▶ The applicant/participant must submit a written request for an informal review/hearing within ten (10) days of the date of the notice. Applicants/participants failing to request an informal review/hearing within this period will forfeit their right to a review/hearing of the decision in question.

- ▶ The review/hearing will be scheduled during normal business hours on a date within thirty (30) days of the date of the request. The applicant/participant will be sent a notice of the date and time of the review/hearing.

This notice will inform participants of their right to discover records and regulations the LDCHA has on file which are relevant to the decision in question, and the requirement to reveal to the LDCHA any documents they may have in their possession with a bearing on the decision which they intend to produce at the hearing.

- ▶ The applicant/participant may request the review/hearing be rescheduled if a serious and compelling reason prevents them from attending on the scheduled date and time. Requests for rescheduling must be received in writing no later than 24 hours before the date of the review/hearing.

Requests to reschedule on the day of the review/hearing will be honored only in emergency situations. Decisions to reschedule will be made by the Review and Hearing Officer on a case-by-case basis.

- ▶ Applicants/participants who fail to attend a scheduled review/hearing will forfeit their right to a review/hearing of the decision in question.
- ▶ Requests to discover documents prior to the hearing must:
  1. Be in writing;
  2. Be accompanied by appropriate authorization for the release of information if the documents will be viewed by a person not a member of the participant household; and
  3. Must be submitted so that the appointment to view the documents may be scheduled at least 48 hours prior to the review/hearing.
- ▶ Copies of documents will be provided to the participant or their representative at the LDCHA established copy fee in use at the time. Requests for copies of documents must be based on an examination of the documents in question and identify specific documents to copy.
- ▶ The review/hearing will be conducted by the LDCHA Review and Hearing Officer. The LDCHA staff member(s) responsible for the decision in question will present the grounds for the decision. LDCHA documents requested by a participant that were not provided will not be used in the hearing.
- ▶ The applicant/participant will be given an opportunity to present both written and oral objections and may, at their own expense, provide themselves with legal or other representation. Participant documents not provided to the LDCHA prior to a hearing may not be used at the hearing.
- ▶ Notice of the final decision resulting from a review/hearing will be prepared by the Review and Hearing Officer and sent to the applicant/participant within ten (10) days of the date of the review/hearing. This notice will include a statement of the reasons for the final decision.

## Reports of Problems

LDCHA staff will respond promptly to reliable reports of problems received from applicants, participating families and owners, and the general public. The severity of the problem reported will be considered in determining the appropriate response. Such reports will be handled on a case-by-case basis.

Persons contacting the LDCHA office to report a problem will be asked to submit a written statement of the problem and to identify themselves. Anonymous reports will not be acted upon unless there is convincing evidence that further investigation is necessary or could prove beneficial to the LDCHA and/or to program participants.

Written reports of potential lease violations received from reliable, identified sources will be referred to

the owner for further investigation and possible lease enforcement action. Tenants reporting problems with an owner will be advised on the appropriate action and the report will be noted in the owner's file.

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## Subsidy Standards

The LDCHA has established subsidy standards based on guidelines for occupancy of assisted rental units. These standards determine the number of bedrooms needed for families of different sizes and compositions, the family unit size, and are used to set the maximum subsidy paid for a family. Subsidy standards are designed to provide for a minimum commitment of subsidy while avoiding overcrowding. They also meet the minimum requirements of the Housing Quality Standards.

MTW payment standards are covered in the MTW Plan and revisions.

### Occupancy Guidelines

1. All persons that reside in the unit should have adequate sleeping room and space to avoid overcrowding and comply with Housing Quality Standards.
2. An unborn child will be counted as a person.
3. No more than two (2) persons should share a sleeping room.
4. Children over 12 months in age should not share a bedroom with a parent or parents.
5. Separate bedrooms may be provided for reasons of health, age, physical disability, etc.,. Verification of the individual family member's need for a separate bedroom must be provided by a medical doctor or appropriate social service agency.
6. Social factors such as age differences or sex of siblings shall be taken into account in determining unit size. Children age five (5) years and above of the opposite sex should have separate bedrooms.
7. A child temporarily away from home due to placement in foster care is considered a member of the family. Temporary placement is considered less than 12 months. Proof of reintegration must be provided to keep the larger unit size.
8. A live-in aide counts as a person in determining unit size. Documentation of the need for attendant care and complete identification of the attendant must be provided.
9. Partial residential custody of minor children will be considered in determining household size. Custody of minor children must be documented with court records. Residential custody of 50% or more days in a year is required for the child to be considered a dependent in the household. Residential custody of 25% or more days in a year is required for the child to be considered in determination of voucher subsidy standard.

## Family Unit Size

Family unit size determines the maximum rent subsidy for the family based on HUD established Fair Market Rents (FMR). The FMR's are set by bedroom size. The following subsidy standard will be used by the LDCHA to determine family unit size.

Family Unit Size	Persons in Family	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	5	8
5	7	10
6	9	12

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

The LDCHA makes initial determination of family unit size based on application information concerning age, sex, social and medical factors of family members. All determinations are made on a case-by-case basis. Applicants are informed of the family unit size for which they are eligible in the notice of eligibility determination.

An applicant may request a re-determination of family unit size by submitting a written statement of the reasons necessitating such a re-determination. Family unit size requirements will be re-determined upon final verification for issuance of a Voucher, at each annual recertification, and in the event, changes in family composition are reported to the LDCHA.

## Fair Market Rents and Payment Standards

The LDCHA has established payment standards based on bedroom size. The payment standards determine maximum subsidy in tenant-based programs.

The LDCHA has set the voucher payment standards to equal 110% of the HUD established FMR's currently in effect for each bedroom size. The Voucher payment standard is reviewed annually at the time new FMR's are published to determine if an affordability adjustment to keep the payment standards equal to 110% of the FMR's can be made. If an adjustment can be made, the payment standards are adjusted in coordination with adjustments in the FMR's. Changes in the Voucher

payment standard and FMR's are applied at the time of annual recertification.

The applicable FMR or payment standard is determined by the family unit size of the participating family.

In Voucher programs, the payment standard is the limit of subsidy for the family. The rent to owner may be higher than the payment standard, providing it is a reasonable rent for the unit, and the family will pay the difference. A Voucher program subsidy contract will be based on a payment standard for the family that is the lower of:

- ▶ The payment standard for the family unit size; or
- ▶ The payment standard for the unit size rented by the family.

## Issuing Assistance

Verified applications and participant records are reviewed and available assistance is offered to eligible applicants and participants in accordance with the procedures outlined in this Plan.

### Review of Eligibility Prior To Issuing

Applicants/participant records are checked and if the information on file is not current within sixty (60) days they are required to provide current income and household composition information prior to issuance of a voucher or other form of assistance.

Debt records are checked before an offer of assistance to an applicant on the waiting list or to a participant wishing to move with continued assistance. Applicants/participants with debts are notified that the debt must be paid in full or their repayment agreement brought current before assistance will be issued.

Program participants offered on-going assistance must accept the offer and have their voucher reissued before the end of their current lease, any applicable extensions, or before vacating the assisted unit.

### Briefing Sessions

All families are required to attend a briefing session before any form of assistance is issued. Group briefing sessions are held for applicants and individual briefing sessions are held for participants moving with continued assistance.

- ▶ Briefings for applicants offered tenant-based rental assistance are held separately. At the end of a group briefing each applicant is interviewed individually and given the opportunity to ask specific questions before signing their voucher.
- ▶ Participants who have given or received notice to terminate tenancy are offered continued assistance, depending on the review of eligibility, and requested to contact the LDCHA for a briefing appointment. At the briefing appointment the information packet is reviewed with the participant and any questions they have about continuing their assistance are answered before signing their assistance.
- ▶ During the briefing session applicants/participants are informed on the following subjects:
  1. Program operations;
  2. Family and owner responsibilities;
  3. Where they may lease a unit;
  4. Portability procedures;
  5. The advantages of areas with low poverty populations;
- ▶ An information packet containing the following information is provided at the briefing session:
  1. The term of the assistance issued;
  2. LDCHA extension and suspension policies;
  3. How the LDCHA determines housing assistance payments;
  4. The LDCHA Fair Market Rent and Payment Standards;
  5. The LDCHA Utility Allowance Schedules;

6. Maximum rent determination procedures;
7. Considerations when selecting a unit;
8. Portability procedures;
9. A sample HUD lease addendum;
10. A Request for Lease Approval form;
11. A statement that information from their records will be provided, upon request, to prospective landlords;
12. LDCHA subsidy standards and exception rent criteria;
13. The HUD brochure on how to select a unit;
14. Current federal and state lead-based paint brochures and fact sheets;
15. Current federal and state elevated blood lead level forms;
16. Federal, state and local equal opportunity fair housing information;
17. A housing discrimination complaint form;
18. A current listing of available units of the appropriate bedroom size;
19. A listing of the family obligations under the program;
20. The grounds on which the LDCHA may terminate assistance because of family action or failure to act;
21. Informal hearing procedures; and
22. Supplemental material the LDCHA may deem necessary.
23. Information on the LDCHA's MTW demonstration project.

## Voucher Terms

The voucher is valid for a period of 60 days from the date of issuance. During this time LDCHA staff is available, to answer questions they may arise as the family searches for housing. The family is required to contact the LDCHA office once a week during the term to determine if the family is actively seeking housing, to discover what problems they may be encountering, what additional assistance may be needed, and if an extension of the term is warranted.

The family must submit a Request for Lease Approval and a Lease within the 60-day period unless an extension is granted. Applicant families whose assistance expires at the end of 60-day term and who are not granted an extension are placed at the bottom of the waiting list.

Participant families who allow their assistance to expire while still under lease may have it reissued upon submission of a current notice to terminate the lease. Participant families whose assistance expires after they are no longer under lease are notified that their program participation has ended.

## Extension and Suspension of Term

### Extension of Term.

A family may request an extension of the term. All requests for extensions must be in writing and be received before the expiration of the term.

Extensions will be granted for periods of thirty (30) days at a time not to exceed a total term of 120 days from the date the assistance was issued. Upon request, LDCHA staff will seek approval from HUD for an additional extension of the term in order to make the program accessible to and usable by a family member with a disability. Such requests must comply with the program policy for reasonable accommodations as stated herein.

Extensions are granted on a case-by-case basis at the discretion of programs staff, taking into account:

1. Extenuating circumstances such as hospitalization or a family emergency for an extended period of

time that has affected the family's ability to find a unit within the initial 60-day period. Verification is required.

2. The family's follow through with the weekly check in requirement.
3. The family has turned in a Request for Lease Approval (RLA) but the unit has not passed Housing Quality Standards (HQS).

### **Suspension of Term.**

The LDCHA will suspend, or stop the "clock", on the term to allow correction of HQS deficiencies in a unit for which the family and an eligible owner have submitted a valid Request for Tenancy Approval (RFTA) and an initial inspection has been conducted. A maximum of 30 days may be added to the term if the unit fails to pass HQS inspection.

The LDCHA will resume the term of the family's assistance upon notice from either the owner or the family that the RFTA will not result in a lease.

RFTA's submitted to the LDCHA are held for one week and then voided if no inspection of the unit is scheduled. Families submitting RFTA's that do not result in initial inspections will not have the term of their assistance suspended and no days will be added to the term.

One RFTA at a time will be processed for a family. Submitting additional RFTA's will void previously submitted RFTA's.

## **Portability**

The LDCHA will honor program participant moves into and out of its jurisdiction under Federal regulations governing portability of Vouchers. HOME coupons will not be portable outside of the State of Kansas. Participants in the Moving To Work rent structure will be asked to document they need to move for economic, education, or family needs.

### **The LDCHA as Initial Housing Authority**

Eligible participants who notify the LDCHA of their intention to move outside of Douglas County, Kansas will be issued assistance under the same procedures as other participants. The LDCHA will determine if the jurisdiction to which the participant wants to move will administer the participant's voucher or absorb the participant into their program. In cases where the receiving housing authority will administer the voucher, the LDCHA will deny portability only when the payment standard of the receiving housing authority is higher than that of the LDCHA and there are not sufficient funds in the LDCHA budget to cover the higher payment standard of the receiving housing authority. The appropriate HUD portability forms will be sent to the local housing authority for participants that are approved for portability.

### **The LDCHA as Receiving Housing Authority**

The LDCHA will promptly complete and return the HUD portability form received from an initial housing authority and comply with portability requirements.

When the LDCHA does not have sufficient funds to absorb the family the LDCHA will bill the initial housing authority for the all allowable housing assistance payments, administrative fees and preliminary expenses in a timely manner.

Persons moving into the LDCHA jurisdiction under portability who are absorbed into the LDCHA program will have assistance under the regulations and procedures in place for the LDCHA.

## MANDATORY RESIDENT SERVICES ORIENTATION

The LDCHA Annual Plan requires all adults to attend an orientation session on the services and programs offered by the LDCHA Resident Service Office before admission to any LDCHA Moving To Work (MTW) program. LDCHA programs in the LDCHA MTW Demonstration are the Housing Choice Voucher and the family Public Housing programs.

The purpose of the Mandatory Resident Services Orientation is to introduce new program participants and tenants to the wide array of services available to them through the LDCHA Resident Services Office and to help them learn how to access these services. The LDCHA Resident Services Office provides direct services to program participants and residents including, employment assistance, assistance with family health issues, youth programming, education and training programs, assistance securing community services and resources necessary to maintain lease and program compliance in order to safeguard their housing, and services to help families transition to home ownership. The orientation will serve both as a crisis intervention for MTW families at risk for problems that can lead to termination of housing assistance; and as a vehicle for families motivated toward upward mobility to achieve greater economic self-sufficiency. The orientation will also inform families about the LDCHA Home Ownership Program and explain how they can qualify to become home owners.

Applicants will be notified of the Resident Services Orientation requirement at the time of preliminary and final application. When a voucher or unit is offered to a family that meets the MTW eligibility criteria they will be informed that they must contact the Resident Services Office to take part in the orientation and document their completion of the Orientation by bringing their certificate of completion with them to their lease up meeting. Contract documents for admission to the program will not be finalized and assistance payments begin until all adults in the family have completed the Resident Services Orientation. Families who refuse to complete the Resident Services Orientation will not be admitted to the program.

## Chapter

## 9

## Owners

The Lawrence-Douglas County Housing Authority will determine eligibility of rental property owners for participation in the tenant based programs under regulations found at 24CFR 982.306. The term "owner" refers to owners of rental properties, and includes a principal or other parties with financial interest in the property. Designated property managers are considered employees or contractors of the owner and as such are subject to the same requirements as the owner, with the exception of the restriction on leasing to relatives cited below.

Ownership and management is verified at the time a valid Request for Tenancy Approval (form HUD-52517) for a unit is submitted and at any change in ownership or management. Verification will cover property ownership, contracted management, if applicable, federal tax reporting information and identification numbers, and criminal records.

The LDCHA reserves full discretion to make owner eligibility determinations. All determinations will be made on a case-by-case basis. Nothing in the federal regulation or in this Administrative Plan shall be construed to give any owner or property manager the right to participate in LDCHA tenant based programs.

### Outreach to Owners

The LDCHA issues public invitation for owners to make rental units available for leasing by eligible families. Invitations are made through area-wide media, local business organizations, landlord organizations, and the LDCHA web site. Special emphasis is given to contacting owners of affordable units in census tracts with low poverty rates and low concentration of minority families. All units offered as available are listed, regardless of their price, and referred to families looking for rental units. Owners are provided with information on program benefits through a landlord packet that includes program forms as well as program operation and benefit information. Workshops on program participation and information sessions for landlords and property managers are conducted throughout the year. At least one landlord recognition event is held per year.

### Eligibility

The LDCHA will deny owner participation in tenant based programs for the following:

1. HUD notice of debarment, suspension or limited denial of participation under.
2. Notice from HUD that a federal government administrative or judicial action against the owner or manager for violation of the Fair Housing Act or other federal equal opportunity requirements is pending.
3. Notice from HUD that a court or administrative agency has determined that the owner or manager has violated the Fair Housing Act or other federal equal opportunity requirements.
4. Violation of obligations under a housing assistance payment contract with the LDCHA.
5. When the owner or manager has committed fraud, bribery or any other corrupt or criminal act in connection with a federal housing program.
6. When a preponderance of evidence reveals that an owner or manager has engaged in drug-related criminal activity, violent criminal activity, is subject to registration as a sex offender or has been convicted of sex crimes or other violent crimes that threaten the health, safety, or

- right to peaceful enjoyment of the premises by residents or persons living in the immediate vicinity.
7. The owner or manager has a history or practice of non-compliance with the Housing Quality Standards for units leased under any federal housing program, and/or the owner or manager has a history or practice of renting units that fail to meet State or local housing codes.
  8. The owner or manager has a documented history or practice of failing to terminate tenancy of tenants assisted under any federal housing program for serious lease violations resulting from activity engaged in by the tenant, any member of the household, a guest or another person under the control of any of the household that:
    - a. Threatens the right to peaceful enjoyment of the premises by other residents;
    - b. Threatens the health or safety of other residents, employees of the LDCHA, of owner employees or other persons engaged in management of the housing;
    - c. Threatens the health or safety of, or the right to peaceful enjoyment of their residences, of persons residing in the immediate vicinity of the premises; or
    - d. Is drug-related criminal activity or violent criminal activity.
  10. The owner is an immediate family member of any member of the assisted household. Immediate family is defined by the LDCHA to mean a spouse, child, sibling, parent, grandparent, including great-grandparents, grandchild, including great-grandchildren. The definition of child, sibling, and parent shall include the same relatives by marriage - i.e. step-child, step-parent, father-in-law, etc. Additionally, the definition of child shall include a foster child. An immediate family member may only be approved as an owner participant in tenant based programs in cases where the LDCHA determines that approving the unit would provide reasonable accommodation for an assisted family member who is a person with disabilities. (See Chapter 11 – Lease Approval and Execution of HAP Contracts.)

Owners previously denied participation in LDCHA programs must document that the circumstances resulting in the denial have been corrected to the satisfaction of the LDCHA.

## Screening Information Provided To Owners

The LDCHA has no liability or responsibility to the owner or other persons for the behavior of the assisted household. The owner is responsible for screening and selection of tenants to occupy the owner's rental units. Owners are informed of this responsibility in the Request for Tenancy Approval. Upon request, the LDCHA will provide the following information about a participant family that has been issued assistance to a prospective owner:

1. The names of all current family members;
2. The family's current address and landlord, if known;
3. The family's previous address and landlord, if known.
4. Rental history, including damage claims and/or debts from previous participation in LDCHA programs.

Both the owner and the participating household are informed of this through the Request for Tenancy Approval form, the landlord information packet and the voucher briefing. Owners may request information from the LDCHA about the household through the Request for Tenancy Approval form.

## Changes in Ownership

When the ownership of a property changes the LDCHA will approve participation of the new owner upon submission of:

1. Documentation of sale of the property;
2. A statement from the purchaser certifying assumption of leases and contracts in effect at the time of purchase; and

3. Complete federal tax identification information.

Changes in the payee of HAP checks will not be made until sufficient documentation of a change of ownership is received.

New owners will be asked to submit a new lease for the subsidized unit within 60 days of a change in ownership. New HAP contracts will be established upon approval of the new lease.

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## Housing Quality Standards

### General Purpose

The LDCHA inspects all units to ensure that they meet minimum standards for safe and habitable housing. No unit will be initially subsidized unless these standards are met. Units must meet the LDCHA established inspection standards before initial subsidy payment can be made and throughout any term of a lease subsidized by the LDCHA.

### LDCHA HQS

The Housing Quality Standards (HQS) of the LDCHA are a combination of federal Housing Quality Standards set by HUD and local Housing Codes adopted by the City of Lawrence. Standards from the City of Lawrence Housing Code for existing residential structures that are more specific or more stringent than federal inspection criteria are reviewed by the LDCHA Board of Housing Commissioners and adopted as required inspection criteria for LDCHA tenant based rental assistance programs. In determining LDCHA HQS standards, special attention is given to ensuring that housing choice is not restricted.

The LDCHA HQS criteria are contained in an inspection booklet. This booklet is made up of form HUD-2580, Inspection Checklist for the Housing Choice Voucher Program, and a Local Housing Code criteria checklist of the LDCHA inspection criteria not listed on the HUD form.

At lease annually, LDCHA HQS are reviewed for compliance with federal and local housing criteria. Changes in federal inspection requirements are implemented in conformance with federal statutes, regulations and notices. Recommendations for changes to LDCHA HQS resulting from changes in local Housing Code are developed by staff based upon the annual comparison of federal and local standards or upon notice of changes in applicable standards or codes. The Board of Housing Commissioners determines which standards from local Housing Code are adopted as part of LDCHA HQS.

Enforcement of new inspection requirements approved by the Board of Housing Commissioners will begin one full rent period following the month in which participating owners are notified of the requirement.

### Types of Inspections

The LDCHA conducts five types of inspections for units receiving tenant based subsidy:

1. Initial - Conducted before execution of an original lease and HAP Contract as a condition of unit eligibility for program participation.
2. Annual - Conducted before renewal of all continuing lease and HAP contracts as a condition of continued unit eligibility. All units leased under LDCHA programs are inspected annually.
3. Special - Conducted at the request of a tenant, owner, or if LDCHA staff determine there is need, to verify the existence of conditions which may be a violation of LDCHA HQS. Prior to a staff determination of need for a Special inspection, LDCHA staff confirms reports of unit conditions with

the tenant/owner or other appropriate persons. When telephone or other contacts are sufficient to confirm that the reported conditions have been adequately addressed or do not constitute an LDCHA-HQS violation, staff may determine there is no need for a Special inspection.

4. Damage - Conducted as requested by an owner in verification of a claim for tenant caused damages. If the LDCHA cannot schedule the inspection before re-renting the unit, the owner may submit the claim with photographs.
5. Quality Control - Performed on an annual basis and as needed to monitor the consistency of inspection determinations and effectiveness of inspection procedures in raising the quality of housing available to low-income families and eligible individuals. Annually, a sample of units is selected for inspection as required by federal regulation.

## Scheduling Inspections

The LDCHA maintains procedures to schedule timely inspections of units.

- ▶ Initial inspections are scheduled as soon as a Request for Lease Approval is received and the owner and tenant have both been determined eligible. Upon notification from the owner that the unit is ready to inspect, the inspector schedules the inspection and notifies the owner of the date and time.
- ▶ Annual inspections are scheduled no more than 90 days before the tenant's lease expires. The date and time of the inspection is scheduled with the tenant, and both the owner and tenant are notified. Both owner and tenant are asked to be present at the inspection to facilitate communication about the condition of the unit and needed or recommended repairs.
- ▶ Special inspections are scheduled as soon as possible after they are requested. The date and time of the inspection is scheduled with the tenant and both the tenant and owner are notified. Both owner and tenant are asked to be present at the inspection to facilitate communication about the condition of the unit and needed or recommended repairs.
- ▶ Damage inspections are scheduled with the owner as soon as possible after the tenant has vacated the unit and is no longer in possession, i.e. has finished moving out, cleaning the unit and has turned over the keys. Damage inspections will be conducted only on vacant units. Both tenant and landlord are notified of the inspection and encouraged to be present. If a damage inspection is not conducted, the LDCHA is still obligated to process the damage claim if the owner has made the unit available for inspection.
- ▶ Quality control inspections are scheduled with the tenant and the owner is notified of the date and time of the inspection.

## Clearing Deficiencies

If a unit fails a Housing Quality Standards inspection, the owner and tenant are notified of the deficiencies found in the inspection, the required corrective action, and the date by which these items must be corrected. This notice also serves as notice of the reinspection date. Owners may request, in writing, a waiver of the time to correct non-serious deficiencies when weather or other conditions prevent proper repairs being made within the given time. Waivers are granted at the discretion of the Director of Program and Property Management.

Deficiencies must be corrected by the owner, or in the case of tenant-caused deficiencies, as specified by the owner in a written notice to the tenant. Tenant-caused deficiencies will be identified on the inspection report.

Serious conditions posing a threat to the safety of the tenant family are required to be corrected within

24 hours and verified by reinspection. Other items causing the unit to fail are required to be corrected according to the following schedule.

- ▶ Initial inspection - Failed items must be corrected and verified by reinspection. Lease and HAP contract documents will not be executed until the unit has been reinspected and the failed items pass inspection.
- ▶ Annual inspection - Failed items must be corrected and verified by reinspection before the lease renewal date. Serious conditions posing a threat to the safety of the tenant family are required to be corrected within 24 hours and verified by reinspection. The tenant's lease will not be renewed and a HAP check will not be issued to the owner until the unit has been reinspected and failed items pass.
- ▶ Special and quality control inspections - Failed non-serious items must be corrected within 30 days unless a waiver is granted. The owner's HAP will be abated if corrections are not made and verified by reinspection within this time. If an additional 30 days passes and the deficiencies have not been corrected and verified by reinspection, the unit will be removed from the program and the tenant will be required to move.

HAP will be abated on a prorated basis for units that do not pass LDCHA-HQS. Owners will be held harmless for tenant-caused deficiencies in cases where the owner is enforcing the lease.

Every repair required as a result of a Housing Quality Standards inspection must meet the professional standards of the trade. "Stop gap" repairs, or any other repair not to the standards of the relevant trade, will not satisfy the requirements for a proper or adequate repair. In cases where a repair was made which does not meet the standards of the relevant trade, the initial deadline date for repairs shall prevail and the unit shall not pass the reinspection.

City ordinance requires, and the LDCHA reserves the right to require, owners to have all technical repairs such as electrical, mechanical, and plumbing repairs performed by a licensed or certified professional and documentation of such provided to the LDCHA. Refusal by the owner to do so will result in the unit not passing inspection. Tardiness beyond the required corrective date for completion of repairs will be considered a failure to meet this requirement and the unit will not be eligible for participation under LDCHA programs.

No time extension for repairs will be granted unless the owner requests a waiver. In cases of continued occupancy, if the repairs are not made by the reinspection date, the HAP will be abated.

## Lead Based Paint

LDCHA HQS policies and practices will comply with federal, state and local regulations governing lead based paint inspection, stabilization, abatement, and clearance and relocation procedures. Changes in federal, state and local regulations will be incorporated into LDCHA HQS. The LDCHA employs a housing inspector with lead based paint risk assessment certification.

The Lawrence-Douglas County Health Department has requested not to receive quarterly reports on LDCHA families. The health department has agreed to obtain a release of information from a family when testing reveals a child with elevated blood lead levels and the family reports being a housing authority participant. The health department will instruct the family to contact the LDCHA and will follow up with the LDCHA about the family's report.

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## Lease Approval and Execution of HAP Contracts

### Documents Submitted

#### Request for Tenancy Approval (RFTA)

A completed form must be submitted to the LDCHA office in order to initiate contract preparation and inspection procedures. All information requested on the form must be completed and the form must be signed by the owner and the prospective tenant. In the case of an owner who is or has participated in the programs and is known to be eligible by staff, information about the unit may be taken over the telephone to facilitate scheduling an inspection. The completed and signed RLA form must be in the office before a lease or HAP Contract can be signed.

The LDCHA will process only one form at a time for a family. The family or the owner must notify the LDCHA that they want to remove their request before the family can turn in a request for another unit.

The prospective tenant is responsible for turning in the RFTA and informing the landlord on how to contact the LDCHA to schedule an inspection. Applicants are briefed on this procedure at the time assistance is issued. The owner must contact the LDCHA to schedule an inspection of the unit within three working days after signing the RFTA. Submitted RFTA's that do not result in an inspection within 14 working days after they are received will be voided unless the owner or prospective tenant has communicated with the LDCHA office concerning the delay. If the RFTA is voided, the owner and prospective tenant will be notified and the tenant instructed to search for another unit.

#### Lead Based Paint Disclosure

A current lead based paint information and hazard disclosure form is provided with the RFTA. This form is completed at the pre-move in contract signing if a signed copy is not submitted with the lease.

#### Lease and HAP Contract

Owners wishing to use their own lease must submit a fully executed lease document for approval with the RFTA. Staff will review all submitted lease documents for compliance with Federal regulations, notify the owner of any needed modifications, and prepare a HUD lease addendum. The LDCHA lease, including word-for-word the text of the HUD lease addenda for the specific tenant-based program, will be used if the owner does not submit a lease for approval.

The HUD HAP Contract for the appropriate program will be prepared and signed by the owner and the LDCHA upon execution of an approved lease. Payment to owner will begin upon execution of the HAP Contract. If the HAP Contract is not executed by the owner within 60 days of the first day of the lease, it will be considered void and no payments made.

Staff will prepare lease, lease addenda and HAP Contract documents when the unit has passed Housing Quality Standards inspection and any information needed to determine the tenant's rent is submitted to the LDCHA office. LDCHA staff will arrange for all documents to be signed by all parties. Usually this will occur at a meeting between the owner, the tenant and LDCHA staff. At this meeting, the lease and HAP Contract will be executed by the tenant and the owner. Following the meeting the HAP Contract will be executed by the LDCHA and a fully signed copy sent to the owner. Original

counterparts of all contract documents will be kept in the tenant's file.

## Rent Reasonableness Determination

LDCHA staff will make a determination as to the reasonableness of the rent the owner is proposing in relation to comparable units on the private unassisted market. The market area for rent reasonableness comparisons is the corporate limits of Lawrence, Kansas and the county of Douglas, Kansas.

A determination of rent reasonableness will be made before approval of an initial lease, before any increase in rent to owner at the anniversary date of the lease, if the Douglas County, Kansas published FMR in effect 60 days before the contract anniversary is reduced by 5% or more, if directed by HUD, or as necessary for program operations.

Documentation of the basis for a reasonable rent determination will be kept in the tenant file with the initial HQS inspection and each annual HQS inspection.

- ▶ The following elements of a unit will be considered in a determination of rent reasonableness:
  1. Location - including type of neighborhood and availability and accessibility of transportation, schools, shopping and medical facilities.
  2. Size - including square feet of living space, number of bedrooms and number of bathrooms.
  3. Unit type - such as garden apartment, elevator building, townhouse, single family house, duplex, etc.
  4. Quality - the extent to which the unit meets or exceeds Housing Quality Standards and local code requirements.
  5. Handicapped accessibility.
  6. Amenities - including air conditioning, carpeting, dishwasher, washer/dryer hookups, garbage disposal, location within a building or complex, etc.
  7. Facilities - including availability of playgrounds, storage units, parking, etc.
  8. Management and maintenance services - including frequency of grounds and unit upkeep, availability of on-site resident manager and services.
  9. Age - date unit was available for occupancy after construction or substantial rehabilitation.
  10. Gross rent - rent charged by owner plus estimated utility allowance for tenant supplied utilities and appliances (stove and refrigerator).
- ▶ The following information sources will be used to secure data for determining rent reasonableness:
  1. Market rents obtained from real estate agents and rental property owners in the jurisdiction.
  2. Rents published in the classified section of local newspapers.

## Separate Agreements

Owners and tenants may execute agreements for services, appliances (other than range and refrigerator) and other items outside those provided under the lease if the agreement is in writing and approved by the LDCHA.

Any appliance, service or other item routinely provided to non-subsidized tenants as part of the lease or permanently installed in the unit (such as air conditioning, dishwasher or garage) cannot be put under separate agreement and must be included in the lease. The tenant must have the option of not using the service, appliance or other item for it to be eligible for inclusion in a separate agreement.

The LDCHA is not liable for damages or unpaid charges for items covered by separate agreements. Violation or nonpayment of these agreements cannot be cause for eviction.

If the tenant and owner have come to an agreement on the amount of charges for a specific item, so

long as those charges are reasonable and not a substitute for higher rent, they will be allowed. Costs for seasonal items can be spread out over 12 months.

Copies of all separate agreements must be provided to the LDCHA office for placement in the tenant's file.

Under no circumstances may an owner or tenant participating under LDCHA programs have an agreement requiring the tenant to pay a higher amount of rent than that stated in the lease and HAP Contract.

### **Lease Approval/Disapproval**

Before the lease is approved staff will review the RLA, determine the Utility Allowance for the unit and calculate the gross rent, approve the rent to owner and document that the rent to owner meets the LDCHA's rent reasonableness test, and conduct an inspection of the unit.

If staff determines that the lease cannot be approved for any reason, the owner and the tenant are notified and informed of the reasons for disapproval. Staff will assist the tenant to negotiate the rent with the owner if the amount of the rent is the basis for disapproval of the unit.

If the owner accepts the offer of a revised rent, staff will continue processing the RLA. If the owner does not agree on the contract rent, after an attempt to negotiate has failed to produce a revised rent, staff will inform the tenant that the lease is disapproved and assist them to continue their search to locate eligible housing, providing their Voucher is still valid.

If the unit fails inspection, staff will provide the owner and the tenant with a detailed list of items that must be corrected. The tenant must notify the LDCHA within 10 days of a failed inspection if they want to remove their RLA and search for another unit. The RLA will be voided if the owner does not schedule a re-inspection of failing conditions within 30 days of the initial inspection.

### **Restrictions on Renting To Relatives**

The LDCHA will not approve a lease for a unit owned by an immediate relative of the tenant family except to provide a reasonable accommodation for a family member who is a person with disabilities.

"Immediate relative" will be defined as the parent, child, grandparent, grandchild, sister or brother of any family member.

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## Rent Structure, Calculation and Payment Procedures

The LDCHA determines housing assistance payment (HAP) and tenant rent for tenant based program participants in compliance with federal regulations governing the Section 8 Housing Choice Voucher program or for the Moving to Work Demonstration program, depending upon family eligibility. The same utility allowance schedules, calculation and payment procedures are used for all families receiving tenant based rental assistance.

### Minimum Rent

A. Income Based Participants

Families in which all adults are determined to be either elderly or a person with disabilities will have a minimum rent amount of \$50.

B. Moving To Work Participants

Families in the Moving to Work (MTW) program will have a minimum rent based upon the current Moving to Work rent structure for the bedroom size of the unit the family occupies. MTW minimum rents are reviewed and, if necessary, adjusted annually.

### Maximum Rent for MTW Participants

Families in the MTW program will have a maximum rent based upon the current MTW rent structure for the bedroom size of the unit the family occupies. MTW maximum rents are reviewed and, if necessary, adjusted annually.

### Total Tenant Payment

The LDCHA calculates Total Tenant Payment (TTP) using currently applicable federal regulations for the Section 8 Housing Choice Voucher and MTW Demonstration programs.

### Housing Assistance Payment to Owners

The LDCHA calculates Housing Assistance Payment to Owners (HAP) using currently applicable federal regulations for the Section 8 Housing Choice Voucher and MTW Demonstration programs and revises calculation methods in compliance with regulatory changes.

## Family Rent to Owners

Family Rent to Owner is calculated in compliance with currently applicable federal regulations for the Section 8 Housing Choice Voucher and MTW Demonstration programs.

## Continued Eligibility

The LDCHA conducts annual and interim recertification of eligibility in compliance with current federal regulations governing the Housing Choice Voucher and MTW Demonstration programs. Interim recertifications for families not in the MTW Demonstration program are conducted for all reported decreased in income and for all reported increases in income that are the result of a change in the tenant's source of income.

### INTERIM RECERTIFICATION

Calculations of Tenant Rent and HAP will remain in effect for the period between regularly scheduled reexaminations unless reported changes result in interim recertification as described below. Changes in Tenant Rent resulting from a change in contract rent or utility allowance will be applied at the anniversary date of the lease or Moderate Rehabilitation HAP contract.

The LDCHA will conduct interim recertifications based upon written tenant reports which are supported by documentation. Verbal confirmation of information by the tenant will not be accepted for recertification purposes. The same verification, records system entry, calculation and notification procedures as described for annual recertification will apply to interim recertifications, except for procedures applicable only to the scheduling of annual activities.

Tenants with no reported source of income will be required to certify their continued zero income status every 90 days and will be recertified as necessary.

Interim reexaminations and resulting recertification do not effect the annual reexamination date, no matter how often they are performed during a contract term.

### A. REQUIRED REPORTING

Throughout their participation in the LDCHA programs tenants are required to report in a timely manner (see below for timely reporting requirements):

1. All changes in household income; and
2. All changes in household composition.

Tenants may report changes in allowable medical and child and handicapped dependent care expenses.

If a change in household composition results in the family qualifying for larger or smaller assistance according to LDCHA occupancy guidelines, they will be placed on the transfer list for the first available form of assistance of the appropriate size. Changes in size or form of assistance will be made at the time of annual recertification or when a tenant is issued assistance to move to a new unit.

### B. EFFECTIVE DATES OF RECERTIFICATION

Changes in household composition, income, and/or allowable expense deductions will be verified and new calculations of TTP, Tenant Rent and HAP applied as follows:

1. Loss of Income

A decrease in Tenant Rent resulting from a loss of income will be effective the first day of the month following the month in which the change occurs, if reported in a timely manner. See below.

## 2. Allowances and Deductions

### a. Increase in allowances/deductions

A decrease in Tenant Rent as a result of additional allowances or deductions from a tenant's gross income for dependents, medical, child care or other allowed expenses will be effective the first day of the month following the month in which the change occurs, if reported in a timely manner. See below.

### b. Decrease in allowances/deductions

An increase in Tenant Rent resulting from loss of allowances or deductions from a tenant's gross income will be effective at the next annual recertification.

## 3. Increased Income

### a. From the same source

An increase in Tenant Rent resulting from an increase in income from the same source will be effective at the next annual recertification.

### b. From a different source

An increase in Tenant Rent resulting from an increase in income due to a change in the source of income will be effective one full rent payment period after the month in which the change occurs.

## C. TIMELY REPORTING

Changes are considered to have been reported in a timely manner if they are submitted to the LDCHA office, in writing, within 10 days of their occurrence.

### 1. Recertification in Cases of Timely Reporting

After verification, the new Tenant Rent and HAP amounts will be calculated and the tenant and owner will be notified of the effective date of any change according to the following schedule:

#### a. Increases in Tenant Rent

Effective one full rent period after a change is reported. The tenant and owner will be given notice of the increase at least one full rent payment period prior to the effective date of the increase.

#### b. Decreases in Tenant Rent

Effective the rent period following the month in which the change was reported and verification documents submitted. Tenant and owner will be given notice of the change before the effective date of the change.

No downward rent adjustments will be processed until all facts have been verified, even if a retroactive adjustment results due to end of month processing deadlines.

## 2. Recertification in Cases of Untimely Reporting

If a tenant does not report a change within 10 days of its occurrence or does not supply required documentation within 20 days of the date of occurrence, the tenant will be determined to have caused an unreasonable delay in interim reexamination processing. Under these circumstances, deviation from normal effective dates is justified due to the tenant's failure to comply with reporting requirements. The LDCHA will conduct interim recertification and notify tenants and landlords as follows:

### a. Increases in Tenant Rent

The change will be effective on the first of the month one full rent payment period following the processed change and a recoupment for overpayment of HAP will be calculated retroactive to the date the change should have been effective if the change had been processed in a timely manner.

Calculation of recoupment for overpayment of HAP will always be retroactive to the date on which the increased Tenant Rent would have been effective if the change had been reported in a timely manner, to the extent that the date of an unreported change can be verified, regardless of how much time has passed since the change occurred. LDCHA staff will establish and verify the dates on which income/allowance/deduction changes occurred and the dates on which the changes were reported in order to document the recoupment.

### b. Decreases in Tenant Rent

The change will be effective on the first of the month following the reported change. A change can be made effective on the first of the month only if the change is reported and verification documents received by the 20th of the preceding month.

Changes occurring after the 20th of the month will be processed for the next month. The tenant's portion of the rent will be decreased and a remainder HAP will be issued to the owner on the 15th of the following month.

## 3. Recertification Not Processed in a Timely Manner by the LDCHA.

If LDCHA staff do not conduct recertification and issue required notices so that changes reported by the tenant in a timely manner can be made effective on the appropriate effective date, it will be considered that the LDCHA did not process the reported change in a timely manner.

Changes not processed by the LDCHA in a timely manner will be effective on the first of the month one full rent payment period following the month in which the change is processed. If the change resulted in a decrease in Tenant Rent, the difference between what the tenant actually paid and what the tenant should have paid will be calculated retroactive to the date the change should have been effective, if the recertification had been processed in a timely manner. A reimbursement check for the amount of the overpayment will be issued to the tenant.

## D. CORRECTION OF ERRORS

Errors shall be immediately corrected upon discovery and the tenant and owner notified according to required notification procedures.

1. If the error was made by LDCHA staff, neither the tenant nor the owner shall be charged retroactively. If correction of an error results in a refund, it shall be promptly made.

2. If the error resulted from false or incomplete information supplied by the tenant, the LDCHA staff shall calculate a recoupment which will be the difference between the amount of assistance paid on the tenant's behalf and the amount that should have been paid, retroactive to the effective date of the incorrect amount. The tenant shall be notified of the new assistance amount and the recoupment amount. If the change results in an increase in tenant rent, the tenant will not be entitled to a 30-day notice and the change will become effective the month after the change occurred. The tenant shall be required to enter into a repayment agreement.

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## Income Determination and Verification Procedures

The LDCHA determines annual income in compliance with federal regulations governing the Section 8 Housing Choice Voucher and MTW Demonstration programs. Third-party verification of tenant reported information is conducted as part of every initial, annual and interim certification of eligibility and determination of assistance and rent amounts.

### VERIFICATION PROCEDURES

The following procedures will be used to verify income, allowable deductions from income and composition of the household in all LDCHA housing programs. Regulatory basis for these procedures is found at [24 CFR Part 5, Subparts B, D, E and F; 960.259; 982.516]

### INTRODUCTION

HUD regulations require the Lawrence-Douglas County Housing Authority (LDCHA) to verify the factors of eligibility and Total Tenant Payment, Tenant Rent and Family Share of rent. Applicants, tenants and program participants must provide true and complete information to the LDCHA whenever information is requested. The LDCHA's verification requirements are designed to maintain program integrity. This policy explains the LDCHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The LDCHA will obtain proper authorization from the family before requesting information from independent sources.

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

### METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516; 960.259]

The LDCHA will verify information through five methods of verification according to the hierarchy listed below:

1. Up Front Income Verification (UIV) and wage matching with the State of Kansas Department of Labor
2. Third-Party Written Verification
3. Third-Party Oral Verification
4. Review of Documents
5. Certification/Self-Declaration

The LDCHA will allow up to two (2) weeks for return of third-party verifications and up to one (1) additional week to obtain other types of verifications before going to the next method. The LDCHA will document the file as to how the information was verified including an explanation for the method utilized if other than a written third party verification.

For applicants, verifications must be received 60 days prior to the issuance of a voucher or offer of a dwelling unit. For participants and tenants, verification will be valid for 60 consecutive days from date of receipt.

#### Up-Front Income Verification

The LDCHA will utilize up-front income verification methods, including TASS and the Work Number, whenever possible as well as any other UIV that might become available to the LDCHA. When HUD announces the availability of the UIV system for the LDCHA, additional UIV tools will be used, including a centralized computer matching system.

Third-party verification may continue to be used to complement up-front income verification.

UIV may be used in lieu of 3<sup>rd</sup> party verifications when there is not a substantial difference between UIV and tenant-reported income. HUD defines substantial difference as \$200 or more per month.

- If the income reflected on the UIV verification is less than that reflected on the tenant-provided documentation, the LDCHA will use tenant-provided documents to calculate anticipated annual income as long as the difference is within the aforementioned \$200 threshold. The income reflected on the UIV verification must not be more than 60 days old.
- If the income reflected on the UIV verification is greater than current tenant-provided documentation, the LDCHA will use UIV income data to calculate anticipated annual income as long as the difference is within the above mentioned \$200 threshold; unless the tenant provides documentation of a change in circumstances (i.e. change in employment, reduction in hours, etc.) The tenant supplied documents must not be more than 60 days old.

In cases where UIV data is substantially different than tenant-reported income, the LDCHA will follow the following guidelines:

- The LDCHA will utilize written third party verification to verify the information
- When the LDCHA cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud, the LDCHA will review historical income data for patterns of employment, paid benefits, and/or receipt of other income to anticipate income.
- LDCHA will analyze all data (UIV data, third party verification and other documents; information provided by the family) and attempt to resolve the income discrepancy.
- LDCHA will use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

If the LDCHA is unable to anticipate annual income using current information due to historical fluctuations in income, LDCHA may average amounts received/earned to anticipate annual income.

If the tenant disputes UIV SS/SSI benefit data, the LDCHA will request the tenant to provide a current original SSA notice or benefit letter within 10 business days of being notified of the dispute.

### Third-Party Written Verification

Third-party verification is used to verify information directly with the income source. Third-party written verification forms will be sent and returned via first class mail and fax. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the income source are considered third party written verifications. Verifications hand carried by clients will not be considered third party verifications unless the verification is from a government agency.

The LDCHA will accept verifications in the form of computerized printouts delivered by the family from the following agencies:

- Social Security Administration
- Veterans Administration
- Welfare Assistance
- Unemployment Compensation Board
- City or County Courts

Printouts must be dated by the generating agency with a date that is current within 60 days of the date of submission.

### Third-Party Verbal Verification

Verbal third-party verification will be used when written third-party verification is delayed or not possible. When third-party verbal verification is used, staff will be required to complete the Verbal Verification Log, noting with whom they spoke, the date of the conversation, and the facts provided. If verbal verification is utilized LDCHA must originate the call.

### Review of Documents

In the event that third-party written or verbal verification is unavailable, or the information has not been verified by the third party within two (2) weeks, LDCHA will annotate the file accordingly and utilize documents provided by the family as the primary source if the documents provide complete information.

All such documents, excluding government checks, will be photocopied and retained in the applicant file. In cases where documents are viewed which cannot be photocopied, staff viewing the document(s) will complete a Certification of Document Viewed.

The LDCHA will accept the following documents from the family provided that the document is an original and does not appear to be tampered or altered.

- Printed wage stubs
- Computer print-outs from the employer. Printouts must be dated and current within 60 days.
- Letters signed by the employer or other appropriate party (provided that the information is confirmed by phone)
- Other documents noted in this Policy as acceptable verification

The LDCHA will accept faxed and photocopied documents when received directly from the generating source.

If third-party written verification is received after documents have been accepted as provisional verification, and there is a discrepancy, The LDCHA will utilize the third party verification and calculate a retroactive adjustment to tenant rent and housing assistance.

The LDCHA will not delay the processing of an application, recertification of eligibility, recalculation or rent or housing assistance because a third party information provider does not return the verification in a timely manner. Self certification will be accepted as provisional verification and an adjustment will be made as noted in the paragraph above. Tenants and program participants will be notified when pending third party verification may change the calculation of their rent or housing assistance.

#### Self-Declaration and Certification

The LDCHA Certification of Eligibility and Personal Declaration of Information used at application, admission, annual and interim recertification of eligibility contains a tenant certification statement under penalty of perjury. All families are required to sign this statement when reporting income and household composition information to the LDCHA. When verification of reported income information can not be obtained by any other means outlined in this Policy, the LDCHA Certification of Eligibility and Personal Declaration of Information will be used as verification.

#### RELEASE OF INFORMATION [24 CFR 5.230]

Adult family members will be required to sign the form HUD 9886 Release of Information/Privacy Act form. In addition, all adult family members will be required to sign the LDCHA authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice. Each member requested to consent to the release of specific information will be provided with a copy of the appropriate forms for their review and signature.

Refusal to cooperate with the prescribed verification system will result in denial of admission, termination of tenancy, or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by LDCHA or HUD.

#### ITEMS TO BE VERIFIED [24 CFR Part 5, and Parts 982.516; 960.259]

All income not specifically excluded by the regulations.

Zero-income status of household.

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

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

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

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

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

Disability for determination of preferences, allowances or deductions.

U.S. citizenship/eligible immigrant status

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

"Preference" status, as applicable.

Marital status when needed for head or spouse definition.

Verification of Reduction in Benefits for Noncompliance:

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

#### VERIFICATION OF INCOME [24 CFR Part 5 and 982.516, 960.259]

This section defines the methods the LDCHA will use to verify various types of income.

##### Employment Income

Verification forms request the employer to specify the:

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

Acceptable methods of verification in addition to UIV include in the following order:

- Employment verification form completed by the employer.
- The Work Number print out of employment income.
- W-2 forms plus income tax return forms.
- Income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities.
- Check stubs or earning statements which indicate the employee's gross pay, frequency of pay or year to date earnings are accepted as backup for other forms of verification but not as sole verification of employment income.

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

case basis.

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

Acceptable methods of verification in addition to UIV include:

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

Unemployment Compensation

Acceptable methods of verification in addition to UIV include:

- Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.
- Payment stubs.

Welfare Payments or General Assistance

Acceptable methods of verification in addition to UIV include:

- Annual Review letters and printouts of cash and food stamp assistance from the Kansas SRS Office.
- Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.

Alimony or Child Support Payments

Acceptable methods of verification in addition to UIV include in the following order:

- Copy of a separation or settlement agreement or a divorce decree stating amounts and types of support and payment schedules. Documents must include the case number for all orders of support payments.
- Kansas Payment Center print out of payments, including the date, amount, and number of the check.
- A notarized letter from the person paying the support.
- Family's self-certification of amount received and of the likelihood of support payments being received in the future, or that support payments are not being received.

If payments are irregular, the family must provide:

- A copy of the separation or settlement agreement, or a divorce decree stating the amount and type of support and payment schedules.
- A statement from Kansas SRS Child Support Enforcement to show that the family has filed for enforcement.

- A notarized affidavit from the family indicating the amount(s) received.
- A welfare notice of action or printout showing amounts received by the Kansas SRS Office for child support.
- A written statement from an attorney certifying that a collection or enforcement action has been filed.

#### Net Income from a Business

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

Acceptable methods of verification include:

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

#### Child Care Business

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

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business. In cases where the household can not produce either adequate business records documenting income and expenses or federal tax returns, the LDCHA will require a self-employment log form including the name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), and amount paid. This information will be used to verify income only in the absence of such adequate business records.

If loss of income from childcare is reported due to loss of clients, the LDCHA may require verification that the services were terminated directly from the parent of the child who was cared for.

If the child care business provides day care services for the State of Kansas, a third party income verification will be sent to the Kansas SRS Office.

#### Recurring Gifts

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

- The person who provides the gifts

- The value of the gifts
- The regularity (dates) of the gifts

The LDCHA may request third-party verification of cash gifts.

#### Zero Income Status

The LDCHA will require households reporting zero gross income from all sources to complete an interview including an income/expense analysis questionnaire to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household. The LDCHA will request information from the Kansas SRS Office, and the Kansas Department of Labor. If the absence of any household income is verified the household will be required to report income and complete the expense analysis questionnaire at least quarterly

#### Full-time Student Status

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

Verification of full time student status includes:

- Written verification from the registrar's office or other school official.
- School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

#### INCOME FROM ASSETS [24 CFR Part 5.603 and 5.609 and Part 982.516 and 9]

##### Savings Account Interest Income and Dividends

Acceptable methods of verification include:

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

##### Interest Income from Mortgages or Similar Arrangements

Acceptable methods of verification include:

- A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
- Amortization schedule showing interest for the 12 months following the effective date of the certification or re-certification.

### Net Rental Income from Property Owned by Family

Acceptable methods of verification include:

- IRS Form 1040 with Schedule E (Rental Income).
- Copies of latest rent receipts, leases, or other documentation of rent amounts.
- Documentation of allowable operating expenses of the property: tax statements, insurance invoices, and bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.
- Lessee's written statement verifying rent payments to the family and family's self-certification as to net income realized.

### VERIFICATION OF ASSETS

#### Family Assets

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

Acceptable verification may include any of the following:

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

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

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

If the family certifies that they have disposed of assets for less than fair market value, the LDCHA will collect the following information on asset disposition: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d)

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

## VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME [24 CFR 982.516]

### Child Care Expenses

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

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

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

#### ➤ Child-Care to Work

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

#### ➤ Child-Care for School

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

#### ➤ Rate of Expense

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

#### ➤ Actively Seek Employment

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

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

### Medical Expenses

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

- Written verification by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
- For attendant care:
  - The LDCHA will require certification from a qualified professional having knowledge of the person's need for an attendant and who can verify the attendant is necessary as a medical expense.
  - Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services.
- Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
- Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
- Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. The LDCHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year.
- LDCHA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

#### Assistance to Persons with Disabilities [24 CFR 5.611(c)]

- In All Cases:
  - Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
  - Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.
- Attendant Care:
  - Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.

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

➤ Auxiliary Apparatus:

Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.

In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

VERIFYING NON-FINANCIAL FACTORS [24 CFR Part 5 and Parts 982.153(b)(15) and 960]

Verification of Legal Identity and Familial Relationships

The LDCHA will require applicants to furnish verification of legal identity for all family members by providing two (2) forms of identification. The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required. Documents accepted in the following order:

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Current, valid Driver's license

In the absence of two (2) of the above documents the LDCHA will accept the following documents:

- U.S. military discharge (DD 214)
- U.S. passport
- Voter's registration
- Company/agency Identification Card
- Government issued Identification Card

In verification of guardianship the LDCHA will accept the following documents:

- Court-ordered assignment
- Affidavit of parent
- Verification from social services agency

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

- Certificate of Birth

In the absence of a birth certificate the LDCHA will accept the following:

- Adoption papers
- Custody agreement
- Health and Human Services ID
- School records
- If none of these documents can be provided, a third party who knows the person may, at the LDCHA's discretion, provide certification to be used as verification.

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

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

Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the LDCHA will require the family to complete a Remove a Household member form and will consider the following as verification in the order listed:

- Proof of another home address, such as a lease, rental or home purchase agreement, receipts/canceled checks for payment of rent or mortgage, utility bills, driver's license showing a residential address (Post Office Box addresses will not be accepted).
- Permanent order of protection/restraining order obtained by one family member against another.
- Divorce Decree or legal separation agreement.
- Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.

If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.

If no other proof can be provided, the LDCHA will accept a self-certification from the head of household or the spouse or co-head, if the head is the absent member.

Verification of Change in Family Composition

The LDCHA will require the family to complete a change of information reports and will verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

Persons claiming disability status that do not have SSI or SSA disability payments may provide a copy of a current application or appeal letter from the Social Security Administration and a LDCHA Disability Verification form from an appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker.

VERIFICATION OF CITIZENSHIP/ELIGIBLE IMMIGRANT STATUS [24 CFR 5.508, 5.510,5.512, 5.514]

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

Citizens or Nationals of the United States

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

- United States birth certificate
- United States passport
- Resident alien/registration card
- Social Security card
- Other appropriate documentation as determined by the LDCHA

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

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

Non-citizens with eligible immigration status

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The LDCHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the LDCHA must request within ten days that the INS conduct a manual search.

Ineligible family members

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

Non-citizen students on student visas

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

### Failure to Provide

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

### Time of Verification

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

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

### Extensions of Time to Provide Documents

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

### Acceptable Documents of Eligible Immigration

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

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

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

### VERIFICATION OF SOCIAL SECURITY NUMBERS [24 CFR 5.216]

Social security numbers must be provided as a condition of eligibility for all family members age six and over if they have been issued a number. Verification of Social Security numbers will be done through a Social Security Card issued by the Social Security Administration. If a family member cannot produce a Social Security Card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in

lieu of the Social Security Card information provided is/are complete and accurate. Any identification cards submitted must be current.

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

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## Deposits and Security Deposit Claims

The LDCHA makes security deposit and utility deposit payments on behalf of HOME program participants as a one-time grant. Deposits are paid directly to the landlord or utility company upon documentation of the required amount. Security deposits refunded to the LDCHA are available for use by HOME program participants.

## Special Housing Types

The LDCHA will permit a family eligible for tenant-based assistance to lease units in any of the special housing types outlined herein. Leasing of special housing types will be allowed as a reasonable accommodation for families with disabled household members so that the program is readily accessible to and used by persons with disabilities. Determinations to allow funding of special housing types other than those defined herein will be made on a case by case basis at the discretion of the Director of Housing Assistance.

### Group Residences

Herein are outlined the policies and procedures the LDCHA will follow in subsidizing participants with tenant-based assistance who choose to lease rental units in a group home setting. These policies replace those formerly known as the Independence Group Residence Administrative Plan.

These policies will be implemented in compliance with federal regulations currently in effect for Special Housing Types and will apply to both Section 8 and HOME program tenant-based assistance programs.

#### Definition of a Group Residence (GR)

A GR is housing for the exclusive residential use of elderly, handicapped, or disabled persons. No less than two (2) and no more than twelve (12) persons, including resident assistants and/or live-in aides, may live in a GR.

Persons who are not assisted under an LDCHA program may reside in the GR.

#### Requirements for GR Participants

Except for resident assistants or live-in aides, all persons in the GR must be elderly or have a disability.

Residents of the GR must not require continuous medical or nursing care but may require attendant care services.

#### Resident Assistants

Persons who live in a GR to provide, on a daily basis, necessary support services to participants will be known as resident assistants. The term resident assistant will be used interchangeably for "live-in aide" throughout this section of this Plan.

Resident assistants must meet the definition of a live-in aide as set out elsewhere in this Plan.

A resident assistant will be considered a member of the household for the purpose of determining family unit size. Assisted GR unit residents who share live-in attendants will have the number of household members increased on a pro-rated basis. The increased household size will be determined by adding to the number of persons in the assisted household the fraction received by dividing the number of live-in attendants in the GR by the number of persons served by the live-in attendant. For example, in a GR housing three (3) persons with disabilities and one (1) resident

assistant, the family unit size for each assisted household would be 1.33. If two (2) aides live in the GR at all time, the family unit size would be 1.66.

The income of a resident assistant will not be included as household income for the purpose of determining housing assistance and tenant rent.

The GR may or may not be a resident assistant's primary or exclusive place of residence. A resident assistant may be an employee of a service provider agency or of the participant household.

### **Family Unit Size and Maximum Subsidy**

Family unit size will be determined under LDCHA occupancy guidelines contained elsewhere in this Plan. An approved live-in attendant will be considered a member of the household for determining family unit size. Participants leasing GR units will be assisted up to the subsidy standard needed for their family unit size and for the type of GR facility they select.

The zero (0) bedroom FMR will be the maximum subsidy for a single person with no live-in attendant who leases a GR unit with a private or semi-private sleeping room and shared bathroom and kitchen facilities.

The one (1) bedroom FRM will be the maximum subsidy for a single person with no live-in attendant who leases a GR unit that has a private sleeping room, a private bathroom and either shared or private kitchen facilities.

### **State Approval of the GR Facility and the Service Contract**

The GR facility must be licensed, recognized or approved by the State of Kansas in writing, as a group home for elderly persons or persons with disabilities prior to the execution of the initial Housing Assistance Payment (HAP) contract. This approval must be reexamined annually, or on some other schedule established by the State.

Documentation of current State approval of the GR facility will be required as part of the annual recertification of eligibility and annual inspection process. Such documentation can be provided either by the owner of the group home or by the service agency providing supportive services to the assisted resident of a GR.

### **Service Agencies**

Housing assistance will not be set aside or reserved for clients of specific service providers or agencies operating group home facilities. A service agency may conduct outreach to potential residents and assist those individuals in applying for the LDCHA waiting list.

Housing assistance in a GR will be provided for shelter only. The LDCHA will not pay subsidy for services or food. Services must be paid from other public or private resources.

A Service Agency may own or sublease a group home facility and lease units to eligible participants.

### **Housing Quality Standards**

The entire housing unit comprising a GR must meet all federal Housing Quality Standards (HQS) and local variances adopted by the LDCHA.

### **Briefing Participants and Issuing Assistance**

Participants selected from the waiting list will be briefed in accordance with LDCHA briefing practices. The LDCHA will use outside sources to assist with the briefing as necessary to make the program accessible to eligible families.

## Pro-Ration Policy

Pro-ration of assistance will be based on the ratio derived by dividing the number of persons in the assisted household by the total number of residents in the GR. Total number of residents will include assisted persons, unassisted persons and resident attendants.

## Rent to Owner and Rent Reasonableness

Rent to owner for an assisted GR unit household will not be more than the pro-rated portion of the reasonable rent for the GR.

Rent to owner will be reviewed under LDCHA rent reasonableness guidelines contained elsewhere in this Plan.

In determining the rent reasonableness of the GR unit, the LDCHA will consider the presence or absence of common rather than private cooking, dining, and sanitary facilities and the provision of special amenities or maintenance and/or management services in addition to other rent reasonableness criteria, incorporated herein by reference. The LDCHA cannot consider the cost of providing support services, housekeeping, laundry services, furniture, food or food preparation and serving.

## Initial Gross Rents and Payment Standards

Rent charged by owner plus any tenant paid utilities will be limited to amounts allowed under current federal regulations for programs under administration. Voucher program payment standards will be applied under current applicable federal regulations for special housing types. Over the FMR tenancy options will be allowed under the same criteria as for other types of rental housing.

## Utility Allowances

Allowances for tenant paid utilities in a GR unit will be pro-rated between all residents of the GR.

## Lease Approval, Unit Inspection, and Contract Execution

Each participating household in a GR will have a separate lease and HAP contract.

Lease approval will be conducted under procedures outlined elsewhere in this Plan.

Upon receipt and approval of the Request of Lease Approval, an inspection of the unit will be scheduled. Inspections, notification of results, deficiencies correction and contract execution will be conducted under procedures outlined elsewhere in this Plan.

## Vacancies in the GR

If a participant residing in a GR unit gives notice to move, the lease and contract will be terminated for the departing participant only, and not for any remaining participant(s) of the GR.

The LDCHA will issue assistance to the participant moving from the GR facility based on their family unit size. The household will not be required to rent a GR unit, but may select the type of rental facility that best meets their housing needs.

## Shared Housing Units

The LDCHA will approve shared housing units as an accommodation for persons with disabilities in compliance with all applicable federal regulations, including approval of owner-occupied units to the extent permitted under federal regulation.

## Shelter Plus Care Units

The LDCHA will administer Shelter Plus Care units in compliance with all applicable federal regulations in effect at such time as funding for Shelter Plus Care units is awarded.

## Transitional Housing Units

Funding for families participating in transitional housing programs will be administered by the LDCHA in accordance with all applicable federal regulations.

Monitoring of family compliance with the lease will be performed by the LDCHA Family Housing department staff.

Families who meet LDCHA eligibility criteria while participating in transitional housing programs will be placed on the General Housing waiting list and, as funding becomes available, will be transferred to Section 8 program funding providing the family is in good standing with their transitional housing service plan.

Chapter  
**17**

## Debts To the Housing Authority

When a family incurs a debt to the housing authority they will be allowed 30 days from the date of the notice of the debt to either pay the debt in full or enter into an agreement to make payments on the debt. All debts must be paid in full or under a current repayment agreement before the family can be transferred or issued continued assistance to move to a new unit.

Applicants for the waiting list who have an unpaid debt to the LDCHA will not be housed until the debt is paid in full. Applicants may be offered a periodic payment agreement and begin making payments while they are on the waiting list.

## Chapter

## 18

## Domestic Violence Policy

Title VI of the VAWA adds a new housing provision that establishes several categories of protected individuals. Under the law victims of domestic violence, dating violence, sexual assault, and stalking are granted protections and cannot be denied or terminated from housing or housing assistance because of activity that is directly related to domestic violence.

the Lawrence-Douglas County Housing Authority (LDCHA) in provides rights under the Violence Against Women Act to its applicants, residents and participants in all programs.

### Definitions

The definitions in this Section apply only to this Policy.

**Confidentiality:** Means that LDCHA will not enter information provided to LDCHA by a victim alleging domestic violence into a shared database or provide this information to any related entity except as stated in 3.4

**Dating Violence:** Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; (iii) the frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, committed by a person with whom the victim shares a child in common, committed by a person who is cohabitating with or has cohabitated with the victim as a spouse, committed by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Kansas, or committed by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Kansas.

**Immediate Family Member:** A spouse, parent, brother or sister, or child of a victim or an individual to whom the victim stands *in loco parentis*; or any other person living in the household of the victim and related to the victim by blood or marriage.

**Perpetrator:** A person who commits an act of domestic violence, dating domestic violence or stalking against a victim.

**Stalking:** (a) to follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate the victim; (b) to place under surveillance with the intent to kill, injure, harass or intimidate the victim; (c) in the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts, to place the victim in reasonable fear of the death of, or serious bodily injury to the victim; or (d) to cause substantial emotional harm to the victim, a member of the immediate family of the victim or the spouse or intimate partner of the victim.

**Boni fide Claim:** A *boni fide* claim of domestic violence, dating violence or stalking must include incidents that meet the terms and conditions in the above definitions.

### **Certification and Confidentiality**

#### **Failure to Provide Certification**

The person claiming protection under VAWA shall provide complete and accurate certifications to LDCHA owner or manager within 14 business days after the party requests in writing that the person completes the certifications. If the person does not provide a complete and accurate certification within the 14 business days, LDCHA, owner or manager may take action to deny or terminate participation or tenancy.

#### **HUD Approved Certification**

For each incident that a person is claiming as abuse, the person shall certify to LDCHA, owner or manager their victim status by completing a HUD approved certification form. The person shall certify the date, time and description of the incidents, that the incidents are *bona fide* incidents of actual or threatened abuses and meet the requirements of VAWA and this Policy. The person shall provide information to identify the perpetrator including but not limited to the name and, if known, all alias names, date of birth, address, contact information such a postal, e-mail or internet address, telephone or facsimile number or other identification.

#### **Other Certifications**

A person who is claiming victim status shall provide to LDCHA, an owner or manager: (a) documentation signed by the victim and an employee, agent or volunteer of a victim service provider, an attorney, or a medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse, in which the professional attests under penalty of perjury the professional's belief that the incident(s) in question are *bona fide* incidents of abuse; or (b) a federal, state, tribal, territorial, local police or court record.

#### **Confidentiality**

LDCHA, the owner and managers shall keep all information provided to LDCHA under this Section confidential. LDCHA, owner and manager shall not enter the information into a shared database or provide to any related entity except to the extent that:

1. the victim requests or consents to the disclosure in writing;
2. the disclosure is required for:
  - a. eviction from public housing;
  - b. termination of Section 8 assistance; or
3. the disclosure is required by applicable law.

#### **Appropriate Basis for Denial of Admission, Assistance or Tenancy**

LDCHA shall not deny participation or admission to a program on the basis of a person's abuse status, if the person otherwise qualifies for admission of assistance.

An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be a serious or repeated violation of the lease by the victim and shall not be good cause for denying to a victim admission to a program, terminating Section 8 assistance or occupancy rights, or evicting a tenant.

Criminal activity directly related to domestic violence, dating violence, or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim of that domestic violence, dating violence or stalking.

The LDCHA, an owner or manager may bifurcate a lease to evict, remove or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others without evicting, removing, terminating assistance to or otherwise penalizing the victim of the violence who is also a tenant or lawful occupant.

Nothing in this Plan shall limit the authority of LDCHA, an owner or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members when the family breaks up.

Nothing in this Plan limits LDCHA, an owner or manager's authority to evict or terminate assistance to any tenant for any violation of lease not premised on the act or acts of violence against the tenant or a member of the tenant's household. However LDCHA, owner or manager may not hold a victim to a more demanding standard.

Nothing in this Plan limits LDCHA, an owner or manager's authority to evict or terminate assistance, or deny admission to a program if the LDCHA, owner or manager can show an actual and imminent threat to other tenants, neighbors, guests, their employees, persons providing service to the property or others if the tenant family is not evicted or terminated from assistance or denied admission.

Nothing in this Plan limits LDCHA, an owner or manager's authority to deny admission, terminate assistance or evict a person who engages in criminal acts including but not limited to acts of physical violence or stalking against family members or others.

A Section 8 Housing Choice Voucher or HOME recipient who moves out of an assisted dwelling unit to protect their health or safety and who:

- (a) is a victim under this Policy;
- (b) reasonably believes he or she was imminently threatened by harm from further violence if he or she remains in the unit; and
- (c) has complied with all other obligations of the voucher programs may receive a voucher and move to another jurisdiction operating a Section 8 voucher program.

#### **Actions Against a Perpetrator**

LDCHA may evict, terminate assistance, deny admission to a program or trespass a perpetrator from its property under this Policy. The victim shall take action to control or prevent the domestic violence, dating violence, or stalking. The action may include but is not limited to:

- (a) obtaining and enforcing a restraining or no contact order or order for protection against the perpetrator;
- (b) obtaining and enforcing a trespass against the perpetrator;
- (c) enforcing LDCHA or law enforcement's trespass of the perpetrator;
- (d) preventing the delivery of the perpetrator's mail to the victim's unit;
- (e) proving identifying information listed in 3.2; and (f) other reasonable measures.

#### **LDCHA Right to Terminate Housing and Housing Assistance Under this Policy**

Nothing in this Policy will restrict the LDCHA, owner or manager's right to terminate tenancy for lease violations by a resident who claims VAWA as a defense if it is determined by the LDCHA, owner or manager that such a claim is false.

Nothing in this Policy will restrict the LDCHA right to terminate tenancy if the victim tenant

- (a) allows a perpetrator to violate a court order relating to the act or acts of violence; or
- (b) if the victim tenant allows a perpetrator who has been barred from LDCHA property to come onto LDCA property including but not limited to the victim's unit or any other area under their control.

Nothing in this Policy will restrict the LDCHA's right to terminate housing and housing assistance if the victim tenant who claims as a defense to an eviction or termination action relating to domestic violence has engaged in fraud and abuse against a federal housing program; especially where such fraud and abuse can be shown to have existed before the claim of domestic violence was made. Such fraud and abuse includes but is not limited to unreported income and ongoing boarders and lodgers violations, or damage to property.

**Statements of Responsibility of Tenant Victim, the LDCHA to the Victim, and to the Larger Community.**

A tenant victim has no less duty and responsibility under the lease to meet and comply with the terms of the lease than any other tenant not making such a claim. Ultimately all tenants must be able to take personal responsibility for themselves and exercise control over their households in order to continue their housing and housing assistance. The LDCHA will continue to issue lease violation notices to all residents who violate the lease including those who claim a defense of domestic violence.

The LDCHA recognizes the pathologic dynamic and cycle of domestic violence and will work with victims of domestic violence through the agency's Resident Services Program and other local victim support service providers to help victims break the cycle of domestic violence through counseling and the development of an agreed to Safety Plan.

A tenant victim who claims as a defense to a lease violation that the violation is directly related to domestic violence will be referred to the LDCHA Resident Services Program for counseling, referral and development of a Safety Plan.

A tenant victim who refuses assistance or whom fails to comply with the Safety Plan such that subsequent lease violations occur where the tenant claims domestic violence as a defense, will be issued an eviction and provided a hearing and granted a second opportunity to retain their housing provided that the violations do not create an imminent threat to staff, other residents, manager or owner and where the victim tenant demonstrates a sincere desire to terminate the abusive relationship. If the victim tenant refuses to terminate the abusive relationship, the tenant will be considered to be unable to abide by the lease and will be terminated.

All damages including lock changes will be the responsibility of the tenant victim. This is in keeping with other agency policies governing tenant caused damages.

**Notice to Applicants, Participants, Tenants and Section 8 Managers and Owners.**

LDCHA shall provide notice to applicants, participants, tenants, managers and owners of their rights and obligations under this Plan to Confidentiality and Appropriate Basis for Denial of Admission, Assistance or Tenancy.

**Reporting Requirements**

LDCHA shall include in its 5-year plan a statement of goals, objectives, policies or programs that will serve the needs of victims. LDCHA shall also include a description of activities, services or programs provided or offered either directly or in partnership with other service providers to victims, to help victims obtain or maintain housing or to prevent the abuse or to enhance the safety of victims.

**Conflict and Scope**

This Policy does not enlarge LDCHA's duty under any law, regulation or ordinance. If this Policy conflicts with the applicable law, regulation or ordinance, the law, regulation or ordinance shall control. If this Policy conflicts with another LDCHA policy such as its Statement of Policies or Section 8 Administrative Plan, this Policy will control.