



HOUSING AUTHORITY
OF THE
CITY OF SOUTH BEND

HOUSING CHOICE VOUCHER PROGRAM

2025 ADMINISTRATIVE PLAN

Effective June 1, 2025

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I. Statement of Overall Approach, Policies, and Objectives

The Housing Choice Voucher Program was created by the Housing and Community Development Act of 1974 and amended by the Housing and Community Development Acts when applicable.

The Housing Authority of the City of South Bend (HASB) applies for and receives allocations to operate this program as required by regulation from the Department of Housing and Urban Development. HASB will also seek to apply for additional funding and resources to expand and enhance the program and will complete any changes to the program as required by Federal Regulation.

HASB is committed to providing safe and affordable housing assistance to individuals and families in a manner that is respectful, professional and service-oriented. HASB is committed to maximizing its existing resources and working in partnership with the community to assist residents in reaching individual and family goals, including those of self-sufficiency, through education, increasing employment, and homeownership opportunities.

HASB will enter into an Annual Contributions Contract with HUD to administer the program requirements on behalf of HUD. HASB must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation, as set forth in Title 24 of the Code of Federal Regulations (CFR), Part 982 and 983 et al.

A. Purpose of the Plan

The Housing Choice Voucher Programs are designed to achieve five major goals:

1. To assist very low-income and low-income families with rent payments.
2. To enable Housing Choice Voucher participants to have a greater choice of housing types and locations.
3. To provide decent, safe, and sanitary housing for eligible participants.
4. To provide incentives to private property owners to rent to low-income families by offering timely assistance payments.
5. To help facilitate a transition from housing assistance to self-sufficiency through implementation of the Family Self-Sufficiency (FSS) Program.

B. Use of the Administrative Plan

Only the Housing Authority of South Bend's Board of Commissioners is authorized to approve changes to the Administrative Plan. The Housing Authority of South Bend (HASB) has full responsibility for the satisfactory completion of all contractual obligations with the Department of Housing and Urban Development (HUD) and for complying with all subsequent changes pertaining to these Programs. If such changes conflict with the Plan, HUD regulations will have precedence. The administrative burden for implementation and compliance with the Federal regulation rests with HASB. The Plan covers both admission and continued participation policies for the Program. Policies are the same for all programs, unless otherwise noted. Changes to the Plan will be approved by the Department of Housing and Urban Development (HUD) and HASB Board of

Commissioners.

All issues not addressed in this document related to tenants and participants, including owners, are governed by the HUD Handbook 7420.7, Federal regulations, HUD or HASB notices, memorandums, and guidelines.

Where the word “may” appears throughout the text, HASB has discretion in the implementation of the policy described.

Wherever the word “must” appears throughout the text, HASB will implement the policy as stated.

C. HASB’s Commitment to Ethics and Service

HASB is committed to providing excellent service to HCV Program participants, owners, and to the community. HASB’s standards include:

1. Administer applicable Federal and state laws and regulations to achieve high ratings in performance measure indicators while maintaining efficiency in program operations to ensure fair and consistent treatment of clients served.
2. Provide decent, safe, and sanitary housing – in compliance with program housing quality standards – for very low-income families while ensuring that family rents are fair, reasonable and affordable.
3. Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human services needs.
4. Promote fair housing and the equal opportunity for very low-income families of all ethnic backgrounds to experience freedom of housing choice.
5. Promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.
6. Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
7. Create positive public awareness and expand the level of family, owner, and community support in accomplishing HASB’s mission.
8. Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
9. Administer an efficient, high-performing agency through continuous improvement of HASB’s support systems and a high level of commitment to our employees and their development.
10. HASB will make every effort to keep program participants informed of HCV program rules and regulations, and to advise participants of how the program rules affect them.

D. Fair Housing Policy

It is the policy of the Housing Authority of South Bend (HASB) to comply fully with all Federal, State and local non-discrimination laws and to operate in accordance with the rules and regulations governing Fair Housing and Equal Opportunity in housing and

employment.

Specifically, HASB shall not on account of race, color, religion, national ethnic origin, gender, familial status, marital status, handicap or disability, sexual orientation or gender identity deny any family or individual the opportunity to apply for or receive assistance under HUD's Housing Choice Voucher Programs, within the requirements of the HUD regulations.

To further its commitment to full compliance with the Civil Rights laws, HASB will provide Federal, State and local information to Voucher holders regarding "discrimination" and any recourse available to them should they feel that they have been a victim of discrimination. Such information will be made available during the family briefing session, and all applicable Fair Housing information and Discrimination Complaint forms will be made a part of the Voucher Holder packets.

E. Administration of Program Functions

Outreach to Families:

The following outreach steps will be taken by the Housing Authority of South Bend to maximize compliance with the ACC allocations:

1. HASB will announce the program wait list opening to the South Bend Tribune. In addition, an announcement will be posted at HASB Administrative Offices. HASB will utilize its website to announce opening of the waitlist. HASB will also work with local community groups to ensure that citizens are made aware of the opening of HASB's Housing Choice Voucher Program waiting list.

Outreach to Owners:

1. Housing Provider briefings will be conducted once per month to current and prospective owners of units.
2. HASB will also conduct one-on-one meetings with owners to encourage participation in the program, particularly in areas with high income and low minority concentration. On a continuing basis, HASB will welcome the participation of owners of decent, safe and sanitary housing units.
3. Owners will be encouraged to list available rental units on www.AffordableHousing.com. Voucher Holders will be encouraged to utilize this website to search for available units.

F. Reasonable Accommodation

It is the Housing Authority of South Bend's (HASB) policy to provide reasonable accommodation(s) for participants with disabilities where reasonable accommodation is needed to provide an equal opportunity to utilize our program fully. Additionally, the policy addresses reasonable accommodation(s) for a participant or applicant to have equal opportunity to use any of HASB's facilities, programs and services.

G. Effective Communication Policy

The Housing Authority of the City of South Bend administers its assisted housing programs in a non-discriminatory manner. HASB employees shall furnish appropriate auxiliary aids and services to afford applicants or participants with disabilities an equal opportunity to participate in and enjoy the benefits of HASB's housing programs and services upon request or when the disability is self-evident. The provision of auxiliary aids and services shall be provided at no charge to the applicant or participant. HASB strives to provide aids and services in a manner that protects the privacy and independence of the individual with a disability.

All notifications, including approvals or denials of requests for effective communication referenced in this policy, will be provided in an alternate format, upon request.

II. Completion of Applications, Selection of Families, and Determination of Eligibility

A. Filing of Application

The Housing Authority of South Bend initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

All persons who wish to apply for participation in the Housing Choice Voucher Program must file a preliminary application via the Applicant Portal at www.housingauthoritiesouthbend.org when the Housing Choice Voucher Program waitlist is open. The application must be made by the head of household or his/her designee. HASB will announce the waitlist opening on its website at www.housingauthoritiesouthbend.org and in the South Bend Tribune at least 10-days in advance of the waitlist opening. HASB will also alert local community groups and service providers of the opening of the HCV waitlist.

All applicant changes to the initial application for the Housing Choice Voucher Program must be made via use of a Program Update Sheet, which is available in HASB lobby or on its website at www.housingauthoritiesouthbend.org. This includes, but is not limited to, household composition, address, income and contact information.

B. Determination of Eligibility

If an applicant is determined to be eligible, said applicant is notified in writing. If an applicant is initially determined to be ineligible, said applicant is notified in writing and advised that s/he may ask for an informal review to discuss the decision.

1. If at the time the applicant's name reaches the top of the waiting list, there is an outstanding debt, the applicant will be required to pay the debt in full before receiving assistance. Failure to do so within the stated timeframe will result in the applicant being removed from the waiting list, with the opportunity for an informal review.

2. The Housing Authority of South Bend (HASB) reserves the right to deny housing assistance to a family or single applicant if a family member has been engaged in or been evicted from assisted housing due to drug-related or violent criminal activity within the last five years. HASB is not required to list the family on the waitlist or to admit the family off the waitlist. A waiver, however, may be granted for an individual who clearly did not participate in or have knowledge of drug related or criminal activity or if the circumstances leading to eviction no longer exist.

To be eligible for assistance, an applicant must meet the following criteria:

- Applicants' gross family income must not exceed HASB's income limits established for the Housing Choice Vouchers.
 - Meet the definition of a family. Family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status. A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law but who either demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family:
 1. A family with or without children (A child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 2. An elderly family;
 3. A near-elderly family;
 4. A disabled family;
 5. A displaced family;
 6. The remaining member of a tenant family; and,
 7. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.
- Elderly Family – a family whose head, spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.
- Near-elderly Family – a family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.
- Disabled Family – a family whose head, spouse, or sole member is a person with disabilities. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

- Person with disabilities:
 - (1) Means a person who:
 - (i) Has a disability, as defined in 42 U.S.C. 423;
 - (ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
 - (A) Is expected to be of long continued and indefinite duration;
 - (B) Substantially impedes his or her ability to live independently; and,
 - (C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or,
 - (iii) Has a developmental disability as defined in 42 U.S.C. 6001.
 - (2) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent or acquired immunodeficiency syndrome;
 - (3) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and,
 - (4) Means “individual with handicaps,” as defined in Sec. 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

- Displaced Family – a family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

- Live-in Aide – a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

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

HASB may approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by the family member with disabilities.

The live-in aide is a member of the household but is not a family member and the income of the aide is not considered in income calculations. Relatives may be approved as live-in aides if they meet all the criteria defining a live-in aide.

However, the relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family. A live-in aide cannot change their status to be considered a family member.

A families request for a live-in aide must be in writing, and in accordance with HASB Reasonable Accommodation Policy. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well- being of the elderly, near elderly, or disabled family member. For continued approval, the family must submit a new, written request subject to HASB verification at each regular reexamination.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.

The person submitted by the family as a live-in aide will be required to submit to a criminal background screening prior to any final determination by HASB. HASB will not approve a particular person as a live-in aide, and may withdraw such approval, if the person does not pass screening, including, but not limited to:

- Fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- A record of drug related criminal activity or violent criminal activity;
- Requirement to register on the National Sex Offender Registry; and/or,
- Owes rent or other amounts to HASB or another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Within thirty (30) calendar days of receiving a request for a live-in aide, including all required documentation related to the request, HASB will notify the family of its decision in writing within the appropriate timeframe as indicated in the Reasonable Accommodation Policy.

All Family Members who will be assisted through the Housing Choice Voucher Program must be listed and verified as household members at the time of acceptance on the Program. Additions to the household will only be permitted if they meet the criteria listed above, and at the request of the head of household. Additions to the family must be as a result of newborn birth, marriage/spousal relationship, custody, adoption, or reasonable accommodation for health care. These situations must be verified prior to addition to the family.

If the addition to the family is a minor, then s/he must be placed in the household through newborn birth, adoption, court order or proof of legal custody.

Family Breakup – When a Family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date when the waiting list is open. In the absence of a judicial decision, or a notarized agreement among the family members, the Head of Household will retain his/her placement on the waiting list.

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted. In the absence of a judicial decision, or a notarized agreement among the family members, the Head of Household will continue to receive assistance.

Social Security Numbers

According to 24 CFR 5.216 – All persons applying to the Program, except those who do not contend eligible immigration status, must submit the following information before being considered for admittance:

- Social Security Number of each applicant and each member of the applicant's household; and,
- A valid Social Security Card issued by the Social Security Administration; or,
- An original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual.

An applicant family may receive an offer for housing, even if the family lacks the documentation necessary to verify the SSN of a family member under the age of six (6) years. The family will be allowed a ninety (90) day grace period in which to provide the appropriate documentation. One additional ninety (90) day grace period will be granted if HASB determines that, in its discretion, the applicant's failure to comply was due to circumstances outside of the control of the applicant. If the applicant family does not produce the required documentation within the authorized time period, HASB will terminate the tenancy in accordance with 24 CFR 5.218.

Asset Limitation –

HASB will deny admission of an applicant family for the following:

1. Net family assets exceed \$100,000 (adjusted annually for inflation); and/or
2. The family has a present ownership interest in, a legal right to reside in, and the effective legal authority to sell real property that is suitable for occupancy by the family for residency.
3. It is the policy of the HASB to determine each family's net family assets at the time of admission and at annual and interim examinations.

C. Preference in Selection of Tenants

HASB is permitted to establish local preferences and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. Any local preferences must be consistent with the Administrative Plan and the Consolidated Plan and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

Families will be selected from the waiting list in the order of the date and time their applications are received by HASB and upon their claim of local preference and/or homelessness.

Local Preferences include, at the time of initial application:

- The Head of Household lives in the City of South Bend;
- The Head of Household or spouse works in the City of South Bend;
- The Head of Household has been terminated from HASB's Housing Choice Voucher Program due to insufficient program funding; or,
- The Head of Household is displaced either due to acquisition or demolition of their unit by HASB.

Homelessness Preference includes, at the time of initial application:

- The Head of Household lacks a fixed, regular and adequate nighttime habitation; or,
- The Head of Household's primary night-time dwelling is one of the following:
 - A supervised public or private shelter designed to provide temporary living accommodations; and,
 - A public or private place not designed for, or ordinarily used as, a regular sleeping place for human beings.

HASB will require verification of claimed priority preferences.

Families will be assigned in accordance with the income targeting requirements established based upon waitlist demographics. Targeting requirements will be evaluated annually and modifications will be made as an internal communication as amendment to this policy.

The policy will reflect waitlist demographics as indication of the demand required upon the program. HASB will continue to adhere to the Federal requirements as they are updated.

The targeting requirements will also be set with emphasis on insuring that the program can be well utilized by the recipients and that families of all income ranges can benefit from the program.

The selection of preferences and priorities established in this section will be administered in a manner that is consistent with HUD's Fair Housing policy.

Applicants who do not meet the criteria for any preferences as discussed in this Plan will remain on the waiting list according to the date and time of the application.

D. Maintaining the Waitlist

HASB will maintain a single waiting list for the HCV Program. The waiting list will be maintained according to the applicant preference(s), date and time of the family's initial application. All applicants must report to HASB any changes in address, family composition and income when changes occur.

HASB will review the waitlist at least once every twelve (12) months to determine the continued interest/need of the applicant. Before HASB purges an applicant from the waitlist, the applicant will be notified by USPS mail. The applicant must indicate their ongoing interest in obtaining a Housing Choice Voucher through HASB. The mailing is sent to the last known address on file. If the mailing is returned to HASB by the USPS as undeliverable, the applicant will be removed from the waitlist with no further notice.

Should an applicant not respond to the request for updated information, prior to the established deadline, the applicant will be removed from the waiting list with no further notice.

The waitlist will remain open until the estimated waiting period for housing assistance for applicants on the list reaches a twenty-four (24) month projection for the most current applicants. If the waitlist receives more than the anticipated pre-applications, only the number of applicants who are projected to be serviced within a twenty-four (24) month period will be added to the waiting list. HASB will notify the applicants of whether they have been added to the waiting list via the email address provided by the applicants at the time of pre-screening.

III. Occupancy Guidelines

The Housing Authority of South Bend, in accordance with HUD guidelines, has established standards for the assignment of Vouchers (number of bedrooms) appropriate for the applicant family.

The following requirements apply when determining family unit size:

- For subsidy standards purposes, an adult is a person 18 years or older.
- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the Housing Quality Standards or NSPIRE standards.
- The subsidy standards must be applied consistently for all families of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family when determining the family unit size.

- A full-time student who is temporarily away from the home because of schooling is considered a member of the family when determining the family unit size.
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
- Any live-in aide (approved by HASB to reside in the unit to care for a family member who is disabled) must be counted in determining family unit size.

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

HASB will generally assign one bedroom per two people within the following guidelines:

- The Head of Household (and any spouse/significant other) will be assigned one bedroom;
- Persons of the opposite gender over the age of five (other than spouses/significant others) will be allocated separate bedrooms;
- Unrelated adults of the opposite gender (other than spouses/significant others) will be allocated separate bedrooms;
- Foster children and/or foster adults, if unrelated, will be allocated separate bedrooms;
- Live-in aides (approved by HASB to reside in the unit to care for a family member who is disabled) must be counted in determining family unit size. No additional bedrooms are provided for the aide’s family.

Single-person families shall be a family unit size of one.

A. Occupancy Standards for Assignments

| <u>Voucher Size</u> | <u>Minimum # Persons In Household</u> | <u>Maximum # Persons In Household</u> |
|---------------------|---|---|
| 1 BR | 1 | 2 |
| 2 BR | 2 | 4 |
| 3 BR | 3 | 6 |
| 4 BR | 4 | 8 |
| 5 BR | 5 | 10 |
| 6 BR | 6 | 12 |

B. Exceptions from Basic Occupancy Guidelines

HASB will consider granting an exception for any of the reasons specified in the regulation: the age, gender, health, handicap, or relationship of family members or other personal circumstances.

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size and must include appropriate documentation. Requests based on health-related reasons must be verified

by a knowledgeable professional source (e.g., doctor or healthcare professional), unless the disability and the disability-related request for accommodation is readily apparent or otherwise known. The family's continued need for an additional bedroom due to special medical equipment must be re-verified at annual reexamination.

HASB will notify the family of its determination within fifteen (15) business days of receiving the family's request. If a participant's family request is denied, the notice will inform the family of their right to request an informal hearing.

C. Unit Size Selection

The family may not select a larger dwelling than that listed on the Voucher. The family unit size for any family consisting of a single person must either be a zero or one-bedroom unit.

The family may select a smaller dwelling than that listed on the Voucher. The family may select a unit with one less bedroom than was awarded on his/her Voucher. The family must meet the inspection standard of no more than two people per bedroom. The family may request a reasonable accommodation to this policy if a larger dwelling unit is required to address medical or disability needs.

Two criteria are considered for the Voucher Program:

- **Payment Standards:** The Payment Standard for the Voucher size approved for the family, or the unit size actually selected by the family, whichever is less, must be applied to the unit.
- **Utility Allowance:** The utility allowance used to calculate the gross rent is based on the appropriate utility allowance for the lesser of the size of dwelling unit actually leased by the family or the voucher size issued, as determined under the PHA subsidy standards.

D. Additional Family Members

Additions to the family must be as a result of new birth, marriage, legal custody (or through designee from a parent or other person having custody, with written and notarized affidavit of such parent or person), adoption, or reasonable accommodation for health care. These situations must be verified prior to the addition to the family's assisted unit.

Family members eighteen (18) years of age or older who are removed from the Housing Choice Voucher Program will not be permitted as a future eligible household member unless requested as a reasonable accommodation in accordance with the reasonable accommodation policy.

IV. Income Verification and Payment Calculations

A. Verifications Required to Determine Eligibility

- Annual income of all family members eighteen (18) years of age or older is expected to reside in the unit. Income would include employment, benefits, school grants, support, interest or dividends from savings accounts, stocks, or bonds.

- Seasonal income (school corporation employment, holiday employment, etc.) and unstable working hours will be annualized based on verified income and work calendar.
- Assets such as real property, savings accounts, stocks and bonds. Self-attestation of assets less than \$50,000 will be acceptable verification.
- Unusual expenses such as childcare services to enable family members to work or go to school.
- Medical expenses for elderly family in excess of 10% of the family's annual gross income.
- Full-time student status of adult family members.
- Family composition such as relationship of adult family members, children with last names different from parents, custody, if applicable, foster care papers, and other similar situations of unusual family composition.
- Medical information could be required to justify a larger bedroom size than the family is otherwise eligible to receive.
- Regular contributions & gifts from person(s) outside the household will be counted as income. Casual or sporadic gifts are excluded.
- Lottery winnings paid in periodic payments. Winnings paid in a lump sum are included in net family assets – not in annual income.
- The annual income of the spouse of the head of household, if that person is temporarily absent, such as away at college or in the armed forces, even if that person is not on the lease.
- Benefits and other non-earned income paid directly to or on behalf of minors and full-time students.
- The annual income for a family member, including a permanently absent member, will be counted until written verification that the family member has vacated the unit is received. Self-attestation the family member has vacated must be notarized and will only be accepted if no other verification is available.
- The gross amount (before deductions for Medicare, etc.) of periodic Social Security payments. Includes payments received by adults on behalf of minors or by minors for their own support.
- Annuities, insurance policies, retirement funds, pension, disability or death benefits and other similar types of periodic payments.
- Payments in lieu of earnings, such as unemployment and disability compensation and severance pay. Any payments that will begin during the next 12 months must be included.
- Net payments of adjusted benefits.

B. Annual Income Excludes *(This list is not inclusive of all Annual Income exclusions, any modifications that HUD determines after the effective date of this Administrative Plan will be applied.)*

- Employment income of children (including foster children) younger than eighteen (18).
- Food Stamps; Meals on Wheels, or other programs that provide food for the needy; groceries provided by persons not living in the household.
- Grants or other amounts received specifically for medical expenses.
- Adoption Assistance Payments.
- Income associated with persons that live in the unit but are not regular household members, including payments received for care of foster children and income of live-in aides.
- Homecare payments.
- Resident Services stipends.
- The principal portion of the payments received on mortgages or deeds of trust.
- Earned income of full-time students eighteen (18) years of age or older (except the Head of Household or spouse). The exemption only applies to earnings in excess of \$480. *In accordance with the Housing Opportunity through Modernization Act of 2016 (HOTMA), the inflationary index for this adjustment will be based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).*
- Scholarships, veterans benefits or student loans used for tuition, fees, books, equipment or reasonable rent or utility costs for a student living away from home.
- State or Local employment training programs and training of resident management staff.
- Hazardous duty pay to a family member in the military.
- Lump sum additions to family assets – such as inheritances; one-time lottery winnings; insurance settlements under health and accident insurance and worker’s compensation; settlement for personal or property loss.
- Exclusion of Deferred Periodic Payments of SSI and Social Security received in a lump sum.
- Casual, sporadic or irregular gifts (including verified census taker earnings).
- Payments, rebates, or credits received under Federal, Low-Income Home Energy Assistance Programs or other government agencies.
- Income excluded by Federal statute.

C. Converting Income

To annualize full employment, multiply:

- Hourly wages by 2080 hours

- Weekly wages by 52
- Bi-weekly wages by 26
- Semi-monthly wages by 24
- Monthly amounts by 12

D. Imputed Income from Assets

When net family assets are \$50,000 or less, HASB will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of \$50,000, HASB will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by an average passbook savings rate as determined by HASB.

E. Types of Assets *(This list is not all inclusive. Any modifications that HUD determines after the effective date of this Administrative Plan will be applied.)*

- Amounts in savings and checking accounts.
- Equity in real property or other capital investments is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees, penalties) that would be incurred in selling the asset.
- The cash value of trusts that are available to the household.
- IRA, Keogh and similar retirement savings accounts.
- Stocks, bonds, Treasury bills, Certificates of Deposits, Money Market Funds.
- Contributions to company retirement/pension funds:
 - While an individual is employed, count only amounts the family can withdraw without retiring or terminating employment;
 - After retirement or termination of employment, count as an asset any amount the employee elects to receive as a lump sum
- Lump sum receipts such as inheritances, capital gains, lottery winnings, insurance settlements, and other claims.
- Personal property held as an investment.
- Cash value of life insurance policies.
- Assets disposed of for less than fair market value. (Business assets are excluded from net family assets only while they are part of an active business.)

In accordance with the Housing Opportunity Through Modernization Act of 2016 (HOTMA) the threshold amount increases from \$5,000 to \$50,000.

F. Assets Do Not Include *(This list is not inclusive of all Asset exclusions. Any modifications that HUD determines after the effective date of this Administrative Plan will be applied.)*

- Clothing, furniture, cars

- Interest in Indian trust lands
- Assets that are not accessible to the applicant and provide no income to the applicant. In such cases the asset must be disclosed to HASB staff and a written and notarized affidavit from the client stating the type of asset and that they do not have access to the asset, nor do they receive any income from the asset. Should the situation change, and the client is granted access, it will be incumbent upon the assisted family to disclose the change and report the asset within ten (10) calendar days of the occurrence.

G. Adjusted Income

Gross annual income minus allowances for dependents, elderly household deduction, childcare, medical and handicap expenses equal adjusted income.

1. Dependent Allowance

\$480 for each household member who is under 18 years of age, or is handicapped, disabled or a full-time student. *In accordance with the Housing Opportunity through Modernization Act of 2016 (HOTMA), the inflationary index for this adjustment will be based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).*

The head, spouse, foster child or live-in aide is never counted as dependents.

The unborn child or child in adoption process cannot be counted until the child is physically in the household.

A full-time student is one enrolled as full-time as designated by the educational institution. The educational program must be for a degree or certificate program.

2. Elderly/Disabled Household Deduction

\$525 per family for all families in which the head or spouse is at least 62 years of age or a person with disabilities. The \$525 is a household deduction (only one per family, even if both head and spouse are elderly). *In accordance with the Housing Opportunity through Modernization Act of 2016 (HOTMA), the inflationary index for this adjustment will be based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).*

3. Child Care

Reasonable childcare expenses for the care of children, including foster children, age 12 and younger may be deducted from annual income if all of the following are true:

- The care is necessary to enable a family member to work or further his/her education (academic or vocational); and,
- The expense is not reimbursed by an agency or individual outside the household; and,
- The expenses incurred do not exceed the amount earned by the family member enabled to work.

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 s/he is charging the family for the services provided. Additionally, the family must provide cancelled checks or money orders or receipts of payment verifying the childcare costs paid.

In accordance with the Housing Opportunity Through Modernization Act of 2016 (HOTMA), the allowable Child Care Expense is that portion of total childcare expenses that is in excess of ten percent of the annual income.

Families who are no longer eligible for a childcare expense deduction due to the family member is no longer employed or furthering his or her education may request a hardship exemption of ninety (90) days by demonstrating their inability to pay rent because of loss of the childcare expense deduction. HASB will not offer extend the hardship exemption beyond a 90-day period.

4. **Medical Expenses**

The medical expense deduction is permitted only for households in which the head or spouse is at least 62 years of age or disabled. If the household is eligible for a medical expense deduction, the medical expenses of all family members are counted.

They may include:

- Services of health care facilities.
- Medical insurance premiums.
- Prescription/non-prescription medicines.
- Transportation to treatment.
- Dental expenses, eyeglasses, hearing aids, batteries.
- Live-in or periodic medical assistance.
- Monthly payment on accumulated medical bills.

In accordance with HOTMA, the allowable Medical Expense is that portion of total medical expenses that is in excess of ten (10) percent of the annual income to be phased in over two years.

Families may request a hardship for medical expenses if either apply:

- Family is currently or was receiving a medical deduction prior to January 1, 2024, or the
- Family can demonstrate the family's health and medical care expenses have increased or the family's financial hardship is a result of a change in circumstances that would not otherwise need an interim reexamination.

HASB will not extend the 90-day hardship exemption.

5. **Earned Income Disallowance**

The earned income disallowances encourages participant self-sufficiency by rewarding certain participants who go to work or have increased earnings. During the first twelve (12) calendar month period beginning on the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family an increase in income of the family member as a result of employment over prior income of that family member. After the first calendar twelve (12) month period after the date a member of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to beginning of such employment. The disallowance is limited to a lifetime twenty-four (24) month period for a qualifying family member; at the end of the twenty-four (24) months, the disallowance ends regardless of how many months were used.

A qualified family is defined as a family residing in housing assisted under the Housing Choice Voucher Program.

- a. Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was unemployed for one or more years previous to employment;
- b. Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or,
- c. Whose annual income increases, as a result of employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A or Title IV of the Social Security Act, as determined by the PHA in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies, and transportation assistance – provided that the total amount over a six-month period is at least \$500.

Disallowance of Increase in Annual Income

Initial twelve-month exclusion - During the cumulative twelve-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, HASB will exclude from annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

Second twelve month exclusion and phase-in - During the second cumulative twelve month period after the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income

attributable to employment, HASB will exclude from annual income of a qualified family fifty (50%) percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

Maximum twenty-four disallowance - The disallowance of increased income of an individual family member who is a person with disabilities as provided above is limited to a lifetime twenty-four (24) month period. This section only allows for a maximum of twelve months for the initial exclusion and a maximum of twelve months for the second twelve-month exclusion.

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

H. Special Calculation for Households who are Eligible for Disability Assistance and Medical Expenses

If a family has both medical expenses and disability assistance expenses, a special calculation is required.

Ten percent of annual income must first be deducted from the handicap assistance expenses. Any remainder is then deducted from total medical expenses.

I. Methods of Verifying Necessary Information

1. Third Party (Independent) Verification: This should be used whenever possible as it provides the most reliable results. If other methods are used, the file should contain documentation to explain the reason. The documentation should be used to verify information obtained via the Enterprise Income Verification (EIV) system.

Third Party Verification refers to written or oral verification from employers, public agencies, physicians, etc. If it is oral, the file must be documented with the date and name of HASB staff member receiving the information.

Internal Revenue Service Data: This source can be used for income purposes and is especially useful when self-employment is involved. The information must be from the most recent year filed.

2. Review of Documents: When documents are reviewed, they must be scanned into the case file unless prohibited by law. All documents received must be date stamped with the date received. Any document received after business hours will be considered received as of the following

business day. Documents must not be damaged, altered or in any way illegible. Printouts from webpages are considered original documents.

Notarized Statement or Signed Affidavits may be accepted from Applicants or Participants when all other sources have been exhausted. They should not be accepted in lieu of other possible methods.

Verifications for income or expenses must be updated if older than sixty (60) days for the

purposes of certification.

Note: In the case of Child Support and other State provided documents, the amount eligible shall be utilized, not the amount received or historical receipts. If irrefutable evidence exists to prove that the awarded amount is not being dispersed, or no benefits at all are being dispersed, to the family, the average twelve (12) month period benefits will be used.

3. Enterprise Income Verification (EIV) system data: This information is provided for all clients and must be reviewed and evaluated. The information provided must be verified by methods identified in Part 1 and Part 2 of this section. Social Security data provided by EIV does not require further verification. Reports will be generated as part of the regular reexamination process; income reports will be compared to family-provided information as part of the annual recertification process.

Income reports will be used in annual reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources. Interim reexaminations do not require an EIV Income report. Also, HASB will no longer conduct zero income reviews for zero income families. Instead, HASB will monitor zero income families monthly in EIV to identify increases in income.

EIV New Hires reports will be reviewed at least quarterly for all program participants.

Income reports will be retained in participant files with the applicable annual or interim reexamination documents.

When HASB determines through income reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken.

4. Safe Harbors: HASB will not accept HOTMA's Safe Harbor income determination process as acceptable verification of income.

V. Ineligible Determination at Time of Verification

Families may be determined ineligible if their income exceeds the very low-income standards prescribed by HUD. Families requesting to transfer their housing assistance from another jurisdiction must meet the HUD established income limits for HASB jurisdiction.

Families may be determined ineligible when their income is such that the Total Tenant Payment is equal to or exceeds the highest rent standard for the unit size for which the family would be eligible.

In accordance with HOTMA, families may be determined ineligible if the family owns real property that can be used as a residence, with the exception of property that does not meet physical accessibility requirements; or has assets over \$100,000 which will be adjusted for inflation annually using CPI-W.

Families may be determined ineligible if it is discovered that a household member submitted fraudulent information, participated in bribery or any other corrupt or criminal act. Families may be determined ineligible if it is discovered that the use of alcohol/drugs would likely result in

conduct that would adversely affect the property environment.

Families may be determined ineligible due to specified criminal activity, or an action or failure to act by a household member as defined and detailed by Federal statute. HASB must prohibit admission to the program of an applicant for three years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. However, HASB may admit the household if it is determined: (1) that the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by HASB; or (2) that the circumstances leading to the eviction no longer exist.

HASB may prohibit admission for a period of five (5) years if: (1) HASB determines that any household member is currently engaging in illegal drug use, and (2) HASB determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, and/or;

HASB will prohibit admission to the program if any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing.

HASB will prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under the National Sex Offender registration program.

Failure to sign Consent Form HUD-9886 or revocation of Consent Form HUD-9886 will result in denial of assistance and/or termination of assistance.

A. Notice of Decision and Informal Review Process (24 CFR 982.554)

Ineligible applicants must be advised of such in writing of the grounds on which HASB is denying assistance, and of their right to an informal review.

HASB will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes denying listing on HASB waiting list; denying or withdrawing a voucher; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

An applicant is someone who has applied for admission to the program but is not yet a participant in the program. Informal reviews are intended to provide a "minimum hearing requirement and need not be as elaborate as the informal hearing requirements." (FR Volume 60, No. 127, p. 36490).

HASB must give an applicant the opportunity for an informal review of a decision denying assistance [24 CFR 982.554(a)]. Denial of assistance may include any or all of the following:

- Denying listing on HASB waiting list;
- Denying or withdrawing a voucher;
- Refusing to enter into a HAP contract or approve a lease;
- Refusing to process or provide assistance under portability procedures;
- For victims of domestic violence covered by VAWA

Informal Reviews are not required for the following reasons [24 CFR 982.554(c)]:

- Discretionary administrative determination by HASB;
- General policy issues or class grievances;
- An HASB determination not to grant approval of the tenancy;
- An HASB determination that the unit is not in compliance with the HQS or NSPIRE;
- An HASB determination that the unit is not in accordance with the HQS or NSPIRE due to family size or composition;
- A determination of the family unit size under HASB subsidy standards.

Informal Review Request

A request for an informal review must be made in writing and delivered to the Housing Authority of South Bend (HASB), by the close of the business day, no later than ten (10) business days from the date of HASB denial of assistance.

HASB must schedule and send written notice of the informal review within fifteen (15) business days of the family's request.

Informal Review Decision [24 CFR 982.554(b)]

In rendering a decision, HASB will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice to the family.
- The validity of the grounds for denial of assistance. If the grounds for denial are not specified in the regulations, then the decision to deny assistance will be overturned.
- The validity of the evidence. HASB will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, HASB will uphold the decision to deny assistance.
- If the facts prove the grounds for denial, and the denial is discretionary, HASB will consider the recommendation of the person conducting the informal review in making the final decision whether to deny assistance.

HASB will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within fifteen (15) business days of the informal review, to the applicant and his or her representative, if any.

If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

If the family fails to appear for their informal review, the denial of admission will stand, and the family will be so notified.

VI. Briefing of Families and Issuance of Vouchers

Every effort is made to thoroughly brief potential tenants on all Housing Choice Voucher Programs. This effort includes both individual and group briefings. At the individual briefings, the tenant can ask questions specific to his/her own circumstances. At the group briefings, the following tools may be used:

- An audio-visual presentation;
- An oral presentation;
- A question-and-answer period; and,

- Distribution of related materials.

At the briefings, pertinent information is discussed on all programs. Especially stressed are all tenant responsibilities.

In an effort to aid families in housing selections, landlords are encouraged to list properties on www.affordablehousing.com for use by voucher holders. These properties are not pre-screened by HASB, and this is so stated to the families.

Prior to issuance of a voucher, all income verification must be current within sixty (60) days. Failure to provide current income by the stated due date will result in denial of the application.

Once issued, a family is given sixty (60) days to locate suitable housing in the locale of their choice. Two additional thirty (30) day extensions can be given upon the family's request by the Department supervisor(s), providing the family is able to justify the need for an extension. HASB will approve additional extensions in the following circumstances:

- It is necessary as a reasonable accommodation for a person with disabilities;
- It is necessary due to reasons beyond the family's control, as determined by HASB. Following is a list of extenuating circumstances that HASB may consider in making the decision. The presence of these circumstances does not guarantee an extension will be granted:
 - Serious illness or death in the family;
 - Other family emergency;
 - Whether the family has already submitted Requests for Tenancy Approval that were not approved by HASB; and/or,
 - Whether the family size or other special circumstances make it difficult to find a suitable unit.
- It is necessary as a result of difficulty in locating an acceptable unit by the family. Documentation of search efforts must be provided, including units viewed and units applied for.

All requests for extensions must be received prior to the expiration date of the voucher (or extended term of the voucher).

HASB will decide whether to approve or deny an extension request within fifteen (15) business days of the date the request and supporting documentation is received and will immediately provide the family written notice of its decision.

Initial Lease Term

The initial voucher issuance must be used in HASB jurisdiction. The program participant must successfully complete a twelve (12) month lease in the City of South Bend.

Suspension of the Voucher Term

HASB must provide for suspension of the initial or any extended term of the voucher from the date the family submits a request for tenancy approval by HASB until the date HASB notifies the family in writing whether the request has been approved or denied.

Expiration of the Voucher Term

Once a family's housing choice voucher term (including any extensions) expires, the family is no longer eligible to search for housing under the program.

If an applicant family's voucher term or extension expires before HASB receives a complete Request for Tenancy Approval, HASB will require the family to reapply for assistance.

Within fifteen (15) business days after the expiration of the voucher term or any extension, HASB will notify the family in writing that the voucher term has expired and that the family must reapply when the wait list is open.

Voucher expirations will not be subject to the Informal Review process.

VII. Housing Quality Standards (HQS) and NSPIRE Inspections

Housing Quality Standards

The Housing Authority of South Bend (HASB) will use the HUD acceptability criteria in the program regulations and the HUD Inspection booklet (HUD 52580) for all Housing Quality Standard (HQS) inspections of dwelling units.

All units passing two consecutive annual inspections will be eligible for a biennial inspection twenty-four (24) months thereafter. Special programs may require an annual inspection per the program regulations.

If there is a change in tenancy with a new lease and HAP contract, the unit must pass its inspection in order to be included in the program. At any time, HASB reserves the right to revoke a unit's biennial status and revert it to the annual inspection process.

Clarifications of HUD Requirements

As permitted by HUD, HASB has adopted the following specific requirements that elaborate on HUD standards.

Walls

In areas where plaster or drywall is sagging, severely cracked, or otherwise damaged, it must be repaired or replaced.

Windows

Window sashes must be in good condition, solid and intact, and properly fitted to the window frame. Damaged or deteriorated sashes must be replaced. Windows must be weather-stripped as needed to ensure a weather-tight seal. Window screens must be in good condition (applies only if screens are present).

Doors

All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold. All interior doors must have no holes, have all trim intact, and be openable without the use of a key.

Floors

All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards

must be secured and made level. If they cannot be leveled, they must be replaced. All floors must be in a finished state. Raw wood or unsealed concrete is not permitted. All floors should have some type of base shoe, trim, or sealing for a "finished look." Vinyl base shoe is permitted.

Sinks

All sinks and commode water lines must have shut off valves, unless faucets are wall mounted. All sinks must have functioning stoppers.

Toilets

All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

Security

If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

NSPIRE STANDARDS

Beginning October 1, 2024, HASB will inspect using the National Standards for the Physical Inspection of Real Estate (NSPIRE) [24 CFR 5 Subpart G and PIH Notice 2023-28]

Inspectable Areas

NSPIRE defines the inspectable areas for inspection under the standards as inside, outside, and unit. The inspection requirement for the HCV and PBV programs only applies to units occupied or to be occupied by HCV or PBV participants and common areas and exterior areas which either service or are associated with such units.

Affirmative Habitability Requirements

NSPIRE provides for minimum, or affirmative, habitability requirements for each area (unit, inside, outside). These areas must meet these requirements for habitability:

Life Threatening Deficiencies [PIH Notice 2023-28]

The following life-threatening deficiencies must be corrected within twenty-four (24) hours:

| Inspection Item | Deficiency |
|-----------------------|---|
| Call-for-Aid-System | System does not function properly. |
| Carbon Monoxide Alarm | Carbon monoxide alarm is missing, not installed, or not installed in a proper location. Carbon monoxide alarm is obstructed. Carbon monoxide alarm does not produce an audio or visual alarm when tested. |

| | |
|--|--|
| Chimney | A visually accessible chimney, flue, or firebox connected to a fireplace or wood-burning appliance is incomplete or damaged such that it may not safely contain fire and convey smoke and combustion gases to the exterior. |
| Clothes Dryer Exhaust Ventilation | Electric dryer transition duct is detached or missing. Gas dryer transition duct is detached or missing. Electric dryer exhaust ventilation system has restricted airflow. Dryer transition duct is constructed of unsuitable material. Gas dryer exhaust ventilation system has restricted airflow. |
| Door – Entry | Entry door is missing. |
| Door – Fire Labeled | Fire labeled door is missing. |
| Egress | Obstructed means of egress. Sleeping room is located on the third floor or below and has an obstructed rescue opening. Fire escape is obstructed. |
| Electrical – Conductor, Outlet, and Switch | Outlet or switch is damaged. Exposed electrical conductor. Water is currently in contact with an electrical conductor. |
| Electrical – Service Panel | The overcurrent protection device is damaged. |
| Exit Sign | Exit sign is damaged, missing, obstructed, or not adequately illuminated. |
| Fire Escape | Fire escape is damaged or missing. |
| Fire Extinguisher | Fire extinguisher is damaged or missing. Fire extinguisher pressure gauge reads over or under-charged. |
| | Fire extinguisher service tag is missing, illegible, or expired. |
| Flammable and Combustible Items | Flammable or combustible item is on or within 3 feet of an appliance that provides heat for thermal comfort or a fuel-burning water heater; or Improperly stored chemicals. |

| | |
|---|--|
| Guardrail | Guardrail is missing or not installed. Guardrail is not functionally adequate. |
| Heating, Ventilation, and Air Conditioning (HVAC) | The inspection date is on or between October 1 and March 31 and the permanently installed heating source is not working or the permanently installed heating source is working, and the interior temperature is below 64 degrees Fahrenheit. Unvented space heater that burns gas, oil, or kerosene is present. Combustion chamber cover or gas shutoff valve is missing from a fuel burning heating appliance. Fuel burning heating system or device exhaust vent is misaligned, blocked, disconnected, improperly connected, damaged, or missing. |
| Leak – Gas or Oil | Natural gas, propane, or oil leak. |
| Mold-like Substance | Presence of mold-like substance at extremely high levels is observed visually. |
| Smoke Alarm | Smoke alarm is not installed where required. Smoke alarm is obstructed. Smoke alarm does not produce an audio or visual alarm when tested. |
| Sprinkler Assembly | Sprinkler head assembly is encased or obstructed that is within 18 inches of the sprinkler head. Sprinkler assembly component is damaged, inoperable, or missing and it is detrimental to performance. Sprinkler assembly has evidence of corrosion. Sprinkler assembly has evidence of foreign material that is detrimental to performance. |
| Structural System | Structural system exhibits signs of serious failure. |
| Toilet | Only 1 toilet was installed, and it is missing. |
| Water Heater | Chimney or flue piping is blocked, misaligned, or missing. Gas shutoff valve is damaged, missing, or not installed. |

In addition to those listed under the NSPIRE standards, HASB considers the following as life threatening situation(s):

Utilities Not in Service, including no running hot water.

Quality Control

HUD requires an HASB supervisor or other qualified person to conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS or NSPIRE.

The unit sample must include only units that have been inspected within the preceding 3 months. The selected sample will include (1) each type of inspection (initial, annual, and special), (2) inspections completed by each inspector, and (3) units from a cross-section of neighborhoods.

Abatement

If the annual inspection reveals that the unit is not in decent, safe and sanitary condition as required by the HQS or NSPIRE criteria, HASB will immediately notify in writing within ten (10) business days to the owner and tenant of the deficiencies and require that the conditions be corrected within thirty (30) days from the date of the notification letter.

If the owner does not take the required action to correct the deficiencies deemed as his/her responsibility within thirty (30) days, HASB will abate the housing assistance payments until such time as the owner corrects the deficiencies. The housing assistance payment abatement will be effective immediately following the expiration of the specified correction period (including any extension). HASB will inspect abated units within seven (7) calendar days of the owner's notification that the work has been completed. The inspection will not take place if the HAP contract has been terminated. The housing assistance payments will resume effective on the day the unit passes inspection, but HASB will not make payments for the period the unit was not in compliance.

Tenants who do not correct the deficiencies deemed as his/her responsibility in a timely manner will have his/her assistance terminated.

At the agency's discretion, on a case-by-case basis, physical re-inspections for minor non-life-threatening deficiencies may not be required. However, statements, invoices, photographs and documents must be submitted within the allowable time period in lieu of the physical inspection. If the violation(s) are not corrected after a second inspection, within the prescribed time period, the housing assistance payments contract will be terminated.

HASB will charge owners a fee of \$50 on the 3rd inspection of a failed annual inspection. No fee will be charged for tenant caused damages or in cases where the owner has an HASB approved extension to make repairs. All fees collected will be added to HASB administrative fee reserves and maintained according to established HUD accounting rules.

During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and must not use the abatement as cause of eviction.

The maximum length of time that HAP may be abated is 90 days. However, if the owner completes corrections and notifies HASB before the termination date of the HAP contract, HASB may rescind the termination notice if (1) the family still resides in the unit and wishes to

remain in the unit and (2) the unit passes inspection.

Life Safety Deficiencies

If there are serious deficiencies that present an immediate danger to the health and safety of the family, HASB will require a correction of those deficiencies within twenty-four (24) hours.

If the owner does not take the required action to correct the deficiencies deemed as her/his responsibility within twenty-four (24) hours, HASB will abate the housing assistance payments until such time as the owner corrects the deficiencies. The HAP abatement will be effective immediately following the expiration of the specified correction period (excluding any extension). The housing assistance payments will be resumed once the deficiencies are fully corrected by the owner, but HASB will not make payments for the period the unit is not in compliance.

Tenants who do not correct the deficiencies deemed his/her responsibility in a timely manner will have his/her assistance terminated.

If the violation(s) are not corrected within the prescribed time period, the Housing Assistance Payments will be terminated.

Owners who have repeatedly failed inspections on consecutive initial inspections will receive a warning letter notifying him/her that s/he is not compliant with program regulations. If units continue to fail thereafter, an owner may be terminated from the program and no additional contracts will be allowed until the owner can prove they have the ability to comply with program obligations.

Enforcing Family Compliance with the HQS or NSPIRE

Families are responsible for correcting any HQS or NSPIRE violations designated as family responsibility. If the family fails to correct a violation within the period allowed by HASB (and any extensions), HASB will terminate the family's assistance.

If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repair.

VIII. Lease Approval and Housing Assistance Payments Contracts Execution

In the execution of the Lease Agreement and Addendum to the Lease, both parties (tenant and owner) will be made aware of required and prohibited lease provisions. Both parties will receive a copy of the pertinent contract documents. Upon receipt of a Request for Tenancy Approval, signed by tenant and owner, the Housing Authority of South Bend (HASB) will ensure that the contract rent:

- Is within the applicable Payment Standard; and,
- Is reasonable in relation to rents currently being charged for comparable units in the private, unassisted market, also,

HASB will also ensure:

- That the owner of the unit is not subject to certain federal actions such as debarment, suspension or denial of participation under 24 CFR 982.306;
- That the owner has not engaged in drug trafficking;
- That the owner does not have a history or practice of violating Housing

Choice Voucher HQS, NSPIRE or applicable Housing Standards.

Upon approval of the Request for Tenancy Approval, the voucher becomes suspended, i.e., the expiration date of the voucher is stopped pending the outcome of the rent reasonableness and affordability determination and the unit inspection.

If the unit fails to meet the initial inspection twice, there will be a \$50 charge to re-inspect the unit. If the unit fails again the Request for Tenancy Approval will be cancelled.

If the unit fails to pass the Initial Inspection after three attempts, the unit will be banned from program participation for a period of two years.

Also, HASB reserves the right to deny a Request for Tenancy Approval or lease renewal on any unit that has had a history of repeated HQS or NSPIRE failures, and/or has had a HAP Contract terminate due to abatement.

Release of Information

The Housing Authority of South Bend is required upon request to provide the following information to owner regarding tenants who wish to lease his/her dwelling unit in accordance with section 982.307(b):

- The family's current address as shown in our records;
- The name and address of the Landlord at the family's current and prior address (if known).

A. Payment Standard Rent Limitations

The Gross Rent for a Voucher Program unit shall not exceed the standards of rent reasonableness according to local market conditions that are applicable for such unit on the date of Lease approval. Federal statute may impose other limitations that shall become effective to maintain compliance.

B. Separate Agreements

Owners and tenants may execute agreements for services, appliances (other than for the range and refrigerator) and other items outside those which are provided under the lease if the agreement is in writing and approved by the Housing Authority of South Bend (HASB).

In order for there to be a separate agreement, the tenant must have the option of not utilizing the service, appliance or other item.

HASB is not liable for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

IX. Annual Activities

A. Review of Family Circumstances, Rent, Utilities, and HQS/NSPIRE

All families (including all adult household members) will be required to recertify annually by providing information on income, assets, allowances, deductions and family composition at least

annually and in accordance with Section 982.516 of the Federal regulations.

Pursuant to PIH 2016-05, the Housing Authority of South Bend has adopted a streamlined income determination for any family member with a fixed source of income. Note that the family member may also have non-fixed sources of income, which remain subject to third-party verification. Upon request of the family, HASB must perform third-party verification of all income sources. Note that this provision pertains only to verification of sources of income; HASB must continue to conduct third-party verification of deductions.

The term “fixed-income” includes income from:

- Social Security payments, to include Supplemental Security Income (SSI) and Supplemental Security Disability Income (SSDI);
- Federal, state, local, and private pension plans; and
- Other periodic payments received from annuities, insurance policies, retirement funds, disability or death benefits, and other similar types of periodic payments.

The determination will be made by applying a verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount. The COLA or current interest rate applicable to each source of fixed income must be obtained either from a public source or from tenant-provided third-party generated documentation. In the absence of such verification for any source of fixed income, third-party verification of income amounts must be obtained.

This provision is available for program participants only. The provision is not available for program applicants; in the initial year in which a streamlined income determination is made, the COLA must be applied to a source of income that has been verified previously.

In the initial year of employing a streamlined income determination, HASB must determine whether a source of income is fixed. HASB may do this by comparing the amount of income from the source to the amount generated during the prior year. If the amount is the same or if it has changed only as a result of a COLA or due to interest generated on a principal amount that remained otherwise constant, then the source is fixed. HASB may also make such a determination by requiring a family to identify as to which source(s) of income are fixed. HASB must document in the tenant file how it made the determination that a source of income is fixed.

For the second income determination involving a family member whose income was adjusted previously using a streamlined income determination, the adjustment would be made to the previously determined income amount (i.e., in year two, the COLA is applied to the year one income amount, as previously adjusted by a COLA). For any family member whose income is determined pursuant to a streamlined income determination, third-party verification of all income amounts for all family members must be performed at least every three years. This means that, for the third income determination involving a family member whose income had been adjusted twice using a streamlined income determination, HASB would need to obtain third-party verification of all income amounts. This also means that if a family member with a fixed-income source is added to the family during year two, for example, then HASB must obtain third-party verification of all income amounts for that family member at the next reexamination if HASB wishes

to have all family members with fixed incomes on the same schedule with respect to streamlined annual reexaminations.

During the annual reexamination process, HASB will accept a family's declaration that it has total net assets equal to or less than \$50,000, without taking additional steps to verify the accuracy of the declaration. If a family submits such a declaration, then HASB will not request supporting documentation (e.g., bank statements) to verify the assets or the amount of income expected to be received from those assets. The family's declaration of total assets must show each asset, and the amount of income expected from that asset. The total amount of income expected from all assets must be less than or equal to \$5,000. For families who self-certify, HASB will fully verify net family assets every three years.

Whenever a family member is added, HASB will obtain third-party verification of that family member's assets. At the next annual reexamination of income following the addition of that family member, HASB will obtain third-party verification of all family assets if the addition of that family member's assets puts the family above the \$50,000 asset threshold. If the addition of that family member's assets does not put the family above the \$50,000 asset threshold, then HASB will not obtain third-party verification of all family assets at the next annual reexamination of income following the addition of the family member; however, third-party verification of all family assets is required at least every three (3) years. If a family's asset verification shows that the family has over \$100,000 in net family assets (adjusted annually for inflation), HASB will begin the termination process six months from the annual recertification date.

This annual reexamination of family circumstances is coordinated with the anniversary date and inspection of the premises for continued compliance with Housing Quality Standards (HQS) or NSPIRE standards. Annual reexaminations start one hundred and twenty (120) days prior to the anniversary date to ensure sufficient time to conclude this process.

Notice of annual reexaminations will be sent by first-class mail and will contain the date for responding by returning the Certification Packet along with required documents. An updated Certification form will be included in each packet.

If the family who has a person with disabilities requests a home visit or other form of reasonable accommodation, both verification accommodations will be granted upon verification that the accommodation requested meets the need presented by the disability.

An advocate, interpreter, or other assistant may assist the family in the reexamination process. The family must execute a certification attesting to the role and assistance of any such third party.

Families will be asked to submit all required information (as described in the reexamination notice) to HASB Administrative Office. The required information will include an HASB designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documentation related to the family's income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of receipt of the Annual Recertification Packet must be provided within ten (10) business days of the date of the request.

If the family does not provide the required documents or information within ten (10) business days of the initial request, the family will be sent an appointment notice to complete the annual recertification process in person at HASB's Administrative Offices.

Face-to-Face Interviews

If the Annual Recertification Packet is not received by the initial due date, HASB will schedule an appointment to complete the Annual Recertification Packet at HASB Administrative Offices.

All adult family members will be required to attend a reexamination interview.

If the family does not appear for the reexamination interview, and has not called and rescheduled at least twenty-four (24) hours in advance, HASB will automatically send a termination notice. The notice will be sent within ten (10) business days and will offer an Informal Hearing.

Exceptions to these policies may be made by the Department supervisor(s) if the family is able to document an emergency or life-threatening situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within ten (10) calendar days of the interview. Exceptions may be made by a supervisor on a case-by-case basis.

If the family does not provide all of the required documents or information within the required time frame, the family will be sent a notice of termination.

Effective Dates

In general, an increase in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least thirty (30) days in advance. If less than thirty (30) days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the thirty (30) day notice period.

If the family causes a delay in processing the annual recertification, increases in the family share of the rent will be applied retroactively to the scheduled effective date of the annual reexamination. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement at HASB's discretion.

A family caused delay is identified as the family failure to provide information requested by HASB by the date specified on the mailed Annual Reexamination Packet.

De Minimis Errors In Income Determinations

HASB will take corrective action to credit or repay a family if the family was overcharged tenant rent because of de minimis errors in calculating family income. HASB will make payment retroactively to the date the action error was made by paying the amount owed to the landlord with the next payment run and putting a credit on the tenant's account ledger with the landlord.

B. Interim Adjustments of Rent

Families must report all changes in income, family composition and expenses which are not the result of a cost-of-living adjustment between annual reexaminations. Decreases

HASB will conduct an Interim Adjustment of Rent if the decrease is ten (10) percent lower than the previously calculated adjusted gross income.

In the following circumstances, HASB is required to recalculate the family's adjusted gross income and implement a rent adjustment as needed:

- When there is a decrease in family size attributed to the death of a family member;
or,
- When a family member permanently moves out of the assisted unit during the period since the family's last reexamination.

Increases

HASB will conduct an interim reexamination for income increases greater than ten (10) percent higher than the previously calculated adjusted gross income or the family reports that a member of the household is now receiving income from a new income source. HASB will consider all changes in earned, unearned, or combined incomes when calculating whether the increase is greater than ten (10) percent higher than the previously calculated adjusted gross income.

HASB will not complete an Interim Reexamination if the increase in income occurs within the three-month period leading up to the family's recertification month.

Family Composition

If the addition of a new family member is under the age of eighteen (18) years, and the new family member is added at a time other than during a reexamination, such family member is to be counted as a member of the assisted household, meaning that the family becomes entitled to the dependent deduction. A full reexamination of income will be required whenever a child under the age of eighteen (18) years is added to a family. HASB requires that each family member above the age of eighteen (18) sign a HUD-9886 to authorize the release of certain information to the HASB.

Concurrent Increases in Earned and Unearned Income

HASB will conduct an interim reexamination when the increase in earned, unearned, or combined income(s) meets the ten (10) percent threshold.

Cumulative Increases

A series of smaller reported increases in adjusted income may cumulatively meet or exceed the ten (10) percent threshold, at which point HASB will conduct an interim reexamination.

Interim Processing

Please note that changes reported will be processed within fifteen (15) business days from the date all documentation is verified. Such changes in Family Circumstances would include but are not limited to:

- Receipt or discontinuance of Public Assistance;
- Changes in family composition;

- Employment or loss of employment;
- Receipt of a deferred payment in a lump sum that represents the delayed start of a periodic payment such as Unemployment Compensation and other compensation; and/or,
- Changes with the family that will require deductions and allowances to be recalculated.

Non-Interim Reexamination Transactions

Families may experience changes within the household that do not trigger an Interim Reexamination under HASB policy or HUD regulation that still require HASB to report to HUD via HUD-50058. The following is a list of non-interim reexamination transactions:

- Adding or removing a hardship exemption for the childcare expense deduction;
- Updating or removing the phased-in hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction (families will begin receiving a 24-month phased-in relief at their next annual or interim reexamination, whichever occurs first);
- Adding or removing general hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction;
- Adding or removing a minimum rent hardship;
- Adding or removing a non-family member (i.e., live-in aide, foster child, foster adult);
- Ending a family's EID or excluding 50 percent (decreased from 100 percent) of a family member's increase in employment income at the start of the second 12-month EID period;
- Adding a family member and the increase in adjusted income does not trigger an interim reexamination;
- Adding/updating a family or household member's Social Security Number; and
- Updating a family member's citizenship status from eligible to ineligible or vice versa, resulting in a change to the family's rent and/or utility reimbursement, if applicable (i.e., family begins receiving prorated assistance or previously prorated assistance becomes full assistance), or updating the prorated rent calculation due to the addition or removal of family members in household with an ineligible noncitizen(s).

C. Repayment Agreements

If HASB determines that the family caused an overpayment of HAP, HASB at its sole discretion may elect to offer the program participant a repayment agreement. If HASB elects to offer a repayment agreement, the following terms will be followed:

Down Payment Requirement

Before executing a repayment agreement with a family, HASB will generally require a down payment of fifty (50) percent of the total amount owed. If the family can provide evidence satisfactory to HASB that a down payment of fifty (50) percent would impose an undue hardship, HASB may, in its sole discretion, require a lesser percentage or waive the requirement.

Payment Thresholds

Notice PIH 2010-19 recommends that the total amount that a family must pay each month – the family’s monthly share of rent plus the monthly debt repayment amount – should not exceed forty (40) percent of the family’s monthly adjusted income. However, a family may already be paying forty (40) percent or more of its monthly adjusted income in rent. Moreover, notice PIH 2010-19 acknowledges that PHA’s have the discretion to establish “thresholds and policies” for repayment agreements with families.

HASB has established the following thresholds for repayment of debts:

Amounts between \$0 and the federal or state threshold for criminal prosecution must be repaid within six (6) months.

If a family can provide evidence satisfactory to HASB that the threshold applicable to the family’s debt would impose an undue hardship, HASB may, in its sole discretion, determine that a lower monthly payment amount is reasonable. In making its determination, HASB will consider all relevant information including:

- The amount owed by the family to HASB
- The reason for the debt, including whether the debt was the result of family action/inaction or circumstances beyond the family’s control;
- The family’s current and potential income and expenses;
- The family’s current family share;
- The family’s history of meeting its financial responsibilities;
- Whether there is a pattern of family action/inaction causing erroneous overpayment of HAP

Execution of the Agreement

Any repayment agreement between HASB and the family must be signed and dated by HASB and by the Head of Household and spouse/cohead (if applicable).

Due Dates

All payments are due by the close of business on the fifteenth (15th) of the month. If the fifteenth (15th) does not fall on a business day, the due date is the close of business on the first business day after the fifteenth (15th).

Late or Missed Payments

If a payment is not received by the end of the business day on the due date, and prior written approval for the missed payment has not been given by HASB, HASB will send the family a delinquency notice giving the family ten (10) business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and HASB will initiate termination of the family’s program participation.

If the family receives two delinquency notices during the term of the repayment agreement, the repayment agreement will be considered in default, and HASB will initiate termination of the family’s program participation.

De Minimis Errors In Income Determinations

HASB will take corrective action to credit or repay a family if the family is overcharged tenant rent because of de minimis errors in calculating family income. HASB will make payment retroactively to the date the action error was made by paying the amount owed to the landlord with the next payment run and putting a credit on the tenant's account ledger with the landlord.

D. Timely Reporting Standards and Verification of Information

Participants must report changes within ten (10) calendar days of the occurrence and must be made in writing utilizing an HASB Program Update Sheet along with the verification of the change. If the verification of the reported change is not submitted at the time of the reported change along with HASB Program Update Sheet, the change will not be considered reported, and will not be processed. If the change is not reported within the required time period, or if the family fails to provide verification or required signatures, it will be considered untimely reporting.

Where feasible, third-party written verification or direct document review shall be the preferred method of verifying Participant information, including Income, value of Assets, Medical Expenses, Child Care Expenses, Family Composition, age, Disability, Handicap, Student Status, and displacement status. Third-party oral verification may be used if the client file is documented according to identification of all parties, the date, and the content of the information. All information must be verified as a condition of continued assistance and the Head of Household and all other adult members of the assisted family must sign HUD-approved release forms and consent authorizing private and public agencies to furnish and release required information to HASB. Notarized statements may be accepted when all other sources have been exhausted.

Decreases in tenant rent will be effective the first of the month following the report and verification of a decrease in income, if reported timely. If not reported timely, the decrease will be effective the month after all required documents have been received.

Increases in tenant rent will be effective on the first of the second month following the change in family circumstances, if reported timely. This allows for a thirty-day notification of tenant rent increase.

If not reported timely, the increase will be effective the date the change would have been effective, if reported timely. The thirty-day notification of tenant rent increase will not be in place. If the tenant owes a debt due to overpaid HAP, HASB, at its discretion, may offer a repayment plan.

If HASB determines that the tenant has misrepresented the facts, which would result in an increase in tenant rent, at the time of recertification it shall be computed retroactively to the anniversary date. Depending on the circumstances, the tenant may, at the discretion of HASB, be allowed to enter into a repayment agreement to repay the program for any overpaid assistance.

HASB may not require clients to obtain a court order awarding legal custody of a child or children residing in one of its program units. In cases where the family has physical custody of a dependent but legal custody has not been established, the client will be required to provide a

written affidavit from the legal custodial guardian or parent that the child will be in the care and custody of the client. The written affidavit must be notarized by a licensed notary of the state in order to ensure the signature is valid.

E. Contract Rent Increases by Owner

Rent increases are determined in accordance with annual adjustment factors and other provisions of the Regulations as follows:

The amount of the monthly rent payable by the Family to the Owner is determined by the provisions of the Lease between the Owner and the Family. The amount of the monthly rent under the Lease may not be increased during the first year of the term of such Lease. The Lease may provide for increase in such monthly rent after the first year of the term, if the Owner gives at least sixty days written notice to the Family and the family agrees to the increase in rent. The family portion of the rent must remain affordable and feasible.

Owners may not request rent increases be effective prior to the expiration of the first term of the lease. As of the first anniversary date of the lease, rent increases may be effective with a 60-day notice to the family and a copy to the Housing Authority of South Bend. The owner must also provide a Request for Rent Increase form. ***An annual rent increase cannot exceed 5% of the current contract rent.***

Landlords must first submit a written request for rent increase to HASB which may or may not be granted at least sixty (60) calendar days before the proposed effective date of the rent increase.

To determine if the rent increase request is received timely the following protocol will be used:

If sent via:

- a. USPS – date postmarked
- b. Email – sent date of the email
- c. Fax – date fax received per the fax transmittal
- d. Drop off – date stamp

For timely submissions, a rent reasonableness review will be completed. If the rent increase is reasonable, then the request will be approved. If the rent increase is not reasonable, then the request will be denied. A written response will be forwarded to the landlord within fifteen (15) business days of receipt of the request indicating whether it is approved or denied. If approved, the landlord will notify the family of the rent increase amount with a 30-day notice to the family.

F. Utilities

Utilities include water, electricity, gas, heating, refrigeration, cooking fuels, trash collection, and sewage services.

Allowances for tenant furnished utilities are reviewed in connection with annual reexaminations. When revisions are made, they are implemented at the time of the annual rent adjustments and TTP determinations. Revisions to the utility allowances will require submission of a new request for tenancy approval, lease, and HAP contact.

An allowance for utility consumption as a result of medical equipment use may be considered. A written request must be provided by the participant. Upon approval, the appropriate utility allowance for such equipment will be considered with the total utility consumption.

HASB will utilize the Indiana Housing Community and Development Association utility allowances for St Joseph County, Indiana. The effective date of the yearly published utility allowances will be July 1st.

G. Minimum Rent

In accordance with Section 402(a) (1) and (2) of the Continuing Resolution, assisted families may pay a minimum rent as set by the Housing Authority of South Bend by internal procedure. The minimum rent may not exceed \$50.00 per month. HASB's minimum rent is currently \$50.00, however may be changed by procedure to accommodate market conditions.

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

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

HUD-Defined Financial Hardship

Financial hardship includes the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996. A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.

For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following: (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances. The family would be evicted because it is unable to pay the minimum rent. For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent to the owner or tenant-paid utilities.

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

(3) A death has occurred in the family.

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

(4) The family has experienced other circumstances determined by Housing Authority of South Bend.

Implementation of Hardship Exemption Determination of Hardship

The Housing Authority of South Bend (HASB) defines temporary hardship as a hardship expected to last 90 days or less. Long-term hardship is defined as a hardship expected to last more than 90 days.

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

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family's ability to pay the minimum rent.

HASB will make the determination of hardship within thirty (30) calendar days.

No Financial Hardship

If HASB determines there is no financial hardship, the housing office will reinstate the minimum rent and require the family to repay the amounts suspended within thirty (30) calendar days of HASB's notice that a hardship exemption has not been granted.

Temporary Hardship

If HASB determines that a qualifying financial hardship is temporary, HASB must suspend the minimum rent for the 90-day period beginning the first of the month following the date of the family's request for a hardship exemption.

At the end of the 90-day suspension period, the family must resume payment of the minimum rent and must repay HASB the amounts suspended. HASB will offer a reasonable repayment agreement, on terms and conditions established by HASB. HASB also may determine that circumstances have changed, and the hardship is now a long-term hardship.

Long-Term Hardship

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

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

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

in income from another source or once again begins to receive the child support.

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

(4) Families must report if the circumstances that made the family eligible for the hardship exemption are no longer applicable. If the family reports the change in circumstances in a timely manner (within 10 business days), HASB will provide the family with 30-days advance notice of any rent increase, and such a rent increase will be effective the first day of the month beginning after the end of the 30-day notice period.

If the family does not report the change in a timely manner the adjustment will be made retroactive to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any underpaid rent and may be offered a repayment agreement.

X. Terminations and Informal Hearings

The Housing Authority of South Bend (HASB) may terminate assistance if a participant:

- Violated any of the “Family Obligations” under the program;
- Serious violation(s) of the Lease. Provisions under the Violence Against Women Act will be utilized should the family seek protection under the law and rule.
- Committed any fraud or misrepresentation in connection with any Federal Housing Assistance Program.
- Defaulted on a repayment agreement.
- If the participant’s TTP is sufficient to pay full gross rent and six (6) months of zero assistance have elapsed since the last HAP was made.
- Revocation of Consent Form HUD-9886.

A. Informal Hearings

The Housing Authority of South Bend (HASB) will offer an informal hearing for certain HASB determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to HASB’s HCV Program and is currently assisted in the Program. The purpose of the informal hearing is to consider whether HASB’s decisions related to the family’s circumstances are in accordance with the law, HUD regulations and HASB policies.

HASB is not permitted to terminate a family’s assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed.

Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease.
- Terminating housing assistance payments under an outstanding HAP contract.
- Refusing to participate or provide assistance to process under portability.

Circumstances for which an informal hearing is not required:

- Discretionary administrative determinations by the Housing Authority of South Bend.
- General policy issues or class grievances.
- Establishment of the Housing Authority of South Bend schedule of utility allowances for

families in the program.

- The Housing Authority of South Bend's determination not to approve an extension or suspension of a voucher term.
- A determination not to approve a unit for tenancy.
- The Housing Authority of South Bend determines that a unit selected by an applicant/participant is not in compliance with inspection standards.
- A determination that the unit is not in accordance with inspection standards because of family size.
- A determination by HASB to exercise or not to exercise any right or remedy against an owner under a HAP contract.

Hearing Attendees

Hearings may be attended by a hearing officer and the following applicable persons:

Housing Authority of South Bend (HASB) representative(s) and witnesses for HASB. The participant and any witnesses for the participant.

The participant's counsel or other representative.

Any other person approved by HASB as a reasonable accommodation for a person with a disability.

Decisions Subject to Informal Hearing

Circumstances for which the Housing Authority of South Bend (HASB) will give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule.
- A determination of the family unit size under the Housing Authority of South Bend's subsidy standards.
- A determination that an HCV Program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under HASB's subsidy standards, or HASB's determination to deny the family's request for exception to the standards.
- A determination to terminate assistance for a participant family because of the family's actions or failure to act.
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules.
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account.
- A determination to deny admission based on an unfavorable history that may be the result of domestic violence, dating violence, or stalking.

Requesting and Scheduling an Informal Hearing

A request for an informal hearing must be made in writing and delivered to the Housing Authority of South Bend's (HASB) Administrative Offices, by the close of the business day, no later than ten (10) business days from the date of the decision or notice to terminate assistance.

HASB will schedule and send written notice of the informal hearing within fifteen (15) business days of the family's request.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

Requests to reschedule a hearing must be made orally or in writing at least twenty-four (24) hours prior to the hearing date. At its discretion, HASB may request documentation of the "good cause" prior to rescheduling the hearing.

If the family does not appear at the scheduled date and time and is unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact HASB within twenty-four (24) hours of the scheduled hearing date, excluding weekends and holidays. HASB will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Notice of Informal Hearing

In cases where the Housing Authority of South Bend (HASB) makes a decision for which an informal hearing must be offered, the notice to the family will include all of the following:

- The proposed action or decision of the Housing Authority of South Bend.
- A brief statement of the reasons for the decision including the regulatory reference.
- The date the proposed action will take place.
- A statement of the family's right to an explanation of the basis for the Housing Authority of South Bend's decision.
- A statement that if the family does not agree with the decision, the family may request an informal hearing of the decision.
- A deadline for the family to request the informal hearing.
- To whom the hearing request should be addressed.
- A copy of the Housing Authority of South Bend's hearing procedures.

II. Pre-Hearing Right to Discovery

Participants and the Housing Authority of South Bend (HASB) are permitted pre-hearing discovery rights. The participant will be given the opportunity before the hearing to examine any HASB documents that are directly relevant to the hearing.

The program participant will be allowed to copy any documents related to the hearing. Discovery

documents must be requested no later than two (2) business days prior to the scheduled hearing date.

Whenever a participant requests an informal hearing, HASB will automatically mail a letter to the participant requesting a copy of all documents that the participant intends to present or utilize at the hearing. The participant must make the documents available no later than two (2) business days prior to the scheduled hearing date.

The Informal Hearing Process

Informal hearings will be conducted by a person or persons approved by the Housing Authority of South Bend (HASB), other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

The participant may be represented by an attorney or other representative at the participant's expense.

The hearing officer is responsible for managing the order of business and ensuring that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures and guidelines for conduct established by the hearing officer. Any person demonstrating disruptive, abusive, or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of HASB will take effect and another hearing will not be granted.

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

- Oral evidence: the testimony of witnesses
- Documentary evidence: a piece of writing which is relevant to the case, for example, a letter written to the Housing Authority of South Bend. Writings include all forms of recorded communication or representation, including letters, words, pictures, sounds, videotapes, symbols, or combinations thereof.
- Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.
- Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter. Even though evidence, including hearsay, is generally admissible, hearsay evidence alone cannot be used as the sole basis for the hearing officer's decision.

If either the Housing Authority of South Bend or the family fail to comply with the discovery requirements described above, the hearing officer will refuse to admit such evidence.

Other than the failure of a party to comply with discovery, the hearing officer has the ability to overrule any objections to evidence.

Hearing Officer's Decision

In rendering a decision, the hearing officer will consider the following matters:

Housing Authority of South Bend Notice to the Family. The hearing officer will determine if the reasons for HASB's decision are factually stated in the Notice.

Discovery. The hearing officer will determine if HASB and the family were given opportunity to examine any relevant documents in accordance with the Housing Authority of South Bend's policy.

The Housing Authority of South Bend's evidence to support HASB's decision.

Validity of Grounds for Termination of Assistance (when applicable). The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and Housing Authority of South Bend's policies. If the grounds for termination are not specified in regulation or in compliance with HASB's policies, then the decision of HASB will be overturned.

The hearing officer will issue a written decision to the family and HASB no later than thirty (30) business days after the hearing. The report will contain the following information:

- Name of the participant;
- Date, time, and place of the hearing;
- Name of the hearing officer;
- Name of the Housing Authority of South Bend's representative(s);
- Name of family representative (if any)
- Background – A brief, impartial statement of the reason for the hearing.

Summary of Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole represent that the fact sought to be proved is more probable than not.

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

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold the Housing Authority of South Bend's decision.

Order: The hearing report will include a statement of whether the Housing Authority of South Bend's decision is upheld or overturned. If it is overturned, the hearing officer will instruct HASB to change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct HASB to restore the participant's program status.

Notice of Final Decision [24 CFR 982.555(f)]

The Housing Authority of South Bend is not bound by the decision of the hearing officer for matters in which HASB is not required to provide an opportunity for a hearing, decisions that exceed the authority of the hearing officer, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to Federal, state or local laws.

If the Housing Authority of South Bend (HASB) determines it is not bound by the hearing officer's decision in accordance with HUD regulations, HASB must notify the family within ten (10) business days of the determination and will include the reason for the determination.

The Housing Authority of South Bend (HASB) will mail a "Notice of Final Decision" including the hearing officer's report, to the participant. This Notice will be sent by first-class mail. A copy of the "Notice of Final Decision" will be maintained in HASB's participant file.

The Housing Authority of South Bend is not bound by hearing decisions:

- Concerning matters in which HASB is not required to provide an opportunity for a hearing.
- Contrary to HUD regulations or requirements.
- Contrary to Federal, State or local laws.
- That exceeds the authority of the person conducting the hearing.

Hearing and Appeal Provisions for Non-Citizens [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. Applicants who are denied assistance due to immigration status are entitled to an informal hearing; not an informal review.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while HASB hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the informal hearing process, does not preclude the family from exercising the right that may otherwise be available to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

The Housing Authority of South Bend (HASB) will send a notice of denial or termination of assistance for noncitizens advising the family:

That financial assistance will be denied or terminated and provide a brief explanation of the reasons for the proposed denial or termination of assistance.

The family may be eligible for proration of assistance.

In the case of a participant, the criteria and procedures for obtaining relief under the provisions

for preservation of families [24 CFR 5.514 and 5.518].

That the family has a right to request an appeal to the USCIS of the results of the secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.

That the family has a right to request an informal hearing with HASB either upon completion of the USCIS appeal or in lieu of the USCIS appeal.

For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

Informal Hearing Process

Informal hearings for non-citizens will follow the same procedures as for program participants.

Procedure for Appeal

If the participant (or any member) claimed eligible immigrant status and the USCIS primary and secondary verifications failed to document the status, the family must make an appeal to the USCIS within ten (10) days and provide the Housing Authority of South Bend (HASB) with a copy of the written request of appeal as well as proof of mailing. Failure to provide HASB with such documentation and proof will result in the termination of assistance.

The USCIS will issue a written decision to the family within thirty (30) days of receipt of the appeal and will forward a copy of the decision to the Housing Authority of South Bend (HASB). The family is also encouraged to provide HASB a copy of the USCIS decision upon receipt.

The participant may then request that HASB conduct an informal hearing regarding HASB's initial determination. The request for a hearing must be made either within thirty (30) days of receipt of HASB's notice of termination, or within thirty (30) days of receipt of the USCIS appeal decision.

After HASB has made a determination of ineligibility, the family will be notified within ten (10) business days of the determination and informed of the option for prorated assistance (if applicable) or, for participants who qualify, for Temporary Deferral of Termination of Assistance.

Hearing Decision

The Housing Authority of South Bend must provide the family with a written final decision, based solely on the facts presented at the hearing, within fifteen (15) calendar days of the date of the informal hearing. The decision must state the basis for the decision.

Retention of Documents

The Housing Authority of South Bend will retain for a minimum of three (3) years from the date of denial or termination of the HCV program, documents submitted to HASB by the family, or provided as part of the USCIS appeal or HASB's informal hearing process as follows:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form

- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

XI. Owner Actions, Fraud, Misrepresentation, or Breach of Contract

If the landlord has committed fraud, misrepresentation or other breach of the Housing Assistance Payment contract or Voucher Contract in connection with the Housing Choice Voucher Program, the Housing Authority of South Bend (HASB) will terminate the Contract and review the circumstances and family's involvement to determine if the family is eligible for re-certification to relocate to another unit with continuation of assistance. Actions such as those listed above, failure to abide by program and lease requirements, disrespectful treatment and/or harassment toward staff may be grounds for denial of program participation.

Glossary

ABSORPTION - In portability, the point at which a receiving HA stops billing the initial HA for assistance on behalf of a portability family. The receiving HA uses funds available under the receiving HA consolidated ACC.

ACC - Annual Contributions Contract.

CC RESERVE ACCOUNT (Formerly Project Reserve) - Account established by HUD from amounts by which the maximum payment to the HA under the consolidated ACC (during an HA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

ADJUSTED INCOME - Annual Income less the following allowances, determined in accordance with HUD instructions: (a)\$480 for each Dependent;(b)\$400 for any Elderly Family;(c)For any Family that is not an Elderly Family but has a Handicapped or Disabled member other than the head of household or spouse, Handicapped Assistance Expenses in excess of three percent of Annual Income, but this allowance may not exceed the employment income received by Family members who are 18 years of age or older as a result of the assistance to the Handicapped or Disabled Person;(d)For any Elderly Family

(1) That has no Handicapped Assistance Expenses, an allowance for Medical Expenses equal to the amount by which the Medical Expenses exceed three percent of Annual Income;

(2) That has Handicapped Assistance Expenses greater than or equal to three percent of Annual Income, an allowance for Handicapped Assistance Expenses computed in accordance with paragraph (c) this section, plus an allowance for Medical Expenses that is equal to the Families Medical Expenses;

(3) That has Handicapped Assistance Expenses that are less than three percent of Annual Income, an allowance for combined Handicapped Assistance Expenses and Medical Expenses that is equal to the amount by which the sum of these expenses exceeds three percent of Annual Income; and

(e)(1) Childcare expenses; or

(2) in the case of families assisted by Indian housing authorities, the greater of (i) childcare expenses, or

(ii) excessive travel expenses, not to exceed \$25 per family per week, for employment or education related travel.

ADMINISTRATIVE FEE - Fee paid by HUD to the HA for administration of the program. **ADMINISTRATIVE FEE RESERVE** (Formerly Operating Reserve) - Account established by HA from excess administrative fee income. The administrative fee reserve must be used for housing purposes. (a)The HA must maintain an administrative fee reserve (formerly operating reserve) for the program. There are separate administrative fee reserve accounts for the HA's voucher programs. The HA must credit to the administrative fee reserve the total of:

(1) The Amount by which program administrative fees paid by HUD for an HA fiscal year exceed the HA program administrative expenses for the fiscal year; plus

(2) Interest earned on the administrative fee reserve.

(b)(1) The HA must use funds in the administrative fee reserve to pay program administrative expenses in excess of administrative fees paid by HUD for an HA fiscal year. If funds in the administrative fee reserve are not needed to cover HA administrative expenses (to the end of the last expiring funding increment under the consolidated ACC), the HA may use these funds for other housing purposes permitted by State and local law. However, HUD may prohibit use of the funds for certain purposes.

(2) The HA Board of Commissioners or other authorized officials must establish the maximum amount that may be charged against the administrative fee reserve without specific approval.

(3) If the HA has not adequately administered any Housing Choice Voucher program, HUD may prohibit use of funds in the administrative fee reserve, and may direct the HA to use funds in the reserve to improve administration of the program or to reimburse ineligible expenses.

ADMINISTRATIVE PLAN - The administrative plan described HA policies for administration of the tenant-based programs.

(a) The HA must adopt a written administrative plan that establishes local policies for administration of the program in accordance with HUD requirements. The administrative plan and any revisions of the plan must be formally adopted by the HA Board of Commissioners or other authorized HA officials. The administrative plan states HA policy on matters for which the HA has discretion to establish local policies.

(b) The administrative plan must be in accordance with HUD regulations and other requirements. The HA must review the administrative plan if needed to comply with HUD requirements. The HA must give HUD a copy of the administrative plan.

(c) The HA must administer the program in accordance with the HA administrative plan.

(d) The HA administrative plan must cover HA policies on these subjects:

(1) How the HA selects applicants from the HA waiting list, including applicants with federal and other preferences, and procedures for closing and reopening the HA waiting list;

(2) Issuing or denying vouchers, including HA policy governing the voucher term and any extensions or suspension of the term. Suspension means stopping the clock on the term of a family's voucher after the family submits a request for lease approval. If the HA decides to allow extensions or suspensions of the voucher term, the HA administrative plan must describe how the HA determines whether to grant extensions or suspensions, and how the HA determines the length of any extension or suspension; (3) Any special rules for use of available funds when HUD provides funding to the HA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families; (4) Occupancy policies, including: (i) Definition of what group of persons may qualify as a family; (ii) Definition of when a family is considered to be continuously assisted;

- (5) Encouraging participation by owners of suitable units located outside areas of low income or minority concentration;
- (6) Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit;
- (7) A statement of the HA policy on providing information about a family to prospective owners;
- (8) Disapproval of owners;
- (9) Subsidy standards;
- (10) Family absence from the dwelling unit;
- (11) How to determine who remains in the program if a family breaks up;
- (12) Informal review procedures for applicants;
- (13) Informal hearing procedures for participants;
- (14) For the voucher program: the process for establishing and revising payment standards, including affordability adjustments;
- (15) Special policies concerning special housing types in the program (e.g., use of shared housing); and
- (16) Policies concerning payment by a family to the HA of amounts the family owes the HA.

ADMISSION - The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program. This is the point when the family becomes a participant in the program.

ANNUAL CONTRIBUTIONS CONTRACT (ACC) - A written contract between HUD and an HA. Under the contract HUD agrees to provide funding for operation of the program, and the HA agrees to comply with HUD requirements for the program.

ANNUAL INCOME:

(a) Annual Income is the anticipated total income from all sources received by the Family head and spouse (even if temporarily absent) and by each additional member of the Family, including all net income derived from assets for the 12-month period following the effective date of certification of income, exclusive of certain types of income as provided in paragraph(c) of this section. (b) Annual Income includes, but is not limited to: (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services. (2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the Family; (3) Interest, dividends, and other net income of any kind from real or personal property.

Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the Family has Net Family Assets in excess of \$50,000, Annual Income shall include the greater of the actual income derived from all Net Family Assets or a percentage of the value of such Assets based on the current passbook savings rate, as determined by HUD; (4)The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump sum payment for the delayed start of a periodic payment (but see paragraph (c)(13) of this section);(5)Payments in lieu of earnings, such as unemployment and disability compensation, workers compensation and severance pay (but see paragraph (c)(3) of this section);

(5) Welfare Assistance. If the Welfare Assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the Welfare Assistance agency in accordance with the actual cost of shelter and utilities, the amount of Welfare Assistance income to be included as income shall consist of:

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

(ii) The maximum amount that the Welfare Assistance agency could in fact allow the Family for shelter and utilities. If the Family's Welfare Assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph (b)(6)(ii) shall be the amount resulting from one application of the percentage;

(6) Periodic and determinable allowances, such as alimony and the court ordered annual or voluntarily provided child support payments, and regular contributions or gifts received from persons not residing in the dwelling;

(7) All regular pay, special pay and allowances of a member of the Armed Forces (but see paragraph (c)(7) of this section); and

(c) Annual income does not include the following:

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

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

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

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

(5) Income of a live-in Aide. A person who resides with an Elderly, Disabled, or Handicapped Person or Persons and who—

- (a) Is determined to be essential to the care and well-being of the Person(s);
- (b) Is not obligated for the support of the Person(s); and (c) Would not be living in the unit except to provide the necessary supportive services.
- (6) The full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
- (8) (i) Amounts received under training programs funded by HUD; (ii) Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program;
- (iv) A resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the owner, on a part-time basis, which enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination. No Resident may receive more than one such stipend during the same period of time; or
- (v) Compensation from State or local employment training programs and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance;
- (6) Temporary, nonrecurring or sporadic income (including gifts);
- (7) For all initial determinations and reexaminations of income carried out on or after April 23, 1993, reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- (8) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- (9) Adoption assistance payments in excess of \$480 per adopted child;
- (10) Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment.
- (11) Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
- (12) Amounts paid by a State agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
- (13) Amounts specifically excluded by any other Federal statute from consideration as

income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. A notice will be published in the FEDERAL REGISTER and distributed to HASB identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

(d) If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized, subject to a re-determination at the end of the shorter period.

(e) Any family receiving the reparation payments referred to in paragraph (c)(10) of this section that has been requested to repay assistance under this chapter as a result of receipt of such payments shall not be required to make further repayments on or after April 23, 1993.

APPLICANT (Applicant Family) - A family that has applied for admission to a program, but is not yet a participant in the program.

BUDGET AUTHORITY - An amount authorized and appropriated by the Congress for payment to HAS under the program. For each funding increment in an HA program, budget Authority is the maximum amount that may be paid by HUD to the HA over the ACC term of the funding increment.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT (Consolidated ACC)

(a) NATURE OF ACC

(1) An annual contributions contract (ACC) is a written contract between HUD and an HA. Under the ACC, HUD agrees to make payments to the HA, over a specified term, for housing assistance payments to owners and for the HA administrative fee. The ACC specifies the maximum annual payment by HUD, and the maximum payment over the ACC term. The HA agrees to administer the program in accordance with HUD regulations and requirements.

(2) HUD's commitment to make payments for each funding increment in the HA program constitutes a separate ACC. However, commitments for all the funding increments in an HA program are listed in one consolidated contractual document called the consolidated annual contributions contract (consolidated ACC). A single consolidated ACC covers funding for the HA voucher program.

(b) BUDGET AUTHORITY AND CONTRACT AUTHORITY (1) Budget authority is the maximum amount that may be paid by HUD to an HA over the ACC term of a funding increment. Contract authority is the maximum annual payment for the funding increment. Budget authority for a funding increment is equal to contract authority times the number of years in the increment term. Before adding a funding increment to the consolidated ACC for an HA program, HUD reserves budget authority from amounts authorized and appropriated by the Congress for the program.

(2) For each funding increment, the ACC specifies the initial term over which HUD will make payments for the HA program, and the contract authority and budget authority for the funding increment. For a given HA fiscal year, the amount of HUD's maximum annual payment for the HA program equals the sum of the contract Authority for all of the funding increments under the consolidated ACC. However, this maximum amount does not include contract authority for an

expired funding increment. If the term of a funding increment expires during the HA fiscal year, this maximum amount only includes the pro-rata portion of contract authority for the portion of the HA fiscal year prior to expiration. (Additional payments may be made from the ACC reserve account described in 982.154.) However, the amount to be paid must be approved by HUD, and may be less than the maximum payment.

CONTIGUOUS MSA - In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial HA is located.

CONTINUOUSLY ASSISTED - An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act Program when the family is admitted to the voucher program.

CONTRACT AUTHORITY - The maximum annual payment by HUD to an HA for a funding increment.

DISABLED PERSON - A person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

DISPLACED PERSON - A person or family displaced by government action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws, defined as follows:

(a) A definite and final order requiring demolition, closing or improvement and allowing no alternative must have been issued by the appropriate authority.

(b) The person or family must live in the dwelling at the time of the order is entered or at the time of damage or disaster. In the event a unit becomes occupied subsequent to its having been vacated by a person or by a family entitled to preference, such new occupant shall not also be entitled to preference, even though it may become necessary to serve him with an official notice to vacate.

DOMICILE - The legal residence of the household head or spouse as determined in accordance with State and local law.

DRUG-RELATED CRIMINAL ACTIVITY - Term means:

(1) Drug-trafficking; or

(2) Illegal use, or possession for personal use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

DRUG-TRAFFICKING - The illegal manufacture, sale or distribution, or the possession with intent to manufacture, sell or distribute, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

ELDERLY FAMILY - A Family whose Head of Household or Spouse or whose sole member is:

(1) At least 62 years old,

(2) A Disabled Person, or

(3) A Handicapped Person as defined in this section, and may include two or more elderly (at least 62 years old), Disabled or Handicapped Person living together, or one or more such persons living with another person who is determined to be essential to his or her care and well-being.

ELDERLY PERSON - A person who is at least 62 years of age.

ELIGIBILITY - Term means:

(a) **WHEN APPLICANT IS ELIGIBLE: GENERAL** - The HA may only admit an eligible family to a program. To be eligible, the applicant must be a family, must be income-eligible, and must be a citizen or a non-citizen who has eligible immigration status as determined in accordance with 24 CFR part 5.

(b) **INCOME**

(1) To be income eligible, the family must be either:

(i) A very low-income family; or

(ii) A low-income family in any of the following categories:

(A) A low-income family that is continuously assisted under the 1937 Housing Act.

(B) A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.

(C) A low-income non-purchasing family residing in a HOPE 1 (HOPE for Public and Indian Housing Homeownership) or HOPE 2 (HOPE for Homeownership of Multifamily Units) project.

(D) A low-income non-purchasing family residing in a project subject to a homeownership program under 24 CFR 248.173.

(E) A low-income family displaced as a result of the prepayment of a mortgage or voluntary termination of mortgage insurance contract under 24 CFR 248.165.

(F) For the voucher program only, a low-income family residing in a HUD-owned multifamily rental housing project when HUD sells, forecloses or demolishes the project.

(2) The HA determines whether the family is income-eligible by comparing the family's annual income (gross income) with the HUD-established very low-income limit or low-income limit for the area. The applicable income limit for issuance of a voucher when a family is selected for the program is the highest income limit (for the family unit size) for areas in the HA jurisdiction. The applicable income limit for admission to the program is the income limit for the area where the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at admission to the program.

(c) **FAMILY COMPOSITION**

- (1) A family may be a single person or a group of persons.
- (2) A family includes a family with a child or children.
- (3) A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family. The HA determines if any other group of persons qualifies as a family.
- (4) A single person family may be:
 - (i) An elderly person.
 - (ii) A displaced person.
 - (iii) A disabled person.
 - (iv) Any other single person.
- (5) A child who is temporarily away from the home because of placement in foster care is considered a member of the family.

(d) CONTINUOUSLY ASSISTED

- (1) An applicant is continuously assisted under the 1937 Housing Act if this family is already receiving assistance under any 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the certificate or voucher program.
- (2) The HA must establish policies concerning whether and to what extent a brief interruption between assistance under one of these programs and admission to the certificate or voucher program will be considered to break continuity of assistance under the 1937 Housing Act.

EXCEPTION RENT - In the certificate program, an initial rent (contract rent plus any utility allowance) in excess of the published FMR. In the certificate program, the exception rent is Housing Choice Voucher approved by HUD, and is used in determining the initial contract rent. In the voucher program, the HA may adopt a payment standard up to the exception rent limit approved by HUD for the HA certificate program.

FAIR MARKET RENT (FMR) - The rent, including the cost of utilities (except telephone), that would be required to be paid in the housing market area to obtain privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms), and are published in the FEDERAL REGISTER in accordance with 24 CFR part 888 as follows.

FAMILY -

- (1) A family may be a single person or a group of persons.
- (2) A family includes a family with a child or children.
- (3) A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a

family. The HA determines if any other group of persons qualifies as a family.

(4) A single person family may be:

- (a) An elderly person.
- (b) A displaced person.
- (c) A disabled person.
- (d) Any other single person.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM) - The program established by an HA to promote self-sufficiency of assisted families, including the provision of supportive services (42 U.S.C. 1437u).

FAMILY UNIT SIZE - The appropriate number of bedrooms for a family. Family unit size is determined by the HA under the HA subsidy standards.

FMR - Fair market rent.

FMR/EXCEPTION RENT LIMIT - The Housing Choice Voucher existing housing fair market rent published by HUD Headquarters, or any exception rent. In the certificate program, the initial contract rent for a dwelling unit plus any utility allowance may not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program, the HA may adopt a payment standard up to the FMR/exception rent limit.

FSS PROGRAM - Family self-sufficiency program.

FUNDING INCREMENT - Each commitment of budget authority by HUD to an HA under the consolidated annual contributions contract for the HA program.

HA - Housing Agency.

HANDICAPPED ASSISTANCE EXPENSES - Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled Family member, and that are necessary to enable a Family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source.

HANDICAPPED PERSON - A person having a physical or mental impairment that:

- (a) Is expected to be of a long-continued and indefinite duration,
- (b) Substantially impedes his or her ability to live independently, and
- (c) Is of such a nature that such ability could be improved by more suitable housing conditions.

HAP CONTRACT - Housing assistance payments contract.

HOUSING AGENCY (HA) - A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing, including an Indian housing authority (IHA).

HOUSING ASSISTANCE PAYMENT - The monthly assistance payment by an HA. The total assistance payment consists of:

- (1) A payment to the owner for rent to owner under the family's lease.
- (2) An additional payment to the family if the total assistance payment exceeds the rent to owner. In the certificate program, the additional payment is called a utility reimbursement.

HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP CONTRACT) - A written contract between an HA and an owner, in the form prescribed by HUD headquarters, in which the HA agrees to make housing assistance payments to the owner on behalf of an eligible family.

HOUSING AUTHORITY OF SOUTH BEND - Public Housing Agency. (Public housing agency and housing agency have the same meaning.) A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing, including an Indian housing authority (IHA). (HASB and HA mean the same thing.)

HOUSING QUALITY STANDARDS (HQS) - The HUD minimum quality standards for housing assisted under the tenant-based programs. See 24 CFR 982.401 for specifics.

HQS - Housing Quality Standards.

HUD REQUIREMENTS - HUD requirements for the Housing Choice Voucher programs. HUD requirements are issued by HUD headquarters, as regulations, FEDERAL REGISTER notices or other binding program directives.

IHA - Indian housing authority.

INDIAN - Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA) - A housing agency established either:

- (1) By exercise of the power of self-government of an Indian Tribe, independent of State law; or
- (2) By operation of State law providing specifically for housing authorities for Indians.

INITIAL CONTRACT RENT - In the certificate program, the contract rent at the beginning of the initial lease term.

INITIAL HA - In portability, the term refers to both:

- (1) An HA that originally selected a family that subsequently decides to move out of the jurisdiction of the selecting HA.
- (2) An HA that absorbs a family that subsequently decides to move out of the jurisdiction of the selecting HA.

INITIAL LEASE TERM - The initial term of the assisted lease. The initial lease term must be for at least one year.

INITIAL RENT TO OWNER - The rent to owner at the beginning of the initial lease term.

JURISDICTION - The area in which the HA has authority under State and local law to administer the program.

LEASE:

(1) A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP Contract between the owner and the HA.

(2) In cooperative housing, a written agreement between a cooperative and a member of the cooperative. The agreement establishes the conditions for occupancy of the members cooperative dwelling unit by the members family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the HA. For purposes of part 982, the cooperative is the Housing Choice Voucher owner of the unit, and the cooperative member is the Housing Choice Voucher tenant.

LEASE ADDENDUM - In the lease between the tenant and the owner, the lease language is required by HUD.

LIVE-IN AIDE - A person who resides with an Elderly, Disabled, or Handicapped Person or Persons and who:

(a) Is determined to be essential to the care and well-being of the Person(s);

(b) Is not obligated for the support of the Person(s); and

(c) Would not be living in the unit except to provide the necessary supportive services.

LOW-INCOME FAMILY - A Family whose Annual Income does not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes. 24 CFR Section 982.201(b) described when a low-income family is income-eligible for admission to the certificate or voucher program).

MSA - Metropolitan statistical area.

1937 HOUSING ACT - The United States Housing Act of 1937 (42 U.S.C. 1437 and following sections). The HUD tenant-based program is authorized by Housing Choice Voucher of the 1937 Housing Act (42 U.S.C. 1437f).

1937 HOUSING ACT PROGRAM - Any of the following programs:

(1) The public housing program or Indian housing program.

(2) Any program assisted under Housing Choice Voucher of the 1937 Act (42 U.S.C.1437f) (including assistance under a Housing Choice Voucher tenant-based or project-based program).

(3) The Section 23 leased housing program.

(4) The Section 23 housing assistance payments program. (Section 23 means Section 23 of the United States Housing Act of 1937 before enactment of the Housing and Community

Development Act of 1974.)

NOFA - Notice of funding availability.

NOTICE OF FUNDING AVAILABILITY (NOFA) - For funding (contract or budget authority) that HUD distributes by competitive process, HUD headquarters invites HA applications by publishing a NOFA in the FEDERAL REGISTER. The NOFA explains how to apply for assistance, and the criteria for awarding the funding.

OPERATING RESERVE - Administrative fee reserve.

OWNER - Any person or entity with the legal right to lease or sublease a unit to a participant.

PARTICIPANT (Participant Family) - A family that has been admitted to the HA program, and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the HA for the family (first day of initial lease term).

PAYMENT STANDARD - In the voucher program, an amount used by the HA to calculate the housing assistance payment for a family. Each payment standard amount is based on the fair market rent. The HA adopts a payment standard for each bedroom size and for each fair market rent area in the HA jurisdiction. The payment standard for a family is the maximum monthly subsidy payment.

PBC - Project-based certificate program.

PERSON WITH DISABILITIES (Disabled Person) - A person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

PORTABILITY - Renting a dwelling unit with Housing Choice Voucher tenant-based assistance outside the jurisdiction of the initial HA.

PREMISES - The building or complex in which the dwelling unit is located, including common areas and grounds.

PROGRAM - The tenant-based certificate program or voucher program.

PROJECT-BASED - Rental assistance that is attached to the structure.

PROJECT BASED CERTIFICATE PROGRAM (PBC) - Project based assistance under 24 CFR part 983, using funding under the consolidated ACC for the HA certificate program.

PROJECT RESERVE - ACC reserve account.

(a)(1) HUD establishes an un-funded reserve account, called the ACC reserve account (formerly project reserve), for the HA's program. There are separate ACC reserve accounts for the HA's certificate and voucher programs. The ACC reserve account is established and maintained in the amount determined by HUD.

(2) At the end of each HA fiscal year, HUD credits the ACC reserve account from the amount by which the sum of contract authority for all funding increments under the consolidated ACC (maximum annual payment) exceeds the amount actually approved and paid for the HA fiscal year. However, the maximum annual payment does not include contract authority for an expired

funding increment. If the term of a funding increment expires during the HA fiscal year, this maximum amount only includes the pro-rata portion of contract Authority for the funding increment covering the portion of the HA fiscal year prior to expiration. (b)HUD may approve additional payments for the HA program from available amounts in the ACC reserve account.

REASONABLE RENT - A rent to owner that is not more than either:

- (1) Rent charged for comparable units in the private unassisted market; or
- (2) Rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

RECEIVING HA -In portability, an HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher, and provides program assistance to the family.

RENTAL CERTIFICATE - Certificate.

RENTAL VOUCHER - Voucher.

RENTAL VOUCHER PROGRAM - Voucher Program.

RENT TO OWNER - The monthly rent payable to the owner under the lease. Rent to owner includes payment for any services, maintenance and utilities to be provided by the owner in accordance with the lease.

SPECIAL ADMISSION - Admission of an applicant that is not on the HA waiting list, or without considering the applicant's waiting list position.

SUBSIDY STANDARDS - Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions. See definition of family unit size.

SUSPENSION - Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the HA, from the time when the family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request.

TENANT - The person or persons (other than a live-in aide) who executes the lease as leases of the dwelling unit.

TENANT-BASED - Rental assistance that is not attached to the structure.

TENANT RENT - In the certificate program, total tenant payment minus any utility allowance.

TOTAL TENANT PAYMENT - The portion of the Gross Rent payable by an eligible Family participating in a program covered by this part, determined in accordance with the following:

Total tenant payment for families whose initial lease is effective on or after August 1, 1982. Total Tenant payment shall be the highest of the following, rounded to the nearest dollar:

- (1) 30 percent of Monthly Adjusted Income;
- (2) 10 percent of Monthly Income; or

(3) If the Family receives Welfare Assistance from a public agency and a part of such payments, adjusted in accordance with the Family's actual housing costs, is specifically designed by such agency to meet the Family's housing costs, the monthly portion of such payments which is so designated. If the Family's Welfare Assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph (a)(3) shall be the amount resulting from one application of the percentage.

UNIT - Dwelling unit. UNITED STATE HOUSING ACT OF 1937 (1937 Housing Act) - The basic law that authorizes the public and Indian housing programs, and the Housing Choice Voucher programs. (42 U.S.C. 1437 and following sections.)

UTILITY ALLOWANCE - If the cost of utilities (except telephone) and other housing serving for an assisted unit is not included in the Contract Rent but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by a Baltimore County Office of Housing or HUD under applicable sections of these regulations of the monthly costs of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment. (In the case of shared housing, the amount of the Utility Allowance for an assisted Family is calculated by multiplying the Utility Allowance for the entire unit by the ratio derived by dividing the number of bedrooms in the Assisted Family's private space by the number of bedrooms in the entire unit. In the case of an assisted individual sharing a one-bedroom unit with another person, the amount of the Utility Allowance for the assisted individual is one-half of the Utility Allowance for the entire unit).

UTILITY REIMBURSEMENT - In the certificate program, the amount, if any, by which any utility allowance for family-paid utilities or other housing services exceeds the total tenant payment.

VERY LOW-INCOME FAMILY - A Low-Income Family whose Annual Income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

VIOLENT CRIMINAL ACTIVITY - Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

VOUCHER (Rental Voucher) - A document issued by an HA to a family selected for admission to the voucher program. The voucher describes the program and the procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

VOUCHER PROGRAM - Rental voucher program.

WAITING LIST ADMISSION - An admission from the HA waiting list.

Addendum: Special Housing Types

All other HCV Program policies will be implemented as stated in the Administrative Plan.

Single Room Occupancy (SRO) –

HASB will require a separate lease and HAP contract for each assisted person.

The payment standard for SRO housing is 75 percent of the zero-bedroom payment standard amount on HASB's payment standard schedule.

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero-bedroom utility allowance.

The HAP for an assisted occupant in an SRO facility is the lower of the SRO payment standard amount minus the total tenant payment or the gross rent for the unit minus the total tenant payment.

Housing Quality Standards (HQS) and NSPIRE Inspection standards must be met except as modified below:

Access: Access doors to the SRO unit must have working locks for privacy. Each unit must have immediate access to two or more approved means of egress, appropriately marked and leading to safe and open space at ground level.

Fire Safety: All SRO facilities must have a sprinkler system that protects major spaces. "Major spaces" is defined as hallways, common areas, and any other areas specified in local fire, building, or safety code. SROs must also have hard-wired smoke detectors and carbon monoxide detectors and any other fire and safety equipment required by state or local law.

Sanitary facilities and space and security standards must meet local code requirements for SRO housing. At least one flush toilet that can be used in privacy, a lavatory basin, and a bathtub or shower in proper operating condition must be provided for each six (6) persons residing in the SRO facility. If the SRO units are leased only to men, flush urinals may be substituted for up to one half of the required number of toilets. Sanitary facilities must be reasonably accessible from a common hall or passageway and may not be located more than one floor above or below the SRO unit. They may not be located below grade unless the SRO units are located on that level.

Space and Security: An SRO unit must contain at least 110 square feet of floor space, and at least four-square feet of closet space with an unobstructed height of at least five feet, for use by the occupant. If the closet space is less than four square feet, the habitable floor space in the SRO unit must be increased by the amount of the deficiency. Exterior doors and windows accessible from outside the SRO unit must be lockable.

Homeownership –

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

There are two forms of homeownership assistance HASB may offer under this option: monthly homeownership assistance payments, or a single down payment assistance grant. HASB may choose

to offer either or both forms of homeownership assistance, or choose not to offer either. If a HASB offers both forms of assistance, the family must choose which form of assistance to receive.

HASB may offer either form of homeownership assistance if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. It is the sole responsibility of HASB to determine whether it is reasonable to implement a homeownership program as a reasonable accommodation in accordance with its Reasonable Accommodation Policy.

ADDENDUM TO THE HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

PROJECT BASED VOUCHER (PBV) PROGRAM

On October 13, 2005, HUD published final regulations for the Project-Based Voucher (PBV) program, superseding regulations at 24 CFR part 983 (see 70 FR 59892). This Addendum provides the Housing Authority of South Bend policies and procedures for its PBV program in accordance with the regulations.

The Housing Authority of South Bend's PBV program is subject to the regulations at 24 CFR part 983, which includes regulations governing policies and procedures that are not specified in this Administrative Plan.

In addition to the policies and procedures stated below, and other PBV regulations stated at 24 CFR part 983, HASB's PBV program is subject to most of the requirements of the Housing Choice Voucher Program, as specified in this Administrative Plan and in other HUD regulations.

A. JURISDICTION

The jurisdiction for HASB's PBV program is within the confines of the City of South Bend.

B. HOUSING AUTHORITY OF SOUTH BEND'S PBV COMMITMENTS AND PRIORITIES

The Housing Authority of South Bend's PBV program is designed to ensure that PBV assistance is used to support goals that could not be equally achieved through the use of tenant-based voucher assistance. HASB's PBV program has committed to the following priorities:

1. Expand and/or preserve the supply of affordable housing in an effort to increase the affordable housing choices of residents within the jurisdiction.
2. Support projects which further revitalize neighborhoods, promote the de-concentration of poverty and generally provide increased housing and economic opportunities.
3. Work with the community to identify and serve populations with particular housing needs, including but not limited to the provision of supportive services to promote self-sufficiency and supportive housing for families with disabilities.

C. PROPOSAL SUBMISSION AND SELECTION

Request for Proposals Process

HASB will select PBV proposals through a public Request for Proposals (RFP) process. HASB's PBV RFP will be advertised in a manner to provide broad public notice of the opportunity to offer PBV proposals for consideration by HASB. The public notice procedures will include publication of the general notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

The public notice of the PBV RFP will specify the submission deadline. The public notice will inform owners or developers seeking project-based assistance of the availability of the full RFP document at HASB's main offices at 501 Alonzo Watson Drive, South Bend, IN 46601, and online at www.hasbonline.com.

The full RFP document will provide detailed information about proposal submission and selection

procedures and will be available upon request of interested parties at HASB's main offices and online at www.hasbonline.com.

Property owners may submit PBV proposals in accordance with the proposal submission guidelines stated in the full RFP document. Proposals will be selected according to explicit criteria specified in the full RFP document, following the selection criteria stated below. Under no circumstances will HASB's RFP selection criteria limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.

Alternative Competitive Processes

In lieu of the above RFP process, HUD regulations permit HASB to select a PBV proposal for housing assisted under a federal, state, or local government housing assistance, community development, or supportive services program that requires competitive selection of proposals, where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance, or in other circumstances as allowed by the regulations or other PBV requirements.

Proposals for PBV assistance which have been independently selected for housing assistance as described above may be submitted to HASB on a rolling basis. HASB's selection of proposals under the alternative competitive processes may be contingent upon the owner providing additional information required according to the Housing Authority of South Bend's selection requirements and HUD and HASB requirements for PBV assistance. HASB will inform owners of any additional requirements at the time their proposals are submitted.

Selection Criteria Proposals will be selected according to the following selection criteria:

- The housing must promote one of HASB's priorities for its PBV program;
- The proposal must comply with all HUD program regulations and requirements;
- The property must be eligible housing;
- The proposal must comply with the HUD cap on PBV units per building;
- The housing site must meet the site selection standards detailed at 24 CFR 983.57;

Proposals that have not been through a State competition will be subject to the following:

- Proposals for new construction or rehabilitation projects must demonstrate capacity, experience, and successful outcomes in prior projects that indicate their ability to complete the construction work effectively and within the proposed schedule;
- Proposals for all housing must demonstrate capacity, experience, and successful outcomes in property management, particularly management of housing targeted to low-income persons and families;
- Proposals for supportive housing must demonstrate the capacity, experience, and successful outcomes of the supportive services provider that indicate its ability to effectively provide sufficient supportive services. More detailed information about minimum supportive services guidelines is provided later in this addendum.

- Proposals must provide evidence of sufficient financing commitments (for construction, operations, and supportive services if applicable) to demonstrate the project’s long-term viability.

Public Notice and Review of the Housing Authority of South Bend’s Proposal Selection

At the conclusion of selection during the competitive process, HASB will provide public notice of PBV proposal selections, including publication of public notice in a local newspaper of general circulation and/or other means designed and actually operated to provide broad public notice.

HASB will make documentation available for public inspection regarding the basis for HASB’s selection of a PBV proposal.

Proposals selected via the alternate competitive process will be identified and included in the annual agency plan update, which includes publication (via public notice) of the process, documents and plans, and allows for public comment on the proposed selection.

D. SITE SELECTION STANDARDS

The Housing Authority of South Bend will only select proposals which demonstrate consideration of and compliance with the site selection standards at 24 CFR 983.57, as such may be amended or revised, which shall ensure that selected proposals will meet the above program goals of de-concentrating poverty, expanding housing and economic opportunities, and otherwise providing needed housing support.

E. SUPPORTIVE SERVICES GUIDELINES AND REQUIREMENTS

Pursuant to HUD regulations, project-based assistance will ordinarily be limited to 25% of the units contained within the proposed project. However, for projects providing supportive services, each unit that is occupied by families receiving qualified supportive services shall be an “excepted unit” and shall not apply towards the 25% cap.

Qualifying Supportive Services

- Participation in HASB’s FSS program
- Educational Services or Counseling
- Employment or vocational training, counseling or referrals
- Life skills training or counseling
- Credit counseling
- Personal finance training and counseling
- Healthcare prevention and/or Community Outreach
- Supportive housing for persons with developmental disabilities or mental illness
- Supportive housing for persons with legal custody of grandchildren
- Referrals to or provision of day care, after school programs or other youth services.

It is not necessary that the above services be provided by or at the project. However, to qualify for as an

“excepted unit” a family must have at least one member receiving at least one qualifying supportive service. Proposals that include supportive services should identify the particular services that will be provided and the service provider(s). HASB will evaluate proposals including supportive housing units on the basis of the specific services provided, the intensity of the services and the target population to be served. HASB will also evaluate supportive housing proposals based on the history and record of accomplishment of the proposed service providers and the need for the supportive housing at the proposed site.

Family Responsibility

At the family’s annual income recertification, HASB will require written documentation from the service provider indicating the family’s continued compliance with the terms of the supportive services plans. Project owners will also be expected to provide some level of monitoring of the services provided. This monitoring should be detailed in the proposal, and will be evaluated as part of the section process. At HASB’s discretion, HASB may request additional documentation of compliance with supportive service obligations.

The unit eligible for status as an “excepted unit” so long as at the time of the occupying family’s initial tenancy at least one member of the family is receiving a qualifying supportive service. If the family completes an FSS contract of participation or the supportive services requirement, the unit will continue to count as an “excepted unit” for as long as the family resides in that unit.

Family Failure to Comply with Supportive Service Requirements

Failure without good cause by a family to complete or comply with its supportive service participation requirements will result in termination of the project-based assistance for that unit and may result in the termination of the lease by the project owner.

F. WAITING LISTS

HASB will allow the PBV project to establish individual a site-based waiting list.

HASB will offer to place applicants who are listed on the waiting list for tenant-based assistance on the waiting list(s) for PBV assistance.

G. PREFERENCES

The Housing Authority of South Bend may establish separate preferences for each PBV project. These preferences may include those for elderly or disabled families, or preferences related to supportive housing programs. Preferences may include those outlined in the Administrative Plan.

Any preferences that would be necessary for the operation of the project, or required by a funding source, must be disclosed in the proposal.

Supportive Housing Related Preferences

If PBV units include special accessibility features for persons with disabilities, HASB will first refer families who require such accessibility features to the owner. For other units that are designated to receive supportive services, HASB may give preference to disabled families who need services offered at a particular project. Project owners may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may

benefit from services provided in the project.

Only families that meet the following limits will be eligible for any supportive housing preference:

- Families (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain themselves in housing
- Families that without appropriate supportive services will not be able to obtain or maintain themselves in housing
- Families for whom such services cannot be provided in a non-segregated setting. Disabled residents will not be required to accept the particular services offered at the project. The Housing Authority of South Bend is prohibited from granting preferences to persons with specific disabilities (see 24 CFR 982.207(b)(3)).

H. APPLYING FOR ADMISSION

The process for applying for admission to the PBV program will be at the discretion of the project management company and / or HASB.

I. TENANT SELECTION

When notified of a vacancy in a PBV unit, HASB will refer tenants according to the following procedures:

First-come, first-served among applicants on the specific PBV waiting list.

For PBV waiting lists that include preferences, HASB will select applicants from the waiting list on a first-come, first-based basis who:

- Qualified for preference at the time of application; and,
- Continue to qualify for preference at the time of admission.

J. TENANT SCREENING

HASB's procedures for tenant screening for the PBV program are not different than procedures for screening tenant-based applicants, which are provided in HASB's Administrative Plan.

HASB's policy for providing information to owners about families referred to PBV units is not different than the Housing Authority of South Bend's policies for tenant-based applicants, which are provided in HASB's Administrative Plan.

K. PROCEDURES FOR FAMILIES OCCUPYING A UNIT OF THE WRONG SIZE OR AN ACCESSIBLE UNIT WHOSE ACCESSIBILITY FEATURES ARE NOT REQUIRED BY THE FAMILY

If a family is determined by the Housing Authority of South Bend to occupy a wrong-sized unit, or a unit with accessibility features that the family does not require (and such unit is needed by a family that requires the accessibility features) then HASB must promptly notify the family and the project owner of this determination and must offer continued assistance in another appropriately sized or accessible unit.

Continued assistance after unit, which may include, but is not limited to the following options:

- PBV assistance in an appropriate-sized unit (in the same building or in another building);

- Other project-based housing assistance (including occupancy of a public housing unit)
- Tenant-based rental assistance under the voucher program; or,
- Other comparable public or private tenant-based assistance.

For families who have been notified that they occupy a wrong-size unit, and offered continued assistance:

- If the PHA offers the families the opportunity to receive tenant-based rental assistance under the voucher program, the PHA must terminate the HAP payments for a wrong-sized unit at expiration of the term of the family’s voucher (including any extensions granted by the PHA).
- If the PHA offers the family the opportunity for another form of continued housing assistance (as provided above), and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the PHA, or both, the PHA must terminate the HAP payments for the wrong-sized unit, at the expiration of a reasonable period as determined by the PHA.

L. RIGHT TO MOVE

A family residing in a PBV unit may terminate the assisted lease any time after the first year of occupancy.

If the family terminates the assisted lease before the end of the first year of occupancy, the family will not be entitled to tenant-based assistance or priority for such assistance under this section.

However, the family may reapply for tenant-based assistance or other project-based assistance as otherwise provided in this Administrative Plan.

M. REDETERMINATION OF RENT TO OWNER

The amount of rent to owner must not exceed the lowest of the following, with an exception for certain tax credit units:

1. An amount determined by HASB, not to exceed 110 percent of the applicable fair market rent (or any exception payment standard approved by the Secretary) for the unit bedroom size minus any utility allowance;
2. The reasonable rent; or,
3. The rent requested by the owner. The owner may request an increase of the rent at the annual anniversary of the HAP contract by a 90-day written notice to the Housing Authority of South Bend.

Addendum: Reasonable Accommodations Guidelines and Policy

The following Reasonable Accommodations Policy shall be in effect for assessing requests for reasonable accommodations of housing choice voucher participants, project-based voucher participants, and applicants with disabilities in programs administered by the Housing Authority of South Bend. The Policy is not intended to be an exhaustive compilation of rules governing assessment by HASB of requests for reasonable accommodations. If any conflicts exist or arise between this Policy and regulations issued by the U. S. Department of Housing and Urban Development, or future legal requirements, HASB shall comply with its legal obligations notwithstanding the Policy.

I. General Principles

A. The Housing Authority of South Bend will assume as an initial matter that the individual requesting a reasonable accommodation is an expert with the respect to his/her disability and the accommodation that may be appropriate in relation to it. HASB will also assume as an initial matter that the information the person provides regarding his/her needs is accurate and the method proposed for accommodating those needs is the most appropriate one to pursue. HASB may seek from the person documentation and/or other verification of the effect of the disability on the person and the method(s) proposed to accommodate it. HASB may offer alternative methods for providing the requested accommodation, however whenever possible, consideration shall be given to the individual's request.

B. Procedures for evaluating requests for reasonable accommodations and responding to those requests should take place in the context of a cooperative relationship between HASB and the individual.

C. Reasonable accommodations shall be focused on the individuals and designed to address each person's situation. Any meetings that must be held concerning an individual's request for a reasonable accommodation shall be held in a location accessible to the individual.

D. In some cases, non-disabled persons may (incorrectly) perceive reasonable accommodations as conferring a special advantage on persons with disabilities. However, HASB will not base its decisions on how those decisions will be perceived, but rather on whether the requested accommodation will be effective in removing barriers that interfere with the ability of the individual with a disability to access, use, and equally enjoy the benefits of the housing program.

II. Notice and Posting

A. A copy of this Reasonable Accommodation Policy shall be posted and available at the Housing Authority of South Bend's main business offices.

B. This Policy shall be posted on and available for download on HASB's website.

C. HASB shall include in prominent type and location on all notices and written communications to voucher participants and applicants the following: "If you are a person with a disability and you require a reasonable accommodation to fully utilize our programs or services, please contact 574-235-9346 so that we may assist you."

III. Procedures

A. The Housing Authority of South Bend has developed and implemented procedures through which individuals may request a reasonable accommodation, as described herein. The process for making such

requests is designed to be accessible to all persons. All communications that are a part of the process should be in plain language so that the individual applicant can understand, in a format that is appropriate to meet the needs of the person with disabilities.

B. The Housing Authority of South Bend's employees may ask individuals requesting a reasonable accommodation to complete a Reasonable Accommodation Request Form (attached as Form 1) and when needed a Verification Form (attached as Form 2). Copies of the Reasonable Accommodation Request Form and Verification Form shall be kept at HASB's main business offices. HASB shall also accept verbal and other written requests for accommodations.

C. All requests received by HASB, either written or orally, shall be entered into HASB's centralized database for tracking reasonable accommodations requests promptly within receipt of the request. The Reasonable Accommodation Coordinator, or designees, shall be responsible for ensuring that all reasonable accommodation requests received are entered into HASB's centralized database and are responded to timely as set forth in this Policy.

D. Individuals may submit reasonable accommodations requests to housing specialists.

E. Requests for additional documentation to verify a disability shall be made in writing as soon as possible as and no later than 10 (ten) business days from the request being received. The Housing Authority of South Bend may ask individuals to provide verification information on a Verification Form. HASB may verify an individual's disability only to the extent necessary to ensure that the individual has a need for the requested accommodation. For example, HASB will not require that a resident using a wheelchair requesting a wheelchair accessible unit, produce verification of the applicant's disability or need for a wheelchair accessible unit.

F. Decisions on requests for reasonable accommodation shall be made within 10 (ten) business days after the date on which the request is complete. A request shall be considered complete when HASB receives the request and any other information reasonably required by HASB to evaluate the request, such as verification of any aspects of the request for an accommodation, the individual supply additional information that is reasonably necessary for HASB to make a decision on the individual's request information, or otherwise respond to HASB's request within a reasonable time period.

G. Any employees of HASB may approve a reasonable accommodation request, however, the request must still be documented in accordance with this policy. The Reasonable Accommodation Coordinator is responsible for receiving, reviewing, and recommending approvals as well as ensuring that approved accommodation is provided. Only the Reasonable Accommodations Coordinator, HCV Program Directors or the Executive Director of HASB may deny a reasonable accommodation request. If HASB believes that the request is not reasonable, HASB must engage in an interactive process with the individual to determine if there are alternative suitable accommodations that can be offered.

H. Any denial of a request for reasonable accommodation(s) shall explain to the individual in writing the basis for the decision and the reason(s) why the request is being denied.

The individual requesting the accommodation shall also be informed of his or her right to request a grievance in the decision.

I. Any approval of request for reasonable accommodation shall be communicated in writing. It shall describe the accommodation that will be provided and shall indicate the date for implementation, which

shall be as soon as practicable and except as explained in the approval notice no later than 10 days from the date of decision. The individual requesting the accommodation shall also be informed that if he or she believes the accommodation approved will not meet his or her needs or will take too long to provide, a grievance may be requested in accordance with HASB's grievance policies as set forth in its Administrative Plan.

J. The written decision will be forwarded to the Reasonable Accommodation Coordinator, who will implement the final decision as soon as practicable and as general rule no later than 30 calendar days from receipt of the written decisions, unless he or she advised the applicant in writing of the reason for the delay and provides an estimated implementation date and right to request a grievance.

IV. Assessment of Requesting

A. In determining whether or not to grant a reasonable accommodation, HASB shall consider the following factors:

1. The individual is a qualified "individual with disability." A person is an "individual with a disability" if he or she has, or has a record of having, or is regarded as having, physical or mental impairment which sustainably limits one or more of his or her major life activities. However, the current, illegal use of or addiction to a controlled substance along not qualify as disability.

2. The requested accommodation may be necessary to provide an equal opportunity to use and enjoy HASB's programs or service.

3. Whether the requested accommodation is "reasonable." A request for an accommodation shall be considered to be "reasonable" as long as it does not create an undue financial hardship and administrative burden or constitute a fundamental alteration in a housing program.

a. The determination of whether an accommodation constitutes an undue financial and administrative burden shall be made on a case-by-case basis.

b. If granting the requested accommodation would constitute an undue financial and administrative burden, HASB shall propose any other action that will not result in or require an alternation or burden.

c. If granting the requested accommodation would constitute a fundamental alteration in the housing program, HASB may deny the request.

d. HASB should consider providing the accommodation requested by the individual as the accommodation most likely to address the individual's need. If there are a number of different accommodations that would satisfy the needs of the person with the disability, HASB may select the option which is most convenient and cost effective, provided the option provides an equally effective alternative to the requested accommodation.

B. The verification source shall be a person with appropriate credentials and current knowledge of the participant's or applicant's disability who is able to make an informed judgment based on that knowledge. If the participant or applicant is unable to provide such a verification source, the Reasonable

Accommodation Coordinator shall discuss alternative sources available to evaluate the participant's or applicant's needs.

C. HASB will not deny a request for reasonable accommodation based on a lack of sufficient information without first informing the individual requesting the accommodation of the need for additional information and affording the individual a reasonable opportunity to provide it.

D. If a requested accommodation is unlikely to provide the disabled individual with an equal opportunity to use and enjoy the housing, HASB need not grant that accommodation.

E. If the individual's requested accommodation would, based on objective evidence, pose a direct threat to the health or safety of others or result in substantial physical damage to the rental property, HASB need not grant the accommodation.

V. Communications with Disabled Applicants or Residents

A. When auxiliary aids or services aids or services are necessary to provide effective communications HASB shall follow its Effective Communication Policy.

VI. Third Party Representatives

A. An individual with a disability who makes a reasonable accommodation request may authorize a third-party representative to act on his or her behalf in dealing with HASB.

B. Upon presentation of appropriate authorization, a third-party representative may request a reasonable accommodation request on behalf of a person with a disability.

VII. HASB Reasonable Accommodation Coordinator

A. HASB shall notify all voucher participants, and applicants upon an initial and continuing basis that there is a Reasonable Accommodation Coordinator and shall identify the Department, address and the telephone number. Methods of notification may include periodic posting of notices, distribution of written communications, and statements made in general information or resident publications. Notice shall be made available in available in accessible formats for persons with disabilities.

B. The Reasonable Accommodation Coordinator shall be responsible for overseeing the implementation and operation of HASB 's reasonable accommodations policies, and for coordinating all HASB efforts to comply with the various provisions of federal, state and local law governing reasonable accommodation in housing. Where the coordinator believes that certain corrective action is necessary, he or she shall directly advise HASB employee involved or if deemed appropriate shall make a recommendation to the Executive Director who will in turn take appropriate action. The Coordinator shall be available to HASB applicants and voucher participants as well as staff to answer questions and to deal with issues regarding reasonable accommodation requests.

C. The Reasonable Accommodation Coordinator may receive complaints or other reports of non-compliance with the reasonable accommodations policies from HASB voucher participant, applicant, management staff, or interested persons outside HASB and shall investigate such complaints promptly. Following such investigation, the Coordinator shall report his or her finding and any remedial action determined to be necessary to the Executive Directors, who has the authority to take remedial or other action. This procedure shall be independent of the appeal procedures set forth in the reasonable

accommodations policy for HASB voucher or project-based participants or applicants who have requested reasonable accommodation for disability and have been denied.

D. The Reasonable Accommodation Coordinator shall be responsible for ensuring that all HASB employees and staff are trained in this policy and all applicable federal state and local requirements regarding reasonable accommodations.

VIII. Confidentiality

A. The Housing Authority of South Bend shall, consistent with the applicable laws, develop procedures for keeping information related to an individual's disability confidential and available only to person with HASB who are directly involved in decisions regarding the request for reasonable accommodation, and other authorized parties.

B. All decisions made by HASB on a reasonable accommodation request shall be kept confidential except as far as disclosure is necessary to implement an approved accommodation or to comply with the review and appeal procedures set forth herein.

C. Federal, state, and local civil rights enforcement agencies shall be provided with such information and documents as is authorized by law.

D. Individuals requesting a reasonable accommodation based on disability shall, upon request, be entitled to access all documents in their HASB files which relate to their reasonable accommodation request, in accordance with the applicable law. In addition, authorized third party representatives shall be provided access to such documents upon written request of an individual with a disability.

E. HASB shall keep written or electronic records in participant or applicant files of its decisions to grant or deny any request for reasonable accommodation for a period of no less than three (3) years from the date of the request.

IX. Non-Retaliation

A. HASB shall not discriminate or take any retaliatory action against a person who has requested a reasonable accommodation on the basis of a disability, or who has assisted or encouraged any other person to request such an accommodation.

B. HASB shall not discriminate or take any retaliatory action against a person who has exercised his or her right of appeal or filed an administrative agency complaint or sought judicial review on a reasonable accommodation request, or who has assisted or encouraged another person to do so, or who has assisted in the investigation of a reasonable accommodation claim.

X. Tracking & Recordkeeping

A. The Reasonable Accommodation Coordinator shall maintain a record of how and when the notices required by this section are provided to applicants and voucher participants.

B. Copies of all reasonable accommodation requests and HASB's responses shall be kept for the duration of 3 years.

C. The Reasonable Accommodation Coordinator will maintain a centralized database for tracking reasonable accommodations requests which will include the date the request was made; the date a response was provided to the individual from HASB; the response and the rationale for HASB's

response; the date the accommodation is scheduled to be provided; any extension made in the provision of the accommodation; and the identification of the individual requesting or receiving the accommodation.

D. HASB shall maintain copies of information required by paragraph VIII (E) in the individual file of any applicant or voucher participant requesting reasonable accommodation. Copies of the following documents shall also be kept in such file: the Request(s) for Reasonable Accommodation; the Denial or Approval Notice(s); any final decision following an informal hearing any settlement agreements; any decision(s) of the Grievance Officer or HASB Board of Commissioners; any decision(s) of an administrative agency or a court; documentation that an approved accommodation has been implemented; and all correspondence between the applicant or participant and HASB, and between HASB and verification sources concerning the reasonable accommodation request.

XI. Grievances

A. If the requesting individual with a disability is not satisfied with HASB's response to the individual's request for a reasonable accommodation, the individual may request a Grievance in accordance with HASB's Administrative Plan and the procedures set forth therein.

EFFECTIVE COMMUNICATION POLICY

The Housing Authority of South Bend administers its assisted housing programs in a non-discriminatory manner. HASB employees shall furnish appropriate auxiliary aids and services to afford applicant or participants with disabilities an equal opportunity to participate in, and enjoy the benefits of HASB's programs and services upon request or is self-evident. The provision of auxiliary aids and services shall be provided at no charge to the applicant or participant. HASB strives to provide aides and services in a manner that protects the privacy and independence of the individual with a disability. All notifications, including approvals or denials of requests for effective communication reference in this policy, will be provided in an alternate format, upon request.

AUXILIARY AIDS AND SERVICES

Auxiliary aids and services enable persons with disabilities to have an equal opportunity to participate and enjoy the benefits of program or activities conducted by the Housing Authority of South Bend. For example, auxiliary aids useful for persons who are deaf or hard of hearing may include handset amplifiers; video remote interpreting, real time computer aided transcription service, telephone compatible with hearing aids; telecommunications devices for deaf persons (TDD's); qualified sign language interpreters; note takers; written material and other similar services and devices. Auxiliary aids and services for person who are blind or have low vision may include qualified readers; tape texts; audio recording; Brailled materials; screen reader accessible material, magnification software; large print material; or accessible electronic information.

PROVISION OF AUXILIARY AIDS AND SERVICES

1. When an auxiliary aid or service is required to ensure effective communication, HASB will provide an opportunity for an individual with disabilities to request the auxiliary aid or service of his or her choice. HASB will give primary consideration to the choice expressed by the individual. "Primary consideration" means that HASB will honor the choice unless it can show that another equally effective means of communication is available, or that use of the means chosen would

result in a fundamental alteration in the nature of its service, program, or activity or an undue financial and administrative burden.

2. All requests for auxiliary aids and services must be made and received by HASB's Reasonable Accommodations Coordinator within a reasonable amount of time prior to the date the service is needed. If an emergency circumstances an auxiliary aid or service is needed less than two weeks prior to the date the service is needed, HASB will take reasonable steps to secure the auxiliary aid or service.

3. An individual with a disability, or a HASB employee on behalf of the individual, will submit a request for auxiliary aids or services to HASB's Reasonable Accommodations Coordinator by delivering it to his or her address or email. All requests shall be dated and time-stamped upon receipt.

4. Upon receipt of the request, the Reasonable Accommodation Coordinator or designee will grant the requested aid or service, or will consult with the individual with a disability to further assess and determine the appropriate auxiliary aid or service to be provided. Consideration shall be given to relevant facts and circumstances including the individual's communications skills and the nature and complexity of the communications at issue and giving primary consideration to use communication preferences of the individual with the disability. Within ten (10) business days of the receipt of the request, and as soon as circumstances warrant, the Reasonable Accommodation Coordinator will provide the requesting individual with a written notification of the proposed auxiliary aid or service to be provided. The notification shall inform the individual of the right to a grievance hearing and hearing procedures.

5. Provision of needed auxiliary aids and services shall be provided within three (3) days of the determination, or at the scheduled time of the event for which the aid or service is needed. However, if an extension of time in provision of the aid or service is reasonably requested by either the individual requiring the service or HASB, and such extension is agreed to by both HASB and the individual, the provision of the service or aid may be reasonably delayed provided that the delay does not significantly affect the individual's rights or benefits and further provided that the extension is documented and included in the individual's file and in the report and tracking process set forth in Paragraph D.2.

D. TRACKING AND RECORD KEEPING

1. The Reasonable Accommodation Coordinator will maintain copies of all requests for effective communication and HASB's response, for the duration of three (3) years.

2. The Reasonable Accommodation Coordinator shall maintain reporting and tracking system which will include the request made by an individual and the date the request was made; the date a response was provided to the individual from HASB, the response and rationale for the response; the date the auxiliary aid or service was provided, any extension made in the provision of the aid or service; and the identification of the individual requesting or receiving the auxiliary aid or service. The reporting and tracking shall be kept in an electronic format.

3. Copies of information required in Paragraph D.2 above shall also be kept in the individual files of Participant or Applicant families.

4. HASB will keep confidential all information and records containing personal identifying information related to an individual's disability and will release such information in accordance with law.

E. PROCEDURES

1. Notice

a. HASB will maintain postings that inform applicants and participant families to contact the Reasonable Accommodation Coordinator if auxiliary aids or services are needed for effective communications. This notice will advise that various auxiliary aids and services are available free of charge as needed, and will provide example of such services to include interpreters. Such notices shall be posted prominently in HASB's administrative offices.

b. When it is self-evident that an individual is deaf or hard of hearing and cannot communicate without auxiliary aids or services, HASB must engage that individual to determine what aids or services are required to effectively communicate.

2. Public Events

Individuals with disabilities who request auxiliary aids or services for public events such as public hearings, Board meetings, public meetings, etc., must make their requests one week prior to the event whenever possible. HASB shall make good faith efforts to respond to requests made less than one week prior to a public event, however it may not be able to secure such services. The Reasonable Accommodation Coordinator will document the efforts made to accommodate the request, including any attempts to schedule an interpreter.

3. Continuing Duty to Communicate

a. Between the time that HASB i) recognizes that an auxiliary aid is needed, or ii) receives a request for auxiliary aids or services; and the time that HASB provides any needed aid or service, HASB may continue to try to communicate with the individual with a disability. However, HASB shall not require an individual to bring another person to interpret and may only rely on a person accompanying an individual who is deaf or hard of hearing to interpret or facilitate conversation in an emergency and where there is not an interpreter available.

b. The Housing Authority of South Bend will continue to assess the communication effectiveness of any auxiliary aids or services provided and will alter services as needed to ensure effective communications.

F. GRIEVANCE PROCEDURES

1. Any adverse decision regarding a request for auxiliary aids or services or other methods of effective communication under this policy request is subject to HASB's grievance policy in its Administrative Plan.

Violence Against Women Act (VAWA) Policy

The following provisions are applicable to situations involving incidents involving actual or threatened domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation, as those terms are defined in the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) (VAWA 2013), and in the Housing Authority of South Bend's Violence Against Women Act (VAWA) Policy, and which must be applied consistently with all nondiscrimination and fair housing requirements.

Pursuant Notice PIH-2017-08 Violence Against Women Reauthorization Act of 2013 Guidance, the provisions of the following notices shall prevail:

- Notice of Occupancy Rights under the Violence Against Women Act HUD-5380
- HUD-5380 Attachment – Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Referral Information
- HUD-5382 - Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation
- HUD-5381 – Emergency Transfer Plan for victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking • HUD-5381 Attachment – Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Referral Information
- Hud-5383 Emergency Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking