

**ADMINISTRATIVE**  
**and**  
**EQUAL OPPORTUNITY**  
**PLAN**

SECTION 8 HOUSING CHOICE VOUCHER  
ASSISTANCE PROGRAM

COMMUNITY DEVELOPMENT PROGRAM  
FOR  
VILLAGE OF FAIRPORT, NEW YORK

## **A. STATEMENT OF OVERALL APPROACH AND OBJECTIVES**

The Village of Fairport has contracted with the Fairport Housing Authority (hereinafter "FHA") to administer the Section 8 Housing Choice Voucher Programs. The FHA administers the programs with the objective of assisting eligible families to afford decent, safe and sanitary housing by using existing housing units.

The FHA has other objectives, which guide discretionary policies within the programs, as well as other agency activities. These objectives include:

- ◆ preserve and increase the supply of affordable rental housing units
- ◆ increase housing choice and discourage the stratification of housing types
- ◆ provide a mix of housing assistance that reflects housing needs within the program jurisdiction
- ◆ maximize the impact of housing assistance funding and leverage other public funds
- ◆ encourage families to be economically self sufficient

The approach of the FHA in achieving these objectives will be to provide Section 8 programs to potential landlords as a way to maintain occupancy and access other program benefits. Technical assistance will be offered to existing and potential landlords for local, state and other programs (such as those providing weatherization) that preserve property. Special efforts will be made to encourage participation from owners with scattered-site units.

These efforts might include media ads or direct mail contact. The FHA will encourage owners to contact the Agency with available units to assist it in making rapid placements and as a service to owners.

The FHA will maintain current information related to the Monroe County CHAS, census data, local planning documents, special housing studies and other housing or demographic data. This information will be used to guide decisions about the mix of program assistance provided. The data will also determine the nature of applications for additional units of program assistance. Where regulatory discretion is allowed, program policies and decisions will be made in a manner to solve local housing needs. For example, decisions related to bedroom mix, where allowed, will be made based on the relative need for different size apartments in the program area.

The FHA will streamline its procedures and introduce efficiencies whenever possible to allow additional administrative time to be directed to achieving program objectives. The FHA will continue and expand efforts to provide services beyond basic rent subsidy payments to eligible families. These services can advance FHA objectives by increasing families' discretionary income, encouraging economic self-sufficiency, minimizing HAP amounts and empower families to make suitable choices. The FHA will comply with all Section 8 statutes, regulations and policies and act responsibly as a Section 8 administering agency.

### **STAFF RESPONSIBILITIES**

There are four staff members involved in the Section 8 programs. The Housing Director is responsible for the day-to-day operations of the programs. That person is responsible to understand existing program regulations and policies and to monitor regulations for changes.

The Housing Director supervises staff, directs operations and monitors program activities. The Housing Director performs routine administrative duties such as interviewing families and inspecting units, and performs supervisory inspections as necessary. In addition, this person trains other program staff and is the normal contact person with HUD. The Director will also serve as the liaison between the FHA and the municipality, and act as an arbitrator or hearing officer and oversee all policy matters under the direction of the Agency Board of Directors.

The second position involved in Section 8 program is the Assistant Director of Housing. That person is responsible for routine administrative duties such as interviewing families and inspecting units. The Assistant Director is also responsible for monitoring and program activities regarding Family Self-Sufficiency.

The third position involved in the Section 8 programs is that of Program Specialist. The Specialist is responsible to issue monthly payments to landlords, organize and maintain program records for documentation purposes, field normal program inquiries, maintain related financial and statistical data, distribute applications and administer program waiting list. In addition, the person in this position will be capable of performing initial and annual tenant certifications and performing unit inspections. The fourth position is part-time clerical/administrative assistant.

There is significant demonstrated need in the program area. There are several assisted housing projects in the area (Fairport Apartments, Pines of Perinton, and Phillips Village). Each has a substantial waiting period and list. The shortfall in capacity is especially critical for elderly and handicapped units. Each facility also rejects a significant percentage of applicants for inadequate income. Current operations of the Fairport Section 8 programs also demonstrate the degree of need. The waiting list is long, despite active efforts to keep the waiting time and list as short as possible.

There is a diverse supply of housing available for use by Section 8 tenants. These include units within assisted projects, units in unassisted complexes, singles, duplexes, triples and quads, as well as, units in row house configuration. Scattered site units are available throughout the program area but are clustered more densely in comparatively lower-income neighborhoods. While single bedroom units are prevalent, there are relatively few units suitable for the elderly. Typical deficiencies include inconvenient location, too many stairs/poor access and unsuitable surrounding units. Three and more bedroom units, while extent, are difficult to locate. The condition of the housing stock, and available apartments, is generally good.

The FHA will provide assistance in locating units for program participants. Landlords will be encouraged to contact the FHA on available units. The real estate sections of weekly and daily newspapers, flyers and shopping guides will be duplicated and distributed to participants. Participants with specific impediments or obvious deficiencies in the ability to locate housing will be counseled and advised by FHA staff. The staff of the FHA will also maintain a relationship with related agencies that may be able to augment staff counseling efforts.

The functions and responsibilities of Section 8 staff are clearly stated in the FHA Personnel Policy and consistent with its Equal Opportunity Plan and HUD Section 8 Existing Operations/Procedures Manual.

## **ADMINISTRATION OF PROGRAM FUNCTIONS**

The various program functions are listed below, followed by a brief description of the procedures(s) used to carry out the function. In some cases, the procedure used to carry out the function are also addressed in other parts of this Administrative Plan.

### **1. PROVIDE OUTREACH TO FAMILIES AND CONTACT WITH OWNERS**

The Fairport Section 8 programs are on going, with a base of family and owner knowledge about the program. This base will be augmented in various ways. FHA staff will continue to issue press releases in appropriate media to improve general public knowledge about the programs, and especially about program changes.

The focus of outreach to families, however, will be targeted to the neediest population. The FHA will maintain close contact with County DSS, housing non-profits and other agencies likely to deal with this population. Contact with agencies is intended not only to assist potential tenants but also to identify services (such as weatherization, childcare, training, etc.) beneficial to Section 8 participants. This network approach will best target and leverage scarce assistance resources. If the results of outreach efforts identify insufficient numbers of participants, either in the aggregate or for any category of applicants, additional outreach efforts will be undertaken as appropriate. Any such shortfalls are expected to be for a specific category of applicants, such as residents of a particular town. In that case, specific outreach efforts might include news articles or ads in a local newspaper. If the flow or stock of applicants is too high, generally or for a particular category, outreach will be reduced or the waiting list will be closed.

Owners also will be contacted by a variety of means, including media ads, direct mail and individual contact. Owners who currently participate will be treated fairly and courteously to encourage word-of-mouth recommendations. Contact efforts will be targeted to scattered-site owners and owners of small numbers of units. This will encourage geographical diversity and deconcentration. Mailings of program descriptive information will be sent to realtors, landlord groups and management firms, if necessary.

Owners are informed that the FHA has not screened the family for suitability. Instead, owners are encouraged to screen families on the basis of their tenancy histories, i.e. payment of rent and utilities, caring for a unit and premises. The FHA policy is to tell prospective Section 8 landlords only current family address and current landlord information should he/she request same. Owners also will be rejected for participation when directed by HUD or when any of the following pertain:

- 1) Fraud or any other corrupt criminal act in connection with Federal Housing Programs.
- 2) A practice of violating Section 8 HQS standards.
- 3) Non-payment of State or local real estate taxes.

FHA staff will become familiar with property rehabilitation and other assistance programs to encourage landlord participation and develop relationships. The FHA will continue its policy of providing an interest-free line of credit to the Section 8 account to enable landlord checks to be sent out on time.

The Fairport Section 8 program area is generally outside areas in Monroe County characterized by low income and minority concentrations. Hence, the existence of the Fairport programs is intrinsically beneficial in reducing such concentrations. Within the local program area pockets of low-income and minority families are evident in the large assisted rental projects. The FHA administers the Section 8 programs to mitigate concentrations of low income and minority families.

Outreach and technical assistance efforts are targeted to scattered-site owners to increase the supply of units available to low-income and minority families. No outreach or technical assistance efforts are extended to owners of assisted complexes, freeing up staff time to focus on other areas.

The FHA works intensively with social service agencies to solicit referrals. The FHA has a mailing list that averages 15 agencies (including the Monroe County DSS, Housing Council, Regional Council on the Aging, Office of the Aging and others). This list is used to distribute program changes, information and announcements such as when incremental units of assistance have been received. The FHA maintains updated, concise program information for distribution and is responsive to requests for information. The FHA has also established mobility agreements with the Rochester Housing Authority and the Rochester Housing Council, which assist very-low income families living in high poverty areas to relocate within our market.

The FHA office is barrier-free. The Agency does not have a TDD machine available on its premises. However, there is community wide access to a TTY relay service through a 1-800 number (1-800-662-1220) which allows a deaf or speech impaired applicant/tenant to communicate to this office.

## **2. APPLICATIONS, ELIGIBILITY AND FAMILY SELECTION**

Program applications will be distributed both by mail and in person at the Agency office. Applications will solicit sufficient information to determine apparent eligibility, assign the family to the appropriate waiting list and rank selections. All applications will be promptly reviewed to determine apparent eligibility. Applicants are advised in writing should they not be eligible and given a 10-day period to request an informal review. Information provided on applications will be accepted and assumed correct until the time of family selection as modified by targeting goals set forth in 513 of the 1998 QHWRA Act CFR 982.201 of the regulations.

One list is established for both programs according to CFR 982.204. Eligible families will be selected from the top of the list up to the limit of available funds. Application information is provided and the occupancy standards attached hereto as Attachment A. Every effort is made to keep waiting list open. However, the FHA will consider closing the list when there is a substantial number of applications more than two years old. If the FHA decides to close or re-open the waiting list all regulatory requirements for public notification will be closely adhered to.

Requests for updated application information are made every two years to applicants on the waiting list and failure to respond to this request will be grounds for removal from the waiting list. It is the sole responsibility of each applicant to update the Agency concerning their present address. The updated information can be made by telephone or in writing.

Apparently eligible families will be selected from the waiting list based on Section 8 regulations and statutes, as supplemented by local policies. An applicant is eligible if household income is below the applicable income limit and if the applicant meets the program definition of an eligible household by being a family or an elderly household. For program purposes, the following definitions apply. A family is two or more persons, sharing residency whose income and resources are available to meet family needs or who are related by blood, marriage or operation of law, or any other single person who is not 62 years old or older, disabled, handicapped, displaced, or the remaining member of a tenant family. An elderly household is a household having a head of household, spouse or sole member at least 62 years of age; or a head of household, spouse or sole member who is handicapped or disabled.

For purposes of the non-citizen rule, the FHA will consider a family to be continuously assisted if they were in occupancy on June 19, 1995; and the head or spouse is a citizen or eligible immigrant; and the family does not include any person (who does not have citizenship or eligible immigrant status) other than the head or spouse, their children or their parents. All other restrictions on assistance to non-citizens will be followed according to CFR 24 Subpart E.

Pregnant persons are eligible as a family and will be treated for application, eligibility and selection purpose as if they had a live child.

Definitions cited in Title 24 CFR 812 and definitions under parts 982 Unified Rule are used in establishing which people are handicapped, disabled, displaced and homeless are the sole criteria used by the FHA.

The FHA has established 18 years of age as the minimum age for Section 8 program participation. At least one member of a family or household must be 18 years old or older in order to be eligible for the program.

Final program eligibility will be determined after family selection from the waiting list and an eligibility interview. Prior to that, all information from the application is accepted as presented. All information pertinent to family selection off the waiting list and program eligibility will be documented prior to the final eligibility determination. The standard for such documentation is third-party or up-front verification wherever possible. Prohibited family actions according to CFR 982.552 will be used for denial of assistance.

Local selections of families will be according to CFR 982.201, as modified by the local preferences and ranked by locally - established priorities related to Family Self-Sufficiency program participation and local residency. The two categories of local preferences (involuntary displacement and substandard units, see Definitions – Attachment B) will carry equal weight and cumulate for priority (i.e. 2 local preferences supersede any 1, any 1 supersede any without.) In addition, a Singles Preference will be given to a family whose head, spouse or single member is an elderly or disabled person, or a displaced person. This preference will be applied over other single persons regardless of whether they have a local preference. From groups of applicants with the same number of local preferences applications will be ranked and made based on two locally - established priorities.

The FHA has reserved a specific number of units for current Voucher holders, for participation in the Family Self-Sufficiency program. The FHA will reserve 50% of these FSS slots to families that now participate in service programs offered by Monroe County Department of Social Services. Specifically these "Service programs" will include:

- A) The JPTA program (promotes training and placement)
- B) The TASC program (promotes education for job readiness)
- C) The Cap program (promotes financial assistance Child Care)
- D) The CEOOSC program (promotes job counseling and readiness training)
- E) BOCES (Adult and Community Education)

The FHA has identified these service programs as best able to encourage economic self-sufficiency. However, other programs, which are not identified above, that promote economic self-sufficiency will also be considered. To receive the selection preference the family head must be enrolled in the service program. The remaining FSS slots without a preference, participation will be based on seniority. Seniority will be defined by the FHA as a family expressing interest in the FSS program with the longest length of time that family has been receiving Section 8 assistance.

For purposes of waiting list administration the FHA will provide a local priority category for self-sufficiency program participants. Among waiting list families with identical local preferences priority will be given to active FSS program (identified above) participants. The Monroe County Department of Social Services will encourage current and potential FSS program participants to apply to the Fairport Section 8 programs. In cases where a FSS "PORTS" to this FHA's jurisdiction and no FSS slots are available the family will be placed and positioned on a separate FSS waiting list based on seniority.

Finally, a local residency priority is established. When applicants from the waiting list have identically weighted local preferences, selections will be made first of applicants who live or work in the FHA program area. Applicants with identically weighted local preference and local priority will be selected chronologically by the date the application was received by the FHA.

The FHA will continue to allow up to 10% of waiting list selections to assist non-preference families. These "10% non-preference" selections will be actively used to address families who have remained on waiting list the longest, and to advance the objective of the program. Other elements of the selection criteria and process will be unchanged for these 10% selections.

The FHA has the policy of encouraging mobility and housing choice in the administration of Section 8 programs. Applicants and tenants are briefed on program elements that allow and encourage mobility and housing choice. The FHA has expanded its program area in the past and will do so again if administratively possible. At present the official FHA program area of jurisdiction includes: Villages of Fairport, East Rochester, Webster, Pittsford, Honeoye Falls, Macedon, Towns of Penfield, Perinton, Webster, Macedon, Pittsford, Henrietta, Brighton, Mendon, Rush. For purposes of eligible housing types, the FHA will not consider; SRO or Group homes, Cooperatives, Shared Housing, or manufactured home spaces as eligible housing permitted under Section 982.601. Except, if needed as reasonable accommodations by persons with disabilities according to 982.506. However, the FHA actively solicits new owners with eligible housing stock, especially in areas of little program use, to provide maximum choice.

The FHA informs all program applicants and tenants of program elements related to Voucher portability. For incoming "port" every effort will be made to continue family Section 8 assistance by the use of a local voucher. If no local voucher is available the FHA will contact the issuing FHA and make administrative arrangements for HAP and fee payments. For outgoing "port" the FHA will cooperate fully with the receiving FHA to arrange for HAP and fee payments.

It is not anticipated that the FHA will ever over issue Vouchers. Vouchers will only be overused when conservative estimates of Voucher HAP amounts indicate that over issuing can be done with available funding.

### **3. VERIFICATION OF INCOME AND DETERMINATION OF TOTAL TENANT PAYMENT**

All income verification procedures, computations and documentation will be consistent with program regulations. The FHA will first use HUD systems reports (upfront income verification, EIV) for verification of wages and other income. Third-party verification of all information will also be the standard. When third-party verification is not available or there is no response from the source, oral third-party (by phone or in person) will be used to verify income and assets. In most cases the FHA will attempt to use HUD systems/third-party and document review (pay stubs, tax returns, bank statements, etc.) together. Finally, in cases where no documentation or third-party information can be collected, tenant declaration (notarized statement) will be accepted. All information must be current within 60 days of lease up and recertifications.

Because the FHA will use HUD Systems Reports (UIV, EIV) together with third party and document review. Discrepancies in reported income identified by EIV reports will be confirmed through other documentation first before any action will be taken against the tenant. If the information has been confirmed and the tenant agrees with the discrepancy, a repayment agreement will be required-(Attachment D Repayment Policy). If the tenant disagrees with the discrepancy, then an informal hearing process will be initiated for termination (see Attachment G). FHA will comply with all HHS/HUD agreements in regard to EIV reports.

Computations related to the Total Tenant Payments and HAP amounts will be carefully performed by trained staff. Primary documentation (like calculator tapes and computer worksheets) will be retained in the client file to allow easy access to earlier year's calculations. Calculations will be made on computerized worksheets and cross checked with standardized forms to encourage consistency and make errors easier to spot.

Calculations, accounting entries and payments will be performed separately by different staff members and results reconciled to eliminate errors. Where errors are found, their cause will be investigated and corrected.

Subsidy standards including payment standards are based on the Occupancy Chart (Attachment A). Under the Choice Voucher program, payment standards are established by bedroom according to the Fair Market rent at the time the ACC is signed. They are revised annually for adjustments, if the FHA determines that adjustment is needed. Statutory requirements establish payment standard between 90% - 110% of the applicable FMR.

The FHA has established policies for all program elements that require local discretion. Among these are the following:

- The income of family members who are permanently confined such as in a nursing home can be counted, or not, at the option of the head of household. The FHA will count the income of a temporarily absent family member if that individual is on the lease.
- If the income is counted then deductions from income, which the confined person is qualified for, can be taken. If no income is counted, no deductions can be taken for the confined person. Permanent confinement is defined as confinement in a health facility that has existed for an extended time for a condition, which is not to improve.
- The income of children 18+ away at college will be counted only if that child is on the lease.
- The income of an adult child in the military will not be counted unless the absence is expected to be for a short period of time.
- In the event of child support or alimony payments not made on time despite best efforts, the amount of such payment counted as income for the upcoming year will be the amount collected in the last year.
- There is no established threshold amount for assets disposed of for less than fair market value.

- The FHA uses IRS publication 502 guidelines to determine eligible medical expenses.
- The FHA policy related to family break-ups is that the remaining adult with custody of children will remain in the program. Should the family have no children, then the remaining adult with the lower income shall retain the assistance. The FHA will consider spousal abuse and medical conditions for exceptions to the stated policy.
- In cases of joint custody of children, the FHA policy for purposes of eligibility, occupancy and income determination is to consider the children household members of the adult with whom they spend the majority of their time. If there is an existing court order the parent identified as having primary residence will be considered for program purposes the custodial parent.
- Childcare expenses paid to other family members will only be allowed to the extent that both the Section 8 recipient and the family member claim on their Federal Tax Returns. In addition, in those cases where family members have self employment income, the most recent filed Federal Tax Return will be used to determine (net) income.
- The FHA policy related to prolonged absences of sole household members is that after an unexplained absence of six weeks it is assumed the tenant is not using the unit as a principle residence. Every effort (registered letter to unit, telephone known relative or friends) will be made to locate the tenant. Failing that assistance will be terminated in compliance with program regulations.
- Visitors may remain in an assisted unit no more than 14 days a year.
- The FHA policy concerning a live-in aide will be according to HUD policy and CFR 982.316.
- If a welfare recipient is sanctioned by the Department of Social Services for failure to comply with work, or economic self-sufficiency program requirements, the tenant's rent will not be lowered. However, situations where the family complied with welfare program requirements but loses benefits because of a time limit, such as a cap of welfare benefits for a period of time will be considered for reduction of tenant rent.
- The FHA has established no minimum total tenant payment.

It is the policy of the FHA to be very cynical about applications, which represent the applicant, has zero income. Program experience is that in an overwhelming percentage of cases the applicant misunderstands what constitutes income, is inaccurately estimating income and/or is eligible for public assistance. Every effort will be made to investigate and advise applicants about their range of choices in public programs. If a tenant is certified at zero income interim recertifications will be scheduled monthly.

#### **4. BRIEFING OF FAMILIES AND ISSUANCE OF CHOICE VOUCHERS**

When a family receives a Choice Voucher, a full explanation of the respective family, owner and FHA responsibilities will be made in individual sessions. Questions will be encouraged and responded to. The Housing Manager or Program Administrator will conduct the sessions. The sessions are intended to answer common questions and problems, as well as provide required information. Informational packets will be given to each applicant. In addition to required items, the packet contains a guide to locating apartments, a chart to help families organize their housing search and a list of landlords who are familiar with the Section 8 programs and have agreed to the distribution of the their name.

The FHA maintains a separate list of specific vacant and available apartments and distributes the list to families at the briefing and at other times. Families are encouraged to have prospective landlords' contact FHA staff for program information. Families are encouraged to attend seminars held by other counseling agencies on locating apartments. The local HUD (Buffalo office) fair housing and equal opportunity division is available for individualized assistance to hard to house cases.

After Initial certification, a Choice Voucher will be issued for sixty (60) days. Afterward, the Housing Director or Assistant Director is authorized to grant two extensions of 30 days each, up to an additional 60 days to a Voucher if a legitimate, timely request is received in writing from the family. The written request is retained for documentation. The FHA's policy is to automatically give a 30-day extension with a written request. However, the last extension will be granted only after the family gives a legitimate reason for the extension. Some examples of legitimate reasons for extensions include: Lack of unit availability, previous requests for lease approvals have been denied due to HQS violations etc, families whose landlord refuse to accept Section 8 and the lease has just expired or will be shortly, or to make the program accessible to and usable by a family member with a disability. The FHA has established that no suspension (tolling) is permitted beyond what has been stated above. However, applicants may submit more than one Request for Lease Approval at a time. The family may request HUD for an additional extension according to 982.303.

Cases of alleged discrimination are referred to the agencies capable or responsible for addressing illegal discrimination actions.

## **5. HOUSING QUALITY STANDARDS AND INSPECTIONS**

The FHA uses HUD's inspection booklet in inspecting units for compliance with Housing Quality Standards. In addition, the FHA performs supervisory inspections according to CFR 982.405. Where necessary, Agency staff may refer to the Uniform Building Code of the State of New York for use in interpreting HQS issues.

The FHA will inspect units after the family and owner have signed a Request for Lease Approval. The FHA Housing Director, Specialist or Assistant Director will inspect the units, preferably accompanied by the owner. The owner will be promptly notified in writing whether the unit passed or failed the inspection. The tenant will be notified also. For units that fail, the notification to the owner will include a list of deficiencies and a deadline by which all repairs have to be made. The deadline for compliance is 30 days after notification of failure. One 30-day extension to the compliance deadline will be granted at the request of the owner if there is demonstrated intent to make the repairs.

Annual reinspections are made in a timely manner to allow deficiencies to be corrected by the owner. If the deficiencies are not brought into compliance by the owner, the FHA will notify the landlord in writing, that he/she is in violation of the HAP contract, and will list FHA remedies including abatement, and HAP termination. Should the contract be terminated a new Voucher will be issued to the family. The FHA will require landlords to correct serious, life threatening violations within 24 hours and up to 30 days for less serious failures.

The FHA will inspect units for, which there is no Request for Lease Approval executed. These "courtesy inspections" will be done only at the request of an owner. A written deficiencies list or letter of compliance will be given to the owner. A formal inspection of the unit will subsequently be done if a Request for Lease Approval is executed.

Units that contain common living/sleeping room arrangements as one sleeping area required by the occupancy standards would pass HQS if requested by the family.

## **6. LEASE APPROVAL AND HOUSING ASSISTANCE PAYMENTS CONTRACT**

Prior to lease approval and annual owner's request for rent increases (982.308), units in the Choice Voucher Program will be compared to the rent and utilities of three unassisted units from the local market. In addition, an administrative cap will be imposed. The administrative cap will be 120% of the appropriate FMR. Therefore, a proposed voucher rent must meet either the rent reasonable test from the local market or the administrative cap.

Unassisted comparables will be selected from survey information and classified ads, and will be loaded within a computer database. Three comparables will be selected by bedroom size, type and age. A printout of the comparison will be retained in each tenant file. In addition to the above rent reasonableness requirements, the statutory merger of Section 8 Certificate and Voucher programs require a maximum initial rent burden that the tenant/family can pay CFR 982.508. This in affect will also restrict rents that can be approved. Printed program information will be provided for tenants to give owners to explain the program. Owners will also be encouraged to contact FHA staff directly for program information.

The policy with respect to security deposits is to encourage owners to collect deposits adequate to protect their interests but small enough to allow program participants to rent the unit. The FHA has established a maximum allowable level of one month's contract rent for a unit's security deposit. For additional policies concerning security deposits see section 10.

Owners are encouraged to use their own lease but may request to use the FHA model for approval. The FHA does not allow owners and tenants to execute separate agreements related to rent and utility provisions. However, tenants are not required by the FHA to submit for approval contracts involving goods or services unrelated to rent and utilities. The FHA has not combined the lease agreement and addendum into a single document but may. The lease will be executed upon FHA approval before the beginning of the lease term. The lease term shall begin the first of any month. However, the Housing Authority will process middle of the month leases to reasonably accommodate a disabled family or a homeless family. In addition, the FHA will make every effort to execute the HAP Contract before the beginning of the Lease term. In an effort to facilitate the stated policy, owners and participants will be informed on administrative deadlines for lease-up purposes each month. A Request for Lease Approval and copy of the proposed Lease (if not using model lease) must be submitted before FHA consideration. Finally, the FHA will not approve the unit or execute the HAP contract until the tenancy meets all program requirements according to CFR 982.305.

## **7. PAYMENTS TO OWNERS**

HAP checks will be prepared by the Specialist based on logs prepared by the Manager. Previous month check amounts will be retained and any changes to payment amounts or payments for new units will be re-computed and verified by the Specialist. The checks will require two signatures, that of the Specialist plus either that of the Director or a member of the Agency Board of Directors. A separate person, the Clerk, will maintain 1099 records of cumulative owner payments from the Manager's logs. This will be done in a manner to allow reconciliation between the logs and actual check amounts. Checks will be mailed to reach owners by the first of each month. Any URP checks are mailed at the same time. The FHA has and will continue to make temporary loans available to the Section 8 account to allow checks to be issued in a timely manner.

In addition to the controls listed above, the FHA retains an accountant to prepare the general ledger, keep the books of account and assemble several other periodic reports to assure the integrity of the payments system. The Specialist reconciles the bank statements and prepares documentation, which is verified by the accountant as it is integrated into the general ledger.

The Voucher Payment Standard is reviewed annually during the preparation of the Annual Operating Budget. It is revised whenever it is too low to allow families to rent units in an affordable manner or when it falls outside of regulatory levels.

## **8. INFORMATION AND ASSISTANCE FOR PARTICIPATING FAMILIES**

It is the policy of the FHA to serve as a clearinghouse and advocate for information and assistance available to current or potential program participants. FHA staff makes an active effort to learn about others programs useful to families, distribute information and encourage use of such other programs. Program and promotional information will be maintained at the FHA offices and distributed by mail in mass or targeted mailings to those likely to be eligible. Examples of programs often promoted include weatherization and rental rehabilitation programs. FHA staff also will be

knowledgeable about counseling services available from other agencies for problems beyond the scope of the FHA. The FHA will also assist applicants claiming illegal discrimination in processing complaint form HUD-903 to contact Local Fair Housing Hotline to report incident.

The FHA participates in self-sufficiency programs by reserving units of assistance for families who participate with the Monroe County Department of Social Services in such programs.

## **9. REVIEW OF FAMILY CIRCUMSTANCES, RENTS, UTILITY AND HOUSING QUALITY**

The Housing Director will manage office operations by a system designed to highlight upcoming monthly, yearly and other periodic deadlines. These deadlines are related to client certifications and expirations, utility allowance and payment standard schedules, utilization reports, annual audits and other required reports.

Recertifications will be scheduled in a manner to avoid peak workload times. The recertification process starts about 90 days prior to the tenant's anniversary date. Families are notified of the recertification interview date, time and location, as well as what documentation to have available. They are offered the opportunity to schedule other interview date/times at their convenience. Interviews are combined with inspections at the unit wherever feasible, especially in the case of the elderly or mobility - impaired. Annual income and HAP determinations and unit inspections are performed in generally the same manner as at initial occupancy. Interim recertifications (see Attachment C) will be considered at the request of the family or if FHA staff become aware of changes in family circumstances. Recertifications may be scheduled more frequently for families whose circumstances are apt to change soon or often. Families are notified what changes in family circumstances they are required to report to the FHA. Tenants must report changes in family composition; income increases greater than \$50.00 per month, significant decreases in deductions or allowances and material lump sum receipts. Tenants may report income decreases and increases in deductions or allowances. The FHA will schedule interim adjustments where program income changes more than \$50.00 per month. The FHA may elect to process interim adjustments involving income changes of less than \$50.00 per month depending on the availability of staff time and severity of the case.

The FHA places no age limit on the remaining household member in the case of the head of household leaving the unit.

## **10. TERMINATIONS, SECURITY DEPOSITS, FSS PARTICIPANTS AND FAMILY MOVES**

The FHA will emphasize to families the importance of informing the FHA and owner prior to any lease termination or family move. The FHA staff will explain the 30-day notice provisions to families during the briefing session. Written program information including a family obligation's notice (Attachment I) will be given to each family clearly stating their responsibilities under the program.

The landlord is contractually prohibited from evicting tenants for any cause except those allowed by program regulations and is required to notify the FHA of any eviction proceedings in writing and at the time that the Landlord gives notice to the tenant.

If the eviction is legitimate and for good cause, the FHA will review the circumstances to determine that assistance can be continued to the family. However, evidence of fraud or similar prohibited actions according to CFR 982.552 will result in notice of termination. This notice will be at least 30 days prior to final termination and will include notice of the right to appeal. In most cases, it is expected that there will be no need for termination and the tenant will find a new unit and continue in the program. The FHA fully complies with Public Law 109-162, which prohibits removal of assistance if asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault, or as defined in the Violence Against Women Act. HUD form 50066 (attachment H) will be used for such certifications.

Effective under the conforming rule, and again established under the Quality Housing and Work Responsibility Act; eliminates the right of the owner to claim reimbursement from the FHA for damages or other amounts owed by the

tenant under the lease. Owners are now required to collect damage claims and unpaid rent from the family according to the lease terms. If the family is still participating; that is moved with assistance to a new unit and still owing the previous landlord unpaid rent, the FHA will require that the tenant promptly pay in full all monies due the owner in accordance with the lease. The FHA may allow the tenant to enter a repayment agreement with the previous landlord. However, failure to pay either by lump sum or abide by the repayment agreement will result in the termination of the family from the Section 8 Choice Voucher Program. If they no longer receive assistance due to fraud/abuse and owe the FHA money, they are notified that they cannot again participate in the program until they make repayments according to a repayment agreement (Attachment D). Families can get back on a program waiting list without having paid back in full the amount owned but will not be eligible to receive program assistance until they have finished repayment or materially demonstrated a willingness to do so.

Families that pay each and every month according to the repayment agreement will be considered to have materially demonstrated a willingness to finish repayment.

In the attempt to minimize impediments for participation in the Choice Voucher Program, the FHA has established a Security Deposit Program. Under the program, the Housing Authority will pay up to half of the Security Deposit required from the tenant providing the tenant/family can demonstrate that they are unable to pay the required deposit in full. Generally, a family will be considered eligible for the Security Deposit Program if the household gross income is below 30% of the area median income. After establishing need, the FHA will enter into an agreement (Attachment E) with the landlord, which contains the entire agreement between the owner and the FHA. Should there be a claim submitted by the landlord for the FHA's portion of the Security Deposit due to damages, the FHA will have the right to inspect the damage. However, the Housing Authority will not allow charges for normal wear and use, existing conditions, routine turnover, cleaning and scheduled interior painting. The FHA will determine normal wear and tear according to the guidelines established in Attachment F.

The FHA has a reciprocal agreement with the Rochester Housing Authority to deny program assistance to families who owe either agency money. All other portability issues will be addressed according to CFR 982-314.

Termination of FSS Participant: The Contract of participation shall have specific areas of compliance as provided by CFR 962.303. Failure to comply with all terms including interim goals will result in termination of participation in the FSS program. However, non-compliance with FSS requirements will not result in termination of Section 8 assistance, except when fraud and abuse under Section 8 family obligations have taken place. The FHA will also deny participation in the FSS program should a family owe the FHA money. Policy concerning repayments will be the same as other Section 8 participants (see above) with the exception, that the FHA reserves the right to terminate the FSS contract if the family fails to sign a repayment agreement.

## **11. COMPLAINTS AND APPEALS**

FHA staff will be trained to be equitable in making program decisions, clear in explaining decisions to participants and patient in providing further explanations. Despite these efforts, the FHA expects program administration activities will result in occasional complaints and appeals. Appeals and complaints will be handled in an expeditious manner. Complaints will initially be handled by the FHA staff making the decision. When a complaint appears to FHA staff to be irreconcilable, the participant will be told further consideration will require an appeal. They will be notified of that fact by a letter that will contain the decision, the basis for the decision and whether the decision involves an issue, which can be appealed. If so, the participant will be given no less than ten days to request an informal review or a hearing, the request need not be made in writing. The hearing officer will conduct the informal review/hearing process. The hearing officer will be the FHA Director or the Assistant Director, except that for decisions made by those persons, the Chairman of the Agency Board of Directors, alone or with his/her designees from the Board Members, will be the hearing officer. The participant and the involved FHA staff member will both be asked to deliver a short summary of the decision and their respective positions to the hearing officer. A mutually agreeable time will be determined and the hearing will be conducted by the hearing officer and include the FHA staff and participant. Informal reviews will be granted for applicants in decisions such as: Listing on the FHA's waiting list; Issuance of Vouchers; participation in the program. Informal reviews will not be granted for participants in decisions at issue with established policies and procedures such as: Determination of bedroom size for the Voucher; Rejection of a unit due to it does not meet HQS; Refusal to extend a

Voucher. Informal hearings will be granted to participants in decisions related to: Calculation of TTP or Tenant Rent; Denial or Termination of assistance; Denied an exception to the occupancy standards, and termination of FSS participation in non-compliance of Contracts of participation (Attachment G).

Finally, informal reviews will be granted, even if not required by statute, in cases where invoking the decision will have a large impact on the financial or other circumstances of the family. The FHA will not grant an informal review, generally, if the involved issue: Is not required by statute to be subjected to appeal, is comprised of facts that are clear-cut and not interpretable, or results in only a small financial or other impact on the family. Participants may be represented by attorneys or others, will be given an opportunity to present testimony and evidence, and will be allowed to question the FHA staff. The final decision will be made by the hearing officer and communicated in writing to the family within ten days following the hearing.

## **12. MONITORING PROGRAM PERFORMANCE**

Program activities will be monitored continuously and evaluated against the objectives of the program. Outreach will be conducted to publicize the program. Successful outreach efforts will result in a diversity in age, residency, ethnicity and circumstance among applicants. Targeted outreach will be performed for the Homeless and Self-Sufficiency components. This outreach will be done partly through social services agencies such as the Department of Social Services. The mix of outreach efforts will be adjusted periodically if data reveal particular groups are under-represented on the waiting list. The leasing schedule will also be monitored continuously with a goal of maintaining high occupancy. The FHA has been successful in the past at meeting occupancy schedules and goals. The FHA staff communicates regularly with owners to maintain a pool of available units. Families are given useful advice about locating units. Administrative processes are performed as rapidly as possible. Responses to questions and decisions are communicated to families first by telephone. These efforts are made to give the family as much time and help locating units as is possible. When occupancy or lease-up schedules fall below expectations, analysis is done to find specific causes and corrective action taken. For example, program experience has led FHA staff to up-date waiting list family data frequently. This decision was made because of specific lease-up problems encountered and has improved lease-up occupancy.

## **13. FRAUD AND ABUSE**

It is the policy of the FHA to be aggressive in preventing fraud/abuse and to assure program assistance is provided only to responsible families. This includes acting promptly on cases of suspected or proven fraud/abuse, and imposing penalties in proven cases. Suspected cases are investigated thoroughly, whether the suspicions are from FFA staff directly or from others. Documentation in excess of normal will be required where suspicions exist. For example, applicants with no reported income may be required to provide last-employer contacts or written statements. The seriousness and consequences of fraud/abuse are communicated to participants early in the program process. Written program information contains warnings and part of the interview process is to caution families that complete information is essential. Owners are treated similarly. The Housing Director is in charge of investigating fraud/abuse.

Tenants/owners whose proven fraudulent or abusive actions cost the FHA program money are required to repay the Agency as a condition of subsequent participation. A demonstrated effort involving a significant down payment will be considered sufficient. Absent repayment, the FHA bars owners/families permanently from participation. The FHA has a reciprocal agreement with the Rochester Housing Authority whereby applicants to the programs of either Agency are barred if they owe the other agency money. The FHA does require tenants to notify the Agency about significant changes in family income/assets between annual certifications. Telephone notifications are sufficient. The FHA will complete an interim recertification (Attachment C) if the amount involved changes gross income by \$50.00 per month or more.

## **14. DRUG RELATED OR VIOLENT CRIMINAL ACTIVITIES**

The FHA will not accept applicants nor tolerate participants who fail to discharge their family responsibilities by engaging in drug related or violent criminal activities. Generally, the FHA requires a felonious conviction or admission by the participant in order to terminate or deny assistance. Remaining family members will be allowed to continue receiving

assistance if the criminal is a dependent and is removed from residence.

In accordance with the Quality Housing and Work Responsibility Act Section 576(A), the FHA will also deny or terminate assistance for previous evicted assisted tenancies for drug related or crime activities. In addition, Section 578 of the act prohibits the FHA to admit any household that includes an individual that is subject to a lifetime registration requirement under New York State (Level III) sex offender registration program. To facilitate above statutory provisions, the FHA may access criminal records from the village, county, state and federal police departments according to 575(c) & (d).

### EQUAL OPPORTUNITY HOUSING

Program Type:                       Existing Housing  
       Moderate Rehabilitation  
      X   Vouchers (Housing Choice)  
      X   Other Project Based Voucher

As of June 1, 2009:

	0 BR	1 BR	2 BR	3 BR	4+ BR
Choice Vouchers:	<u>  5  </u>	<u> 197 </u>	<u> 111 </u>	<u>  63 </u>	<u>  7  </u>
Project Based Vouchers:	<u> 10 </u>				

The Fairport Urban Renewal Agency as Housing Authority will comply with the Fair Housing Act, Title VI, of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disability Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Gary C. Fuoco  
Name (Print or Type)

Housing Director  
Official Position

## **HA Objective I - OUTREACH TO LOWER-INCOME FAMILIES**

### **Actions to be taken:**

**The following items are applicable to the Existing Housing and Moderate Rehabilitation Programs.**

**1. Media to be used (name and type):**

Newspapers: Democrat & Chronicle (Rochester)  
Fairport-Perinton Post (Local)

Specialized outlets, i.e.: Golden Times Magazine

A senior publication will be used as appropriate.

**2. Other suitable means to be used to publicize program:**

Area radio stations, both AM and FM where appropriate.

In addition, clear program information will be developed to distribute to agencies dealing with minorities, hard to house populations and other groups less likely to apply.

**3. Group or groups less likely to apply, if any:**

Black and Spanish speaking minorities, primarily because these groups are used to residing in the city.

**4. Special outreach to groups identified in 3:**

A. Use of the Rochester newspapers to reach the concentrated areas where these groups reside.

B. Use of radio stations marketing towards these groups.

C. Direct mailing to community organizations whose membership consists of and who represent these groups.

An evaluation will be preformed of what impediments exist that may preclude other populations from participating in the program. Appropriate outreach will be performed to mitigate those potential impediments.

**5. Special outreach to persons expected to reside, if identified in CHAS:**

All outreach and activities will be performed consistent not only with existing populations, but also those identified by the applicable Comprehensive Housing Affordability Strategy (CHAS).

**HA Objective II - Promoting Greater Housing Opportunities for Families Outside Areas of Low-Income and Minority Concentration**

**Actions to be taken:**

The following items are applicable to the Choice Voucher Existing Housing Programs.

**1. Media to be used to notify owners about the programs(s): (name and type).**

Newspapers: Democrat & Chronicle  
Fairport-Perinton Post

**2. Actions to encourage participation by owners of units outside low-income and minority areas (not applicable to Moderate Rehabilitation Programs if targeted to a specific neighborhood(s)):**

Our service area is outside any concentrated areas of low-income minority areas.

A concentrated effort will be made to contact a broad population of different types of landlords. This will be done through landlord and real estate agent groups, direct mailings and utilization of existing owner participants.

Scattered site units will be encouraged, where possible, over single, concentrated sites. Active efforts will be made to qualify for additional program resources to allow for geographic expansion of the program.

**3. Actions to explain program requirements including equal opportunity to owners:**

Direct mailing and speaking to community organizations such as Chamber of Commerce and local realtor groups.

Direct contact with landlords. Direct mailings or meetings are of prime importance in a service area such as ours. Word of mouth advertising is one of our best methods. Staff will conduct direct meetings with each landlord prior to signing the initial lease and explain all program requirements.

Actions to encourage and enforce equal opportunity in housing rental will be of prime importance.

**4. Information on local, State and Federal Fair Housing laws and use of Form HUD-903 to be provided as follows:**

The FHA will prominently display and publicize Fair Housing information in conspicuous public places such as: Village Hall, Public Library, in Rental Office, etc. to inform and invite the resolution of perceived violations.

The FHA Administrator will maintain familiarity with Fair Housing laws and review program procedures to ensure compliance.

**These items are applicable only to the Existing Housing Program:**

**5. Information on general locations and characteristics of neighborhoods and on listings, to be provided to Choice Voucher holders as follows:**

FHA will maintain a landlord list within the Housing Office.

At the time of issuance of a Choice Voucher, staff will meet the client and explain our service area and provide any leads to listings and how to access listings.

**6. Actions to be taken to assist Choice Voucher holders during housing search, when requested:**

When necessary, the FHA will call and explain the program to a prospective landlord the client had identified. The FHA will also call existing known landlords for available units when necessary. If discrimination is suspected, the FHA staff will independently and discreetly inquire as to the availability of the unit.

**7. Actions taken to promote broadest geographical choice in selection of units by Choice Voucher holders, if any:**

The Agency has expanded the service area into 9 suburban and rural towns. The benefits of guaranteed rent payment and longer-term tenancies are described to landlords. Landlords currently utilizing the Section 8 Program are used as references to prospective landlords. This has made recruitment of new landlords and broad geographical choice easier. The FHA participates in a voluntary mobility program through an interjurisdictional mobility agreement with the Rochester Housing Authority, and an excellent working relationship is maintained with surrounding DHCR County offices. In addition, all participants are informed on statutory portability.

**8. Geographical areas in which PHA's Choice Vouchers may be used:**

Village of Fairport	Town of Brighton	Town of Perinton
Town of Henrietta	Town of Mendon	Town of Penfield
Town of Rush	Town of Webster	Town of Macedon
Town of Pittsford		Village of East Rochester
Village of Honeoye Falls		

**HA Objective III - Ensuring Equal Opportunity to Applicants for Participation in the PHA's Existing Housing or Moderate Rehabilitation Program and in the Selection of Choice Voucher Holders or Applicants to be Referred to Owners of Vacant Moderately Rehabilitated Units**

**Action to be taken:**

**1. System for taking, processing and filing applications; establishing waiting list:**

The preferences and ranking procedure, including definitions, for determining eligibility and family selection will be based upon the U.S. Department of Housing and Urban Development's Section 8 Housing Assistance Rules and Regulations as published in the January 15, 1988 Federal Register, and as amended in October 18, 1994. These regulations, including preferences, definitions, and verification procedures are listed in 24 CFR Part 813.

The selection of tenants will be open to the general public on a first-come, first-served basis, subject to the Federal/Local Preferences.

Applications may be secured by mail, telephone or picked up at the office.

Applications will be accepted by mail or dropped off at the office.

Applications will be dated and time stamped when received. One waiting list will be maintained for the entire program.

**2. Preference or priority categories in order, if any, for issuance of Choice Vouchers and method used for selection of Choice Voucher holders or applicants to be referred to owners of vacant moderately rehabilitated units:**

Only Federal preferences noted in the Federal Register will be applicable.

All other preference will be consistent with its HUD-approved Administrative Plan.

**HA Objective IV - Provision of Services and Assistance to Families That Allege They Have Encountered Discrimination During Their Housing Search**

**Actions to be taken:**

**1. Services to be provided in finding a unit under the Existing Housing Program:**

If discrimination is alleged, the FHA will discreetly and independently inquire as to the availability of the unit.

If discrimination is anticipated, the FHA will call and inquire about the availability and rental terms of the unit and then refer the client to the unit.

Assistance in talking with the landlord and assistance in filing a claim will be provided to all clients alleging discrimination.

**2. Assistance to be given to Choice Voucher holders or applicants referred to owners of vacant moderately rehabilitated units in the exercise of their rights under Federal, State and/or local law and name of persons responsible for giving assistance training of these persons:**

Gary Fuoco, Housing Director, has operated a Section 8 Existing Program for twenty years, and has been to several HUD/DHCR training sessions and has been to many private conferences. Mr. Fuoco is also a member of the New York State Association of Renewal and Housing Officials, Inc.

Brenda Palone, Assistant Housing Director, has worked for ten years as assistant housing director and has attended several housing conferences. Prior to this position, she has sixteen years experience in subsidized housing and is an accredited resident manager.

**HA Objective V - Utilization of Local Fair Housing Organization or Organizations Serving the Handicapped**

**The FHA will subcontract with a Fair Housing Organization or Organization serving the Handicapped in its Existing Housing or Moderate Rehabilitation Program(s).**

**YES X NO**

**Name of Organization : Rochester Housing Council**

**Services to be provided by this Organization:**

1. Professional counseling to families moving from areas of minority and poverty concentration to our service area.
2. Counseling for landlords on managing rental property.

**HA Objective VI - Promoting Employment Opportunity in the FHA's Employment Practices - Existing Housing or Moderate Rehabilitation Programs**

**Actions to be taken:**

- 1. Existing or proposed staffing pattern by position, race/ethnicity, gender, and salary. (Asterisk staff members employed by FHA in other programs prior to making application to Section 8 - Existing Housing and/or Moderate Rehabilitation Program.)**

Existing Staff:

Gary Fuoco Housing Director	White Male	Grade 14**
Brenda F. Palone Asst. Housing Director	White Female	Grade 7**
Beth Ernst Urban Renewal Specialist	White Female	Grade 6**
Susan Losey Account Clerk	White Female	Grade 3**

\*\*Grades include other duties and programs for the FHA besides the Section 8 Program.

- 2. Actions to be taken to promote equal opportunity in employment practices.**

Vacant positions will be advertised in the newspapers, including the Rochester papers where most minorities are concentrated.

Original employment and promotions will be based on ability and adaptability of the person to the job as the criteria for selection.

**HA Objective VII - Equal Opportunity for Participation in the Moderate Rehabilitation Program of Minority And Section 3 Businesses:**

**1. Actions to be taken in developing and maintaining lists of local minority and Section 3 businesses:**

Not Applicable

**Equal Opportunity for Participation on the Resident Advisory Board**

Actions to be taken to establish resident advisory board:

1. Develop a list (5% - 10%) of randomly selected current Section 8 participants by bedroom size and income mix. In addition, minority participation will be sought in the same or greater percentages as the current Section 8 program.
2. From selected list, send a letter outlining the Advisory Board's duties and responsibilities requiring each that wish to participate to sign the letter.

**The Following Have Volunteered for the Resident Advisory Board:**

<u>Member</u>	<u>Race/Gender</u>	<u>B/R Size/Family</u>
Florence Eddy	White/Female	1 B/R - Elderly
Thelma Raschiatore	White/Female	1 B/R – Elderly
Shena Thomas	Black/Female	3 B/R – Family
Carol Belluccio	White/Female	1 B/R – Disabled
Carla Peters	White/Female	2 B/R - Family

**SUBSIDY AND OCCUPANCY STANDARDS**

It is impossible to summarize Occupancy Standards into an inviolable chart that covers every circumstance. The chart below represents common variations of family configuration which are typically assigned to various bedroom-size units. Following that is a narrative describing other considerations that are part of the Occupancy Standard Policy.

Zero Bedroom Unit:

- One Adult

One Bedroom Unit:

- One or two (Husband/Wife relationship) Adult(s)
- One Adult with one child less than 5 years old
- Two related (non-spousal) Adults

Two Bedroom Unit:

- One or two (Husband/Wife relationship) Adult(s) with one child or adult dependent
- One or two (Husband/Wife relationship) Adult(s) with two same sex children
- One or two (Husband/Wife relationship) Adult(s) with two opposite sex children less than 5 years old

Three Bedroom Unit:

- One or two (Husband/Wife relationship) Adult(s) with three or four same sex children
- One or two (Husband/Wife relationship) Adult(s) with two opposite sex children one or both of which are over five years old
- One or two (Husband/Wife relationship) Adult(s) with three children not all the same sex
- Two Related Adults with two opposite sex children
- Two Related (non-spousal) Adults with three same sex children

Four Bedroom Unit:

- One or two (Husband/Wife relationship) Adult(s) with five same sex children
- One or two (Husband/Wife relationship) Adult(s) with five children, four of which are one sex
- Two Related (non-spousal) Adults with three children not all one sex

Payment standards will reflect occupancy standards as stated above.

**OTHER OCCUPANCY STANDARD GUIDELINES**

Generally, children of the opposite sex will be designated a separate bedroom unless they are very young. A single or zero bedroom will be designated for a single adult household. In no case will a single bedroom be designated for more than two persons.

A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size. In addition, any FHA approved live-in aide will be counted in determining unit size.

The FHA will consider issuing a smaller unit than indicated by the Occupancy Standards when an applicant requests the exception under the following circumstances:

- If a handicapped/disabled family head or member were in place and moving to a larger, different unit would likely preclude program participation.
- If the family purports that a joint living/sleeping room arrangement is acceptable to them in lieu of one bedroom.

The FHA will also consider exceptions to its established Occupancy Standard if justified by individual situations such as a handicap or disability, generational age differences or other unusual circumstances including gross rent considerations. However, in no case will a larger unit be granted if the gross rent is over the applicable Payment Standard for that family.

**LOCAL PREFERENCE**  
**DEFINITIONS**

- ◆ **Involuntary Displacement:** An applicant is or will be involuntarily displaced if he or she has vacated or will have to vacate his or her unit due to :
1. A disaster, such as a fire or flood that results in the uninhabitability of an applicant's unit.
  2. An activity carried out by any agency of the government in connection with code enforcement or a public improvement or development.
  3. An action by a housing owner that results in an applicant's having to vacate his or her unit where:
    - a). The reason for the owner's action is beyond the applicant's ability to control or prevent.
    - b). The action occurs despite an applicant's having met all conditions of occupancy.
    - c). The action taken is other than a rent increase.
    - d). The unit is converted to non-rental or nonresidential use.
    - e). The applicant's unit is closed for rehabilitation.
    - f). Any legally authorized act that results in the withdrawal by the owner of the unit from the rental market.

An applicant is also involuntarily displaced if he or she has vacated the housing unit as a result of actual or threatened physical violence by a spouse or other member of a household or the applicant lives in a housing unit with such an individual who engages in such violence.

◆ **Substandard Housing: A unit is substandard if it:**

1. Is dilapidated – a housing unit is dilapidated if it does not provide safe and adequate shelter and endangers the health, safety or well-being of a family or has one or more critical defects or a combination of intermediate defects which require considerable repair;
2. Does not have operable indoor plumbing,
3. Does not have a usable flush toilet inside the unit for the exclusive use by the family;
4. Does not have a usable bathtub or shower inside the unit for the exclusive use by the family;
5. Does not have electricity, or has inadequate or unsafe electrical service or fixtures;
6. Does not have a safe or adequate source of heat;
7. Does not have a kitchen,
8. Has been declared unfit for habitation by a government agency.

For purposes of explanation, an applicant who is a "homeless family" is living in substandard housing.

◆ **Homeless Family** - this includes any individual or family who:

1. Lacks a fixed, regular or adequate nighttime residence;
2. Has a nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary accommodations;
3. Resides in an institution that provides a temporary residence for individuals to be institutionalized;
4. Resides in a public or private place not designed as a regular sleeping accommodation for human beings.

To receive a preference for involuntarily displaced, the displacement of applicant/family must have occurred within six months of application date. In addition, for any local preference the applicant/family must be income targeted that is gross household income at or below 30% of the area medium income.

**VERIFICATION PROCEDURES FOR APPLICANTS INVOLUNTARILY DISPLACED:**

1. Certification, in a form prescribed by the Housing Authority, from a government agency that an applicant has been displaced as a result of a disaster or by government action.
2. Certification, in a form prescribed by the Housing Authority, from an owner that an applicant had to, or will have to, vacate a unit due to owner action beyond the applicant's ability to control or prevent.
3. Certification, in a form prescribed by the Housing Authority, of displacement because of domestic violence (i.e. from local police department, social services agency, court of competent jurisdiction or a clergyman, physician, or public or private facility that provides shelter to the victims of domestic violence.

**VERIFICATION PROCEDURES FOR APPLICANTS LIVING IN SUBSTANDARD HOUSING:**

1. Certification, in a form prescribed by the Housing Authority, from a government agency (local or federal) that the applicant's unit has one or more deficiencies.

**VERIFICATION PROCEDURES IN THE CASE OF A "HOMELESS FAMILY":**

1. Certification, in a form prescribed by the Housing Authority, of this status from a public or private facility that provides shelter for such individuals, or from the local police department or social services agency.

**ESTABLISHING RENTS BETWEEN REGULARLY SCHEDULED REEXAMINATIONS**

Interim reexamination system

The TTP and tenant rent will remain in effect for the period between regularly scheduled reexaminations except:

- (1) The tenant must report all changes in the household composition.
- (2) The tenant may report any of the following changes that would result in a decrease in the tenant rent:
  - A) Decrease in income
  - B) Increase in allowances or deductions

Decreases in the tenant portion of the rent will be effective the first day of the month following the month in which the change occurs except in the following cases:

- A) Where the family's income will be partially or fully restored within two months.
  - B) Upon unemployment there shall be a four to six week waiting period to determine unemployment benefits. Voluntary separation from employment will not be considered.
  - C) Failure of family to provide adequate documentation in a timely manner.
  - D) Where the family reports a decrease in gross income less than \$50 per month.
- (3) The tenant must report any of the following factors, which could result in an increase in rent:
  - A) An increase in gross household income of \$50 or more per month;
  - B) Change in family composition (which could either provide additional income to the household or reduce the deductions and allowances for which the family qualifies);
  - C) Receipt of deferred payment in a lump sum, which represents the delayed start of a periodic payment such as unemployment or social security benefits.
- (4) Where the Family fails to report household income or changes in household composition in a timely manner (one month). The FHA shall perform an interim re-examination and will recoup the excess Housing Assistance Payments.
- (5) Any other changes reported by tenants other than those listed in (1), (2) and (3) above will not be processed between regularly scheduled reexaminations.

## REPAYMENT AGREEMENT POLICY

It is the policy of Fairport Urban Renewal that we will not provide Rental Assistance to an applicant family who has an indebtedness to this Agency until either the balance is paid in full or a Repayment Agreement has been executed.

A down payment (determined at the time the Agreement is executed) is required. Monthly payment amount will be established after a review of all relevant family income information. The applicant and/or tenant will remain in good standings with this Agency as long as all payments are received in a prompt timely manner. Failure to abide by this Repayment Agreement will result in one of the following actions:

- A) Section 8 applicants will have their applications withdrawn until payment in full has been received.
- B) Section 8 tenants will be terminated from participation unless all monies are paid in full.
- C) Family Self-Sufficiency participants will not be allowed to continue in the FSS program until payment in full has been received.
- D) Fairport Urban Renewal will pursue further legal remedy for the remaining balance.

It should also be noted that this Agreement would be in default when **two** (2) payments are delinquent. When the Repayment Agreement is in default, No future Repayment Agreement will be made with the same family. **ALL MONIES DUE IN FULL.**

**SECURITY DEPOSIT AGREEMENT**

**THIS AGREEMENT**, entered into this \_\_\_\_ day of \_\_\_\_\_ 200\_\_, by and between the **Fairport Urban Renewal Agency**, a public benefit corporation organized and existing under the laws of the State of New York with offices at 31 S. Main St., Fairport, NY 14450 (hereinafter “Agency”) and \_\_\_\_\_ with mailing address of \_\_\_\_\_, (hereinafter “Landlord”).

**Whereas**, the Landlord has agreed to lease a residential living unit located at \_\_\_\_\_, (the “apartment”) to, \_\_\_\_\_ the “tenant”); and

**Whereas**, the Landlord requires a Security Deposit in the total amount of \$\_\_\_\_\_ from the Tenant ( the “deposit”); and

**Whereas**, the tenant is participating in the Section 8 Rental Assistance Program, administered by the Agency, and is unable to make the required deposit in full from the tenant’s own resources:

**Now, therefore**, it is mutually agreed by the Agency and Landlord as follows:

1. The Agency will pay to the Landlord, on behalf of the tenant, the amount of \$\_\_\_\_\_ (the “Agency Deposit”) toward the deposit.
2. Upon termination of the tenancy the Landlord will return the Agency Deposit and any interest due to the Agency, less any amount withheld for damage claims in accordance with the lease. Said repayment will be made to the Agency within thirty (30) days of the lease termination.
3. In the event that the tenant has provided a part of the deposit the Landlord will first apply the tenant funds toward the damage claim before withholding any Agency funds for such claims.
4. In the event that the Landlord intends to withhold Agency funds to cover any damage claims, the Landlord will provide the Agency with a written statement of the reason or reasons for such withholding within fourteen (14) days of termination of the tenancy. In the event that the Landlord’s claim is based on any physical damage to the apartment the Agency will have the right to inspect the damage claimed before the Landlord withholds any Agency funds. The Agency in no case will allow charges for normal wear and use, existing conditions, or normal turnover.

**In Witness Whereof**, the parties hereto have cause this Agreement to be duly executed as of the day and year first above written.

Fairport Community Development Agency:

Landlord:

By: \_\_\_\_\_

By: \_\_\_\_\_

**Attachment F**

**GUIDELINES FOR SECURITY DEPOSIT CLAIMS AND  
DETERMINING NORMAL WEAR AND TEAR**

<u>ITEM</u>	<u>SENIOR UNITS</u>	<u>FAMILY UNITS</u>
Window Shades	3 years	3 years
Drapes/Mini-Blinds	5 years	5 years
Refrigerators	7 years	7 years
Stoves	10 years	7 years
Floor Coverings (Sheet Vinyl)	10 years	10 years
Asphalt Tile Squares	7 years	7 years
Carpeting	7 years	7 years
Painting	3 years	3 years

Charges for normal wear and use, existing conditions, routine turnover and cleaning and scheduled interior painting will not be considered.

Maximum hourly labor charge for landlords completing their own repairs will be \$10.00 per hour.

**Informal Hearing Process:****PURPOSE:**

To provide participants with the opportunity for an informal hearing for decisions related to:

- A) Calculation of the total tenant payment or tenant rent;
- B) Denial or termination of assistance;
- C) Denial of a Federal Mandated Preference;
- D) Determination that a family is over housed and is denied an exception to the occupancy standards.
- E) Termination of FSS participation.

**INFORMAL HEARING will not** be conducted in the following cases:

- A) When a unit fails housing quality standards;
- B) When a voucher expires, and FHA refuses to extend same;
- C) When sanctions are imposed against an owner who is not in compliance with program requirements;
- D) When other actions are taken following FHA discretionary administrative procedures or HUD policies and procedures;
- E) When according to the administrative plan FHA makes a determination on the number of bedrooms entered on the voucher.

**HEARING PROCEDURES:**

- A) The hearing will be conducted by someone other than the person who made or approved the decision, in such cases where money is to be paid or a judgement is appropriate the Board of Directors of the FHA, or its' designees, will conduct the hearing;
- B) The family has a right to legal counsel, at their own expense;
- C) The Hearing Officer will regulate the conduct of the hearing;
- D) Both the family and FHA will be given the opportunity to present evidence and or witnesses;
- E) Upon a decision related to the family's right to appeal, the family will be given 10 days to request a hearing. The request may be made by phone or in written form;
- F) The Hearing Officer will issue the final decision stating the reasons within 14 days following the hearing with a copy to the family.

**TIMING OF THE HEARING:**

- A) For decisions regarding termination of assistance, FHA will conduct the hearing prior to terminating assistance;
- B) However, FHA may conduct a hearing after implementing the following changes:
  - 1) Changes in Total Tenant Payment or Tenant rent;
  - 2) Denial of a voucher for a family that wants to move;
  - 3) Unit size determinations for a family that wants to move.

**OTHER POLICIES:**

FHA will not be bound by a hearing decision in the following situations:

- A) Concerning matters in which FHA is not required to provide an opportunity for a hearing;
- B) Contrary to HUD regulations or requirements;
- C) Contrary to Federal, State or Local laws;
- D) If the decision exceeded the authority of the person conducting the hearing.

**CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING**

**Public reporting burden** for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing and reporting the data. Information provided is to be used by PHAs and Section 8 owners or managers to request a tenant to certify that the individual is a victim of domestic violence, dating violence or stalking. The information is subject to the confidentiality requirements of the HUD Reform Legislation. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Purpose of Form:** The Violence Against Women and Justice Department Reauthorization Act of 2005 protects qualified tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them.

**Use of Form:** A family member must complete and submit this certification, or the information that may be provided in lieu of the certification, within 14 business days of receiving the written request for this certification by the PHA, owner of manager. The certification or alternate documentation must be returned to the person and address specified in the written request for the certification. If the family member has not provided the requested certification by the 14<sup>th</sup> business day or any extension of the date provided by the PHA, manager and owner, none of the protections afforded to victims of domestic violence, dating violence or stalking (collectively “domestic violence”) under the Section 8 or public housing programs apply.

Note that a family member may provide, in lieu of this certification (or in addition to it):

- (1) A Federal, State, tribal, territorial, or local police or court record; or
- (2) Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of abuse, in which the professional attest under penalty of perjury (28 U.S.C 1746) to the professional’s belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.

**TO BE COMPLETED BY THE VICTIM OF DOMESTIC VIOLENCE:**

**Date Written Request Received by Family Member:** \_\_\_\_\_

**Name of the Victim of Domestic Violence:** \_\_\_\_\_

**Name(s) of Other Family Members Listed on the Lease:** \_\_\_\_\_

**Name of the Abuser:** \_\_\_\_\_

**Relationship to Victim:** \_\_\_\_\_

**Date the Incident of Domestic Violence Occurred:** \_\_\_\_\_

**Time:** \_\_\_\_\_

**Location of Incident:** \_\_\_\_\_

-

Name of Victim: \_\_\_\_\_

**Description of Incident:**

I hereby certify that the information that I have provided is true and correct and I believe that, based on the information I have provided, that I am a victim of domestic violence, dating violence or stalking and that the incident(s) in question are bona fide incidents of such actual or threatened abuse. I acknowledge that submission of false information relating to program eligibility is a basis for termination of assistance or eviction.

Signature: \_\_\_\_\_ Executed on (Date) \_\_\_\_\_

All information provided to a PHA, owner or manager relating to the incident(s) of domestic violence, including the fact that an individual is a victim of domestic violence shall be retained in confidence by an owner and shall neither be entered into any shared database not provided to any related entity, except to the extent that such disclosure is (a) requested or consented to by the individual in writing; (b) required for use in an eviction proceeding or termination of assistance; or (c) otherwise required by applicable law.

**FAMILY OBLIGATIONS NOTICE**

To remain in good standing with *The Housing Choice Voucher Program*, you must:

- ◆ **Report all changes in income and household composition** within 30 days in writing. **Verification will be required.**
- ◆ **Report within 30 days the birth, adoption, or court-awarded custody of a child.**
- ◆ **Before allowing any adult person to be added to your household, you must come to the Section 8 Housing Office to request permission for clearance for that person to be added to your lease. In addition, the landlord must also be notified.**
- ◆ **If you fail to attend an appointment with your housing representative, your housing assistance may be terminated.**
- ◆ **You must pay your entire portion of the rent on time each month.** If you don't pay your portion of the rent on time each month, the owner can evict you through the court. **If you fail to pay your portion of the rent, you will be in serious violation of your lease. Serious violations of the lease is a violation of your family obligations under the Housing Choice Voucher Program.** If you are evicted, for good cause, your assistance will be terminated.
- ◆ You must pay your utility bill and keep utilities on in the unit. **If your utilities are shut off for non-payment, you will have twenty-four (24) hours to have service reinstated. If you fail to have your utilities back on within 24 hours, you will have caused the unit to fail HUD Housing Quality Standards and your assistance will be terminated.**
- ◆ You are responsible for the actions of your family, friends, and guests while they are in your unit. **If damages occur in the unit, you will be held responsible.**
- ◆ You may not engage in, or allow others to engage in, violent criminal activity or drug-related activity in or near your unit. If you, your family members, or your guests engage in violent criminal or drug activity, your rental assistance may be terminated. Arrest or preponderance of evidence is sufficient.
- ◆ You must give the landlord and the Section 8 Program written 30 day notice before moving out of your unit.
- ◆ **You must allow the housing agency to inspect your unit at reasonable times, after reasonable notice, or your assistance will be terminated.**
- ◆ **The only persons allowed to live in your unit are the persons listed on your Section 8 approved lease.**
- ◆ **When you are re-certified, it is your responsibility to report all income of any kind that comes into your household for all household members, including children.** You must supply any information requested i.e. social security numbers and birth certificates and any other documentation needed by the Housing Authority to calculate assistance. Failure to report income can be interpreted as fraud, which may result in the termination of your rental assistance.