Housing Authority of the City of Bridgeport  
D.B.A. Park City Communities  

Housing Choice Voucher Program  
Administrative Plan  
Effective TBA
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OVERVIEW OF THE PROGRAM AND THE PLAN

1.1 Overview and Purpose of the Plan

The Administrative Plan is required by HUD. The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in PCC’s agency plan. This Administrative Plan is a supporting document to PCC agency plan and is available for public review as required by CFR 24 Part 903.

This Administrative Plan is set forth to define PCC’s local policies for operation of the housing programs in the context of federal laws and regulations. All issues related to Section 8 not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices and other applicable law. The policies in this Administrative Plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

PCC is responsible for complying with all changes in HUD regulations pertaining to the HCV program. If such changes conflict with this plan, HUD regulations will have precedence.

Administration of the HCV program and the functions and responsibilities of PCC staff shall be in compliance with PCC’s personnel policy and HUD’s Section 8 regulations as well as all federal, state and local fair housing laws and regulations.

PCC administers the Housing Choice Voucher program in conformance with 24 CFR Part 5, 903, 982 and 985, the Housing Act of 1937, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and its subsequent amendments, and Title II of the Americans with Disabilities Act. PCC affirmatively furthers fair housing in the administration of the HCV program.

1.2 Contents of the Plan

HUD regulations contain a list of what must be included in the Administrative Plan.

PCC Administrative Plan must cover PCC policies on these subjects:

- Selection and admission of applicants from PCC waiting list, including any PCC admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening PCC waiting list;
- Issuing or denying vouchers, including PCC policy governing the voucher term and any extensions or suspensions of the voucher term. 'Suspension' means stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy. If PCC decides to allow extensions or suspensions of the voucher term, PCC Administrative Plan must describe how PCC determines whether to grant extensions or suspensions, and how PCC determines the length of any extension or suspension;
- Any special rules for use of available funds when HUD provides funding to PCC for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families;
Occupancy policies, including definition of what group of persons may qualify as a ‘family’, definition of when a family is considered to be 'continuously assisted'; standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 982.553;

Encouraging participation by owners of suitable units located outside areas of low income or minority concentration;

Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit;

Providing information about a family to prospective owners;

Disapproval of owners;

Subsidy standards;

Family absence from the dwelling unit;

How to determine who remains in the program if a family breaks up;

Informal review procedures for applicants;

Informal hearing procedures for participants;

The process for establishing and revising voucher payment standards;

The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract);

Special policies concerning special housing types in the program (e.g., use of shared housing);

Policies concerning payment by a family to PCC of amounts the family owes PCC;

Interim redeterminations of family income and composition;

Restrictions, if any, on the number of moves by a participant family;

Approval by the Board of Commissioners or other authorized officials to charge the administrative fee reserve; and

Procedural guidelines and performance standards for conducting required housing quality standards inspections.

1.3 Covered Programs

PCC administers the Housing Choice Voucher program (regular and, project-based vouchers), the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) program. The policies described herein apply to all programs, except in specified cases, such as project-based vouchers and Mod Rehab where some special rules pertain.

1.3.1 Project-Based Vouchers

PCC may convert up to 20% of its ACC authorized units under the Housing Choice Voucher program into project-based vouchers (PBV). This 20% limit does not apply to:

1. Any PBV units under a PBV Housing Assistance Payments (HAP) contract executed as part of a Rental Assistance Demonstration (RAD) conversion; and
2. Any PBV assistance awarded to a development that received HUD funded assistance in the previous 5 years in one of the following categories.
   (i) The unit received one of the following forms of HUD assistance:
      (I) Public Housing Capital or Operating Funds (Section 9 of the 1937 Act).
      (II) Project-Based Rental Assistance (Section 8 of the 1937 Act). Project-based rental assistance under Section 8 includes the section 8 moderate
(III) Housing for the Elderly (Section 202 of the Housing Act of 1959).
(IV) Housing for Persons with Disabilities (Section 811 of the Cranston-Gonzalez National Affordable Housing Act).
(V) The Rent Supplement (Rent Supp) program (Section 101 of the Housing and Urban Development Act of 1965).
(VI) Rental Assistance Payments (RAP) program (Section 236(f)(2) of the National Housing Act).

(ii) The unit was subject to a rent restriction as a result of one of the following HUD loan or insurance programs:
(I) Section 236.
(II) Section 221(d)(3) or (d)(4) BMIR.
(III) Housing For the Elderly (Section 202 of the Housing Act of 1959).
(IV) Housing for Persons With Disabilities (Section 811 of the Cranston-Gonzalez National Affordable Housing Act).

Units that were previously receiving PBV assistance or HCV tenant-based assistance are not covered by this exception.

PCC may convert up to an additional 10% of its voucher authority under the Housing Choice Voucher program, for a total of 30% of its HCVs, into project-based vouchers (PBV) for units that are:

1. Specifically made available to house households who meet the definition of homeless under Section 103 of the McKinney-Vento Homelessness Assistance Act;
2. Specifically made available to house households that include at least one veteran;
3. Located in low-poverty areas (census tracts with a poverty rate of 20% or lower); and/or
4. In buildings that offer supportive services to elderly and/or disabled households

1.3.2 The Section 8 Moderate Rehabilitation SRO Program for Homeless Individuals

The Moderate Rehabilitation SRO program is authorized by the McKinney-Vento Homeless Assistance Act and governed by regulations at 24 CFR Part 882. Through this project-based program, PCC makes rental assistance payments to non-profit and for-profit homeless housing providers on behalf of eligible homeless individuals.

1.4 Changes to the Administrative Plan

PCC is responsible for complying with all changes in HUD regulations pertaining to the voucher program. If such changes conflict with this plan, HUD regulations will have precedence, and PCC will revise this plan accordingly. On an ongoing basis, PCC may make minor, non-substantive modifications to the Administrative Plan in order to clarify existing policies and procedures and/or to correct editing errors. The original plan and any proposed changes must be approved by the Commissioner of PCC, the pertinent sections included in the Agency Plan, and a copy provided to HUD.
1.5 Management Assessment Objectives

The Housing Department operates its housing assistance programs with efficiency and can demonstrate to HUD auditors that the Housing Department is using its resources in a manner that reflects its commitment to quality and service. The Housing Department policies and practices are consistent with the goals and objectives of the following HUD SEMAP indicators.

1. Selection from the waiting list.
2. Reasonable rent.
3. Determination of adjusted income.
4. Utility allowance schedule.
5. HQS quality control inspections.
6. HQS enforcement.
7. Expanding housing opportunities.
8. FMR/exception rents and payment standards.
9. Annual re-examinations.
10. Correct tenant rent calculations.
11. Pre-contract HQS inspections.
12. Annual HQS inspections.
13. Lease up.
2 FAIR HOUSING AND EQUAL OPPORTUNITY

2.1 Nondiscrimination

It is PCC’s policy to fully comply with federal, state and local nondiscrimination laws and with the rules and regulations which govern Fair Housing and Equal Opportunity in housing and employment.

PCC shall not deny any family or individual the equal opportunity to apply for or receive assistance under the Housing Choice Voucher program on the basis of race, color, sex, religion, creed, national or ethnic origin, age, familial or marital status, handicap or disability, sexual orientation, gender identity, source of income, prior record of arrest or conviction, or status as a victim of domestic violence, dating violence, sexual assault, or stalking.

To further its commitment to full compliance with applicable Civil Rights laws, PCC will provide federal, state and local information to voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session and all applicable Fair Housing Information and Discrimination Complaint forms will be made a part of the voucher holder's briefing packet. Fair Housing posters are displayed throughout PCC’s offices, and staff will attend Fair Housing training courses as deemed necessary.

2.1.1 Discrimination Complaints

In the event that a person alleges discrimination in their housing search, the case will be forwarded to the State of Connecticut Commission on Human Rights and Opportunities Staff in this office will assist the client in filing a HUD-903 form and will conduct an investigation into the matter.

PCC’s briefing presentation and posters in the waiting area inform Section 8 participants that they may file complaints with the State of Connecticut Commission on Human Rights and Opportunities.

Depending on the nature of the complaint, PCC may suspend the voucher term from the date that the complaint was made. A suspension of the voucher means the clock is stopped during the suspension period. For example, if a 120-day voucher is suspended for a period of 10 days, the total life of that voucher would be extended to 130 days.
2.2 Affirmatively Furthering Fair Housing

PCC is committed to the policy of promoting fair housing to achieve the inclusion of individuals and families of all racial and ethnic groups as tenants and/or buyers in all publicly funded or assisted projects in accordance with applicable federal, state and local fair housing laws.

PCC is one of a number of agencies that investigates and refers housing discrimination. Clients who wish to make fair housing complaints are directed to the U.S. Department of Housing and Urban Development Housing Discrimination hotline (1-800-669-9777).

As addressed in Sections 2.3 of this chapter of the PCC’s Administrative Plan, PCC makes reasonable accommodations to people with disabilities to ensure that they may fully access and use the voucher program and related services. Families must request a reasonable accommodation from PCC. PCC will review each request submitted. PCC will take affirmative steps to communicate with people who need services or information in a language other than English.

2.3 Reasonable Accommodations for Persons with Disabilities

PCC’s policies and practices will make reasonable accommodations for persons with disabilities to ensure that they may fully access and use the voucher program and related services. The opportunity for requesting an accommodation will be provided on the Housing Choice Voucher application and other forms or letters. This policy is intended to afford persons with disabilities equal opportunity to obtain the same results and gain the same benefits as those who do not have disabilities and is applicable to all situations described in this plan.

Reasonable accommodation will be made only after applicants or participants with a disability request a change to PCC’s generally applicable policies or practices. To be eligible to request reasonable accommodation, the individual making the request must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the applicable definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and the Americans with Disabilities Act.

A family must request a reasonable accommodation by completing a Reasonable Accommodation Request form or submitting a letter from a medical professional. This form must be completed by a licensed medical professional to verify the person’s disability and need for the reasonable accommodation. PCC will review all requests and make a determination to approve or deny based on the information provided. In accordance with federal law, if the need for the accommodation is not readily apparent, the medical professional must explain the relationship between the requested accommodation and the disability. In order for PCC to approve a reasonable accommodation, there must be an identifiable relationship between the requested accommodation and the individual’s disability. PCC reserves the right to require that reasonable accommodation requests are resubmitted annually.

PCC may deny the request if it will cause an undue financial or administrative burden or will change the fundamental nature of the program. Applicants and participants will be
PCC will provide reasonable search time and extensions to families with disabled persons so that they may locate housing to meet their needs. Reasonable search time will be defined by PCC but shall not be indefinite.

2.4 Improving Access to Services for Persons with Limited English Proficiency

PCC will comply with the Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published January 2007, 72 Federal Register 2733,2744) in addition to Executive Order 120 and take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

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

- The number of applicants and participants in the jurisdiction who do not speak English and speak a different language;
- The estimated cost to PCC, per client, of the translation of documents into other languages; and
- The availability of local organizations or City government staff to provide translation to non-English speaking families.

2.5 Violence Against Women Act (VAWA)

2.5.1 Terminating or Denying Assistance to Domestic Violence, Dating Violence, Sexual Assault or Stalking Victims and Offenders

The Violence Against Women Reauthorization Act of 2013 (VAWA) provides that “An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.” In this instance, HUD’s definition of a victim under VAWA pertains to those who are engaged in an intimate partnership with the accused.

PCC may exercise its authority to “terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.”

VAWA does not limit PCC’s authority to terminate or deny the assistance of any participant or applicant if PCC “can demonstrate an actual and imminent threat to other
tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance."

2.5.2 Definitions of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

In accordance with 24 CFR Part 5, Subpart L, below are definitions of key terms related to VAWA.

Domestic violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Dating violence: means violence committed by a person: 1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and 2.) where the existence of such a relationship shall be determined based on a consideration of the following factors: i.) the length of the relationship; ii) the type of the relationship; and iii) the frequency of interaction between the persons involved in the relationship.

Sexual assault: means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking: means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: 1) fear for the person’s individual safety or the safety of others; or 2) suffer substantial emotional distress.

2.5.3 Victim Documentation

When a participant family is facing termination of subsidy or an applicant family is facing denial of assistance because of the actions of a participant, household member, guest, or other person under the participant’s control and a participant or individual affiliated with the participant claims that she or he is the victim of such actions and that the actions are related to domestic violence, dating violence, sexual assault, or stalking, PCC will require the individual to submit documentation affirming that claim. An affiliated individual is a spouse, parent, brother, sister, or child of that individual or an individual to whom that individual stands in loco parentis, or any individual, tenant, or lawful occupant living in the household that individual.

PCC will accept one of three methods for certification of a claim:

- A completed HUD form 5382; and/or
- A federal, state, tribal or territorial or local police or court record; and/or
- Documentation signed and attested to by an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health
professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. Any third party documentation provided, must be countersigned by the participant or applicant providing documentation and must specify, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under § 5.2003.

The required certification and supporting documentation must be submitted to PCC within 14 calendar days after PCC issues its written request. The 14-day deadline may be extended at PCC’s discretion. PCC will hold the termination/denial action until the end of the deadline. PCC reserves the right to require additional documentation if the original documentation is not sufficient for PCC to make a determination of the request (ex: emergency move, transfer of voucher from head of household to family member). If the individual does not provide the required certification and supporting documentation within 14 calendar days, or the approved extension period, PCC may proceed with the original termination/denial of assistance reason.

2.5.4 Terminating or Denying Assistance to a Domestic Violence Offender

Although VAWA provides termination protection for victims of domestic violence, it does not provide protection for offenders. PCC may exercise its explicit authority to “terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against affiliated individual or other individual without terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.” This authority supersedes any local, state, or other federal law to the contrary. However, if PCC chooses to exercise this authority, PCC will follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance [Pub.L. 109-271]. PCC may similarly deny assistance to an applicant household with an offender.

When the actions of a participant, applicant, or other family member result in a decision to terminate the family’s assistance or deny assistance and another family member claims that the actions involve criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individuals, PCC will request that the victim submit the required certification and supporting documentation in accordance with the stated timeframe. If the victim submits the certification and supporting documentation within the required timeframe, or any approved extension period, PCC will terminate or deny the offender’s assistance. If the victim does not provide the certification and supporting documentation, as required, PCC will proceed with termination or denial of the entire family’s assistance.

If PCC can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if the participant’s tenancy is not terminated or the applicant’s subsidy is not denied, PCC will bypass the standard process and proceed with the immediate termination or denial of the family’s assistance.
2.5.5 Emergency Move and Portability Policy

PCC may provide a voucher and allow a move even if there is a violation of the lease. The move with continued assistance can be within Bridgeport or outside under portability procedures described in Chapter 14. If you are requesting to port you must have been residing in Bridgeport for a minimum of 1 year. Individuals qualifying as victims of domestic violence in accordance with 24 CFR Part 5, Subpart L are eligible for a VAWA Emergency Move if the following occurs:

- The tenant expresses that he or she does not feel safe; and
- The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains in the original unit; OR
- A sexual assault had occurred within a 90-day period prior to the request to transfer (if the tenant did not express a feeling of being threatened or in danger, but there is a documented instance of sexual assault within 90 days of the request, that would also qualify the tenant for transfer).

PCC’s Emergency Move Policy allows the tenant to request an emergency move if he or she is the head of household and provides documentation as described in section 2.5.3. If an affiliated individual of the household is the victim of domestic violence, dating violence, sexual assault, or stalking, then a discretionary administrative determination may be made by a program director. In cases where an affiliated individual is issued a voucher, PCC will only be able to transfer the subsidy from the prior head of household to the new one, PCC does not have the authority to split one voucher into two vouchers.

2.5.6 Confidentiality Requirements

All information provided to PCC regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence, assault or stalking, must be retained in confidence and may neither be entered into any shared data base nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

2.6 Promoting Deconcentration

To promote deconcentration of low-income families, PCC will encourage property owners outside of areas of minority or poverty concentration to participate in the HCV program.

Using data from the U.S. Census Bureau and PCC’s Housing and Vacancy Survey, the agency will obtain information on areas in its jurisdiction and neighboring jurisdictions that are not poverty or minority concentrated. This data will be organized by community or neighborhood boundaries for easier understanding by HCV clients. Once the areas of opportunity are identified, PCC will perform outreach activities to property owners to encourage them to participate in the program.
Examples may include:

- Placing advertisements in local or neighborhood-based newspapers;
- Coordinating with local real estate boards and organizations;
- Meeting with relevant community and business associations; or
- Meeting with elected officials to explain the benefits of the program and to seek outreach assistance.

Within the constraints of the Fair Market Rent-based system, PCC will make concerted efforts to coordinate outreach efforts in areas of non-minority/non-poverty concentration with community groups and/or organizations engaged in fair housing issues and community development activities.

Areas of poverty and minority concentration within and outside of PCC’s jurisdiction are outlined on a map of the city that is included in the briefing packet. A listing of high opportunity areas in neighboring jurisdictions will be provided at briefings.

At the voucher briefing, families are encouraged to search for housing outside areas of poverty and minority concentration areas. On occasion, PCC will investigate and analyze when voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration and will consider additional outreach strategies, including exception payment standards, to ameliorate the situation.
3 SPECIAL ADMISSIONS AND SET ASIDE VOUCHERS

3.1 Set Asides

From time to time, PCC may issue or set aside Vouchers for families other than those on the waiting list. Those Vouchers may include Tenant Protection, Pequonnock Relocation Vouchers for Low Income Public Housing Applicants and Father Panik Village Project-Based Vouchers for Low Income Public Housing Applicants, Enhanced Vouchers, HUD Homeless Study, FUSE, Substance Abuse and Mental Health Service Administration (SAMHSA), VASH Vouchers, and other Special Vouchers established by HUD. PCC will issue those Vouchers based on applicable regulations and/or instructions from HUD, Court Settlement Agreements and with outside Local, State or Federal entities. Qualified applicants for such Special Admissions for any specific program or preference may be issued a voucher without waiting on a “wait list”. These applicants may be referred to PCC through referrals from perspective agencies.

If PCC is awarding Project-Based Vouchers and families are occupying the unit at the time the Vouchers are awarded, these families or individuals will be eligible for continued occupancy provided they meet all the eligibility criteria for the PCC Program. These families will be referred to as “Tenants in Place”.

3.2 Special Admission Programs

PCC will assist families who do not qualify for other programs when HUD awards funding which targets certain categories of families. Special admission families will be admitted through a special process. They do not have to qualify for any local preferences, nor are they required to previously be on the HCV program’s single waiting list. PCC maintains separate records of these admissions. PCC will use such targeted funding in accordance with the conditions imposed when funds are awarded and accepted. Turnover vouchers (i.e., vouchers recycled when an existing participant leaves the program) for all below special admission programs will be converted to regular Housing Choice Vouchers and distributed to applicants in accordance with the agency’s regular selection policy.

The following special admission programs are administered by PCC:

3.2.1 Mainstream Vouchers

Mainstream vouchers enable non-elderly families having a person with disabilities to lease affordable private housing of their choice. PCC may accept new applicants for the Mainstream voucher program based on funding availability.
3.2.2 HUD Veterans Administration Supportive Housing (VASH) Program

HUD VASH vouchers enable veterans who are homeless as defined by the McKinney Vento Homeless Assistance Act. The Veterans Administration (VA) Medical centers in Connecticut designated to the Bridgeport area will determine program eligibility for households and refer eligible households to PCC. Turn-over vouchers are dedicated to house other VA referred eligible households. Unless waived by HUD regulations, the program will operate with similar procedures as the HCV program. HCV regulatory requirements modified for VASH program participants include, but are not limited to:

- Waiver of screening requirements for criminal background or debts owed to PHAs;
- Addition of VA case management compliance for continued eligibility in the program;
- VASH participants may port (transfer) outside of PCC’s jurisdiction only to another PHA where VA case management may be completed;
- VASH voucher holders have at least 120 days to search for a unit;
- In the case of a family break-up at any time during program participation and application, the VASH voucher will remain with the Veteran; and
- Extension of voucher term may require consent of HUD VASH Coordinators.

In addition to these modifications, PCC will coordinate closely with HUD VASH case managers as a means of providing reasonable accommodation in cases where there is a risk of termination from the program. PCC may accept new applicants for the VASH program based on funding and turn-over voucher availability. In accordance with program requirements and with HUD and VA approval, PCC may convert its allocation of VASH tenant based vouchers to project based vouchers.

PCC will administer a HUD VASH project based voucher program. This program will be administered as described in Chapter 21 of this Plan except for differences as outlined the Federal Register as published on 5/23/2012.
4 APPLICATIONS, WAITING LIST AND TENANT SELECTION

4.1 The Application Process

4.1.1 Outreach to Tenants

PCC will employ staff from different divisions within the agency, and work with management staff from various housing providers, and staff from other agencies to perform outreach to households that may qualify for one of the applicant Set Aside Programs identified in this plan. These intermediaries will assist families with completing their Housing Choice Voucher applications and facilitate the vouchering and leasing process for PCC.

Outreach will be a comprehensive effort that involves coordination with a variety of service providers, PCC case management staff, and print advertising. All outreach activities will be performed in English, Spanish, and other languages, as appropriate. PCC will provide reasonable accommodation for applicants with disabilities known to PCC who are unable to visit the office, such as home visits or phone briefings. PCC will only accept applications through PCC programs, and as designated by special projects.

4.1.2 Advertising

PCC will advertise the opening and closing of the waiting list as required by 24 CFR Part 982. These advertisements will be placed in English and Spanish language publications throughout PCC’s jurisdiction and will include an Equal Opportunity logo and non-discrimination statement in the advertising message. PCC will comply with the Notice of Guidance to Federal Assistance Recipients Regarding Title VI Prohibition Affecting Limited English Proficient Persons, published January 2007, 72 Federal Register (2733, 2744) in addition to Executive Order 120 and take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP). In determining whether it is feasible to provide translation of documents written in English into other languages, PCC will consider the following factors: a) The number of applicants and participants in the jurisdiction who do not speak English and speak a different language; b) The estimated cost to PCC, per client, of the translation of documents into other languages; and c) The availability of local organizations or City government staff to provide translation to non-English speaking families.

4.1.3 Service Provider Strategies

PCC will coordinate with a variety of homeless shelter administrators, non-profit and for profit housing providers, and community-based organizations to identify households who may qualify for Housing Choice Voucher assistance and to help with the application process and submission. PCC will conduct regular training sessions with service providers on application requirements.

4.1.4 Application Format

During periods when the wait for Housing Choice Voucher assistance is shorter than 12 months, PCC will require that applicants submit a full application and all supporting documentation in order to be placed on the waiting list. Alternately, PCC will institute a preliminary application process during periods when the wait for assistance is longer than 12 months.

Applications must contain the following information:
A completed PCC Housing Choice Voucher Application for Rental Assistance;
Proof of all income and assets in accordance with 24 CFR Part 5;
Proof of social security numbers for all members of the household;
Proof of age for all members of the household;
A signed declaration of citizenship or proof of eligible immigration status for every family member (PCC may request further documents in accordance with 24 CFR Part 5);
Documentation of allowable expenses in accordance with 24 CFR Part 5;
Release of Information Authorization (Federal Privacy Act Notice);
Debts Owed to Public Housing Agencies and Terminations form;
Notice of Consent;
Any other information that PCC deems necessary to determine program eligibility in conformance with applicable statute, regulation and HUD notices.

Additionally, applicants may submit an Optional Supplement to Application for Federally Assisted Housing Form.

If any applicant family misrepresents the information on which eligibility or tenant rent is established, PCC may deny assistance and may refer the family file or record to the PCC Inspector General for appropriate action.

4.1.5 Application Submission

4.1.5.1 Application by Lottery

When PCC determines that there are not enough applicants to fill anticipated openings in the HCV program, PCC will re-open the waiting list. Applicants will be placed on the waiting list by utilizing a random selection lottery process.

PCC will publicly announce the accepting of lottery applications. During this time, any family asking to be placed on the waiting list for the HCV program will be given the opportunity to complete a lottery application. Only one lottery ticket will be allowed per family and duplicate applications will be discarded.

Applicants will also be given the procedure for submitting the lottery applications as well as the deadline for returning them. Applicants will be informed that lottery applications received postmarked after the deadline date will not be included in the lottery.

The “drawing” will take place no later than 30 days from the closing of the lottery. PCC will select the number of lottery applications that were specified in the advertisement from the “drawing”. The “drawing” will be monitored by an individual, organization or agency designated by PCC.
Applicants whose names were drawn will be notified by regular mail informing them of their placement in the lottery. They will be organized on the waiting list by date and time the lottery was drawn. Applicants whose names were not drawn will be notified by regular mail.

4.1.5.2 Applications for Special Programs

Applications are submitted through the intermediaries in and as designated by special projects. For all incomplete applications a letter outlining the missing items and a deadline by which the items must be returned to complete their application.

4.2 Waiting List

4.2.1 Waiting List Organization and Management

When a complete application is submitted to PCC it establishes the family’s date and time of application for placement order on the waiting list. While a family is on the waiting list, the family must immediately inform PCC of changes in contact information, including current residence, mailing address and phone number and change in preference status, family composition and income.

PCC will maintain a single waiting list for the tenant-based program, and single waiting lists for projects using project-based vouchers. PCC will offer all applicants for tenant-based voucher assistance the opportunity to be placed on the PBV waiting list at the time of application. Criteria for occupancy of particular units will be established based on the services provided by the development.

An applicant does not have any right or entitlement to be listed on PCC’s waiting list, to any particular position on the waiting list, or to admission to the program. Applications received which PCC determines unqualified for a program in which application was submitted under will not be placed on the waiting list. Applicants will be notified in writing of their denials of assistance. Families have the right to have the decision reviewed if they make the requests in a timely manner and provide evidence of their qualification for a program category. PCC may also deny admission to the waiting list due to an action or inaction by any family member, as permitted by federal regulation, such as violent drug-related criminal activity.

The PCC may mail waiting list update forms to applicants periodically. Failure to respond to a waiting list update by a stated due date will result in an applicant being withdrawn from the waiting list. Applicants pulled from the waiting list will be contacted by mail to attend an eligibility appointment with PCC. If an applicant fails to attend two scheduled appointments, they will be removed from the waiting list. If any waiting list update request or eligibility appointment is returned by the U.S. Postal Service, the applicant will be withdrawn from the waiting list.

4.3 Preferences

The following system of Preferences will be used for new admissions. PCC will select families in order of the following preferences:

A. Homeless
B. Disabled/Elderly
C. Working Families
D. No Preference.

4.3.1 Priority Categories

Special Purpose Vouchers: PCC will admit an Applicant who qualifies for a particular category of Special Purpose Vouchers to the Section 8 program before all other Applicants on the waiting list if PCC is not currently assisting those special purpose vouchers.

Set Asides

From time to time, PCC may issue or set aside Vouchers for families other than those on the waiting list. Those Vouchers may include Tenant Protection, Pequonnock Relocation Vouchers (60) for Low Income Public Housing Applicants and Father Panik Village Project-Based Vouchers for Low Income Public Housing Applicants (245), Enhanced Vouchers, HUD Homeless Study (15), FUSE (10), Substance Abuse and Mental Health Service Administration (SAMHSA) (150), VASH Vouchers (15) and other Special Vouchers established by HUD. PCC will issue those Vouchers based on applicable regulations and/or instructions from HUD, Court Settlement Agreements and with outside Local, State or Federal entities. Qualified applicants for such Special Admissions for any specific program or preference may be issued a voucher without waiting on a “wait list”. These applicants may be referred to PCC through referrals from perspective agencies.

Referral letter from agency must be submitted as verification to keep on file.

If PCC is awarding Project-Based Vouchers and families are occupying the unit at the time the Vouchers are awarded, these families or individuals will be eligible for continued occupancy provided they meet all of the eligibility criteria for the PCC Program. These families will be referred to as “Tenants in Place”.

4.3.2 Preferences Definitions

Homelessness: A Household lacks a fixed, regular and adequate nighttime habitation and the primary nighttime dwelling is one of the following:

- A supervised public or private shelter designed to provide temporary living accommodations (includes welfare hotels, congregate shelters, transitional housing and rapid re-housing);
- A public or private place not designed for, or ordinarily used as, a regular sleeping place for human beings;
- The above criteria may be waived if an applicant or a member of his or her household is suffering from a severe condition or a disability which precludes this person from residing in a public or private shelter. (i) For purposes of this section, PCC will consider a person’s condition as severe when medical treatment cannot be provided in a shelter environment due to the high risk of endangering the health of the individual or exacerbating the condition as verified by a medical provider.

* Note: Persons living with tenants in private or subsidized housing DO NOT qualify as homeless, except for those applicants described in category above.
Family: PCC follows the HUD definition of family and includes the following: regardless of actual or perceived sexual orientation, gender identity, or marital status: (1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or (2) A group of persons residing together, and such group includes, but is not limited to:

(i) 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);

(ii) An elderly family;

(iii) A near-elderly family;

(iv) A disabled family;

For the age or disability portion: The applicant must provide evidence of their age (62 or older), or disability status through documentation such as is required for granting the disability deduction in the income calculation section of the Section 8 Assistance program. Documentation should be in the form of PCC’s disability certification from a medical or social services provider.

Other acceptable documentation of disability status may be SSI or SSD award letters or other similar documentation. This certification must indicate that the individual meets the HUD definition of a person with disabilities as contained in 24CFR403. The definition is: A person who complies with any one of the following: 1. Has a disability, as defined in 42 U.S.C. 423 OR 2. Is determined to have a physical, mental, or emotional impairment that: a. Is expected to be of a long-continued and indefinite duration; b. Substantially impedes his/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 3. Has a developmental disability as defined in 42 U.S.C. 6001 For purposes of housing assistance eligibility, a person with disabilities does not exclude persons who have the disease of acquired immunodeficiency syndrome or any condition from the etiologic agent for acquired immunodeficiency syndrome. The definition does not include a person whose disability is based solely on any drug or alcohol dependence. The age or disability criteria are applied to the Head or Co-Head only.

Working Families Preference- A Family where the Head of Household or other adult member is employed full time and who has been employed for the last six months. Full time is defined as working at least 32 hours a week.

An Applicant shall be given the benefit of the Working Family preference if both the head and spouse are age 62 or older; or sole member is age 62 or older or head, spouse, or sole member is a Disabled Person.

Verification Requirements: (i) Verification from employer that Family meets the definition of a working Family.

No Preference An applicant family unable to list any preference category
4.3.3 Verification of Priority or Preference Status

PCC will provide to each potential Applicant a description of all Preferences that may be available. PCC will verify the Priority/Preference during the application process as part of the determination of eligibility.

4.3.4 Multiple Families in the Same Household

Households consisting of two families living together will be treated as one household if they apply as one family unit.

4.3.5 Split Households Prior to Subsidy Start

Prior to receiving subsidy, when an applicant family splits into two otherwise eligible families due to divorce or separation, and the new families both claim rights to apply for subsidy, PCC will decide who shall retain the right to apply for the subsidy (unless there is a court determination) based on factors including but not limited to:

- Which family member applied as head of household;
- Which family unit retains the children or any disabled or elderly members;
- Restrictions that were in place at the time the family applied;
- Role of domestic violence in the split;
- The role of criminal activity or incarceration; and
- Recommendations of social service agencies or qualified professionals such as child protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied assistance for failure to supply information requested by PCC.

4.3.6 Opening and Closing the Waiting List

Applications for Housing Choice Voucher assistance will be accepted onto the waiting list unless PCC has determined that it has a sufficient number of applicants on the waiting list to utilize the amount of available funding.

PCC will close the waiting list if staff makes a determination that new applicants would be unable to receive assistance within a reasonable period of time (usually 12 months). Any opening and closing of the waiting list will be advertised in English and Spanish language publications throughout PCC’s jurisdiction.

Based on a periodic assessment of waiting list size and local need, PCC may elect to open or close the waiting list for applicants who qualify for specific program categories. In such instances, PCC may elect to accept applications only from applicants who qualify for specific local program categories.

If examination of voucher utilization, availability of existing funds, and anticipated future funding warrants re-opening of a closed waiting list, PCC will advertise the re-opening
for any specific time period that is required to utilize the existing and anticipated future supply of vouchers.

4.3.7 Removal of Applicants from the Waiting List

Applicants who are deemed ineligible for program participation will be removed from the waiting list, including those who may have initially qualified for a Program category but subsequently changed their circumstances and no longer meet any of PCC’s program categories.

Consistent with the requirements of 24 CFR 982.554, PCC will give an applicant written notice of any decision denying assistance as soon as the final determination of eligibility is completed. The notice will include the reason for the denial of eligibility and allow the family to request an informal review of the decision. Any such request must be in writing and received by PCC within 15 calendar days from the date of the notice. In addition, applicants who do not respond to periodic written requests from PCC for updated household information will be removed from the waiting list. Households will also be removed from the waiting list if letters from PCC are returned as undeliverable.

4.4 Selection of Applicants from the Waiting List

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with PCC’s hierarchy of preferences, if applicable. Within each targeted funding or preference category, families will be selected on a first-come, first-served basis according to the date and time their complete application is received by PCC or by their Lottery position number. If a higher placed family on the waiting list is not qualified or not interested in targeted funding, there will be a notation maintained so that PCC does not have to ask higher placed families each time targeted selections are made.

It is PCC’s objective to ensure that families are placed in the proper order on the waiting list and selected from the waiting list for admission in accordance with the policies in this administrative plan. The method for selecting applicants described in this plan will leave a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in this plan.

PCC will maintain documentation in the system of record and/or case file that indicates and verifies any preference claimed by an applicant selected from the waiting list. This documentation shall be considered sufficient justification for waiting list placement and voucher selection.

4.5 Maintaining the Waitlist

PCC will update its waiting list (including any active PBV waiting lists) periodically to ensure that the pool of applicants reasonably represents families still actively interested in Section 8 HCV assistance. Updating will entail requests for information from
households on the waiting list and will enable PCC to keep current household information regarding address, family composition, income category. When updating the waiting list:
• PCC will save an electronic non-editable copy of the pre-updated waiting list; and
• PCC will request updated information by mail.

Before removing an applicant from the waiting list due to the applicant's failure to respond to the initial contact letter within thirty (30) calendar days, a second letter will be mailed to the applicant. If the applicant does not respond to the second notice within fifteen (15) calendar days, the name of the applicant will be removed from the waiting list. PCC will mail waiting list update letters to applicants periodically. The letter will:
• Include the name and address of the head of household;
• Advise the family to provide PCC with updated contact information in writing;
• Advise that the family will be removed from the waiting list if they cannot be reached at the address on file for the family or if they fail to provide an update;
• Indicate that the purpose of the contact is:
  o To determine applicant interest in remaining on the waiting list; and
  o To offer the family an opportunity to update any information previously provided to PCC; and require the applicant to provide return correspondence indicating their wish to remain or be removed from the wait list. However, if a letter is returned by the Post Office with a forwarding address, PCC will update the information on file and re-mail the letter to the new address. In such cases, an applicant's name will not be removed from the active waiting list and determined ineligible unless the applicant fails to respond to this notice. If an applicant notifies PCC within a year of being removed from the waitlist and provides appropriate documentation of extenuating circumstances, PCC can use its discretion to restore the family to the waitlist.

In addition, if Form HUD-92006, “Supplement to Application for Federally Assisted Housing” has been completed, PCC will notify the contact person or organization provided by the applicant (see section of form entitled “Reason for Contact”) before removing the applicant's name from the active waiting list.
5 ELIGIBILITY

Upon receipt of an application, PCC determines eligibility for the program by verifying factors required by federal law and regulation. The HUD eligibility criteria are summarized as follows:

- An applicant must meet the definition of “family;”
- An applicant must be within the appropriate income limits;
- At least one member of the applicant family must meet the documentation requirements of citizenship or eligible immigration status;
- An applicant must furnish social security numbers for all family members who claim citizenship or eligible immigration status; and
- Members of the applicant household must not currently or in the past have engaged in activities prohibited by HUD pursuant to 24 CFR 982.553, which describes the requirements for mandatory denial of assistance (See Chapter 15: Denials and Terminations).

5.1 Family

To be eligible for HCV assistance, an applicant must qualify as a “family” pursuant to the table definitions below. Each family must identify all of the individuals who are included in the family at the time of application. Changes in family composition must be updated at the time of annual recertification or within 30 days of the change, whichever is sooner.

Under the HCV program, a “household” may include additional non-family members such as live-in aides, foster children and foster adults, provided that PCC has approved these additional non-family members.

5.1.1 Definitions of Family and Household Members

<table>
<thead>
<tr>
<th>Family</th>
<th>A single person or a group of two or more persons with or without children who maintain an interdependent relationship (see definition of interdependence following this table) and whose income and resources are available to meet the family’s needs. Families must declare or document as necessary a stable family relationship or have a history as a family unit. Family includes the above regardless of actual or perceived sexual orientation, gender identity, or marital status. A family may also include a live-in aide as part of the household under the provisions described below.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family Members</td>
<td>A husband, wife, son, daughter, unborn child (pregnancy must be documented), stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, nephew, niece, uncle, aunt, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law or any other family member or person for whom the head of household can prove legal guardianship or a relationship based on dependency, blood, marriage or domestic partnership. This includes spouses in same-sex marriages performed in and recognized by any other city, state, or country that issues marriage licenses to same-sex couples.</td>
</tr>
<tr>
<td>Head of Household</td>
<td>The Head of Household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for</td>
</tr>
</tbody>
</table>
paying the rent, and has the legal capacity to enter into a lease under State and local law. Emancipated minors who qualify under State law will be recognized as head of household.

<table>
<thead>
<tr>
<th>Spouse of Head of Household</th>
<th>Spouse means the husband or wife of the Head of Household. The definition includes the partner in a marriage or domestic partnership recognized within or outside of this jurisdiction. The term “spouse” does not apply to boyfriends, girlfriends, significant others, or co-heads.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Co-Head</td>
<td>A co-head is an individual in the household who is equally responsible for the lease with the head of household. A family may have a spouse or a co-head, but not both. A co-head never qualifies as a dependent.</td>
</tr>
<tr>
<td>Domestic Partner of Head of Household</td>
<td>Domestic partner means the same or opposite sex partner of the head of household. To document a domestic partnership, couples must provide an original Certificate of Domestic Partnership. Domestic partnerships, civil unions, same-sex domestic partnerships, and same-sex marriages legally entered into in other cities, states or countries will be honored if original valid legal documentation is presented at time of application.</td>
</tr>
<tr>
<td>Elderly Family</td>
<td>A family whose head, co-head, spouse, or sole member is at least 62 years of age. It may include two or more persons, each of whom are at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.</td>
</tr>
<tr>
<td>Disabled Family</td>
<td>A family whose head, co-head, spouse or sole member is a person with disabilities; two or more persons with disabilities; or one or more persons with disabilities with one or more live-in aides (see definition of disability below).</td>
</tr>
<tr>
<td>Displaced Family</td>
<td>A family in which each member or the sole member is a person displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized by federal disaster relief laws.</td>
</tr>
<tr>
<td>Remaining Member</td>
<td>A family member of an assisted tenant family who remains in the unit when other members of the family have left the unit. To be considered the remaining family member of the family, the person must be a member of the family in the current certification of the family composition during the family's participation in the program, and previously approved by PCC to live in the unit. While a live-in aide can be part of the household, the aide is not considered a member of the family and is not considered a remaining member. The member of the family must have resided in the assisted unit for at least 180 days to be considered the remaining member. In order for a minor child to continue to receive assistance as a remaining family member, the child must have been awarded emancipated minor status by a court of law. Remaining family member status may be given to a person who gains legal custody of a minor remaining who has not been awarded an emancipated status as long as the legal custodian meets all eligibility requirements.</td>
</tr>
</tbody>
</table>
5.1.2 Verifying Interdependence

Although no single factor will be determinative, evidence that PCC will consider in determining whether such emotional and financial commitment and interdependence exists may include, without limitation, the factors listed below:

- Longevity of the relationship
- Sharing of or relying upon each other for payment of household or family expenses, and/or other common necessities of life;
- Intermingling of finances as evidenced by, among other things, joint ownership of bank accounts, personal and real property, credit cards, loan obligations, sharing a household budget for purposes of receiving government benefits;
- Engaging in family type activities by jointly attending family functions, holidays and celebrations, social and recreational activities, etc.;
- Formalizing of legal obligations, intentions and responsibilities to each other;
- Regularly performing family functions, such as caring for each other or each other’s extended family members, and/or relying upon each other for daily family services;
- Engaging in other patterns of behavior or other action, which evidences the intention of creating a long-term, emotionally committed relationship; and
- Filing for a domestic partner registration certificate under Connecticut law.

5.1.3 Disability

In accordance with 42 U.S.C. Section 423, a disabled person is defined as a person with a physical, mental or emotional impairment that: is expected to be of long-term and indefinite duration; substantially impedes his or her ability to live independently; is of such a nature that the ability to live independently could be improved by more suitable housing conditions; and limits major life activities.

Disability claims must be verified by a knowledgeable professional source that the person meets these criteria (see Chapter 6: Verification).

5.3

5.3.1 Family Break-Up

Participant families who separate while being assisted under the Housing Choice Voucher Program will be assessed on a case-by-case basis to determine which family members remain assisted under the program. Generally, the assistance will remain with the household member who assumes the lease of the contract unit. PCC will give consideration to the household members who retain custody of the children, the interests of ill, elderly or disabled household members, and to actual or threatened physical violence against the household members by a spouse or other member of the household. If neither a parent nor a designated guardian remains in a household receiving HCV assistance, the PCC will take the following actions:

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

(2) If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker’s role is temporary. Requests for an extension must be submitted in writing along with the supporting documentation. In such cases, the PCC may extend the caretaker’s status as an eligible visitor for a period not to exceed an additional 90 days. After this period, the caretaker will be considered for eligibility to be added as a family member and his/her income will be included.

(3) At any time that custody or guardianship legally has been awarded to a caretaker after an eligibility screening, the housing choice voucher will be transferred to the caretaker.

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

If exceptional circumstances exist concerning the remaining member of a tenant family, a discretionary administrative determination may be made by the authorized staff member on a case-by-case basis.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, PCC is bound by the court's determination of which family members continue to receive assistance in the program.

If the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), the PCC will ensure that the victim retains assistance.

5.3.2 Joint/Partial Custody of a Child or Children at Application

Children who are 17 years old or under who are subject to a joint custody agreement but live in the unit more than 50% of the time (defined as 183 cumulative days of the year) will be considered family members. Applicants will be required to provide legal custody agreements at the time of application to prove the residency status of the child(ren). If a legal agreement does not exist, the applicant will be required to prove custody through other forms of documentation such as:

- Notarized statements from both parents; or
- Notarized statement from at least one parent and letters from social service providers or a government agency that state that child(ren) reside(s) with the head of household more than 50% of the time;
When both parents are on the waiting list separately and both try to claim the child as a dependent, the parent whose tax return statement claims the child as a dependent will be able to list the child as a dependent on his/her voucher.

5.3.3 Joint/Partial Custody of a Child or Children after Admission

After admission to the program, additions to family composition for children 17 years old or younger must have legal custody agreements to prove residency status to add the children to the household. Children will be considered members of the household only if there is a joint or partial custody agreement that indicates residence in the assisted unit more than 50% of the time (defined as 183 cumulative days of the year). Affected participants are required to notify PCC at the time of family composition change and must provide legal custody agreements at the time legal documents are finalized.

In cases of divorce or separation when both parents are seeking to maintain the Housing Choice Voucher, and both try to claim the child as a dependent, the designated head of household will maintain voucher until legal custody documents establish residence. If a legal agreement does not exist, residence of minor children may be established through other forms of documentation such as:

- Notarized statements from both parents; or
- Notarized statement from at least one parent and letters from social service providers or a government agency that state that child(ren) reside(s) with the head of household more than 50% of the time;

PCC reserves the right to require documentation of legal custody.

5.3.4 Live-in Aides and Attendants

A family may include a live-in aide provided that the aide is determined by PCC to be essential to the care and well-being of an elderly person, a near-elderly person, or a person with disabilities; not be obligated for the support of the person(s); and would not be living in the unit except to provide care for the person(s). The definition of live-in aide applies to a specific person. Written verification of such (including the hours the care needs to be provided) is required from a reliable, knowledgeable professional such as a doctor or licensed social worker. Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide description described above.

A live-in aide is treated differently than family members insofar as:

- Income of the live-in aide is not counted in determining eligibility or level of benefits;
- Live-in aides are not subject to non-citizen rule requirements; and
- Live-in aides may not be considered as a remaining member of the family.
PCC will approve a live-in aide as a reasonable accommodation to make the program accessible to and usable by family members with disabilities. Approval of a live-in aide for reasonable accommodation will be in accordance with 24 CFR Part 8. PCC will approve one additional bedroom for a live-in aide.

5.3.5 Family Absence from the Unit

Absence from the unit is defined as the entire family not residing in the unit. One or more absent family members is not considered an “Absence from the Unit.”

An entire family may not be absent from the assisted unit for a period of more than 90 consecutive days per year. After 90 consecutive days of absence, assistance may be terminated unless the family presents proof of intent to return to the dwelling within 120 days of departure, and documents that no alternate residence is being maintained. The family may be absent up to a maximum of 180 days only for documented medical reasons. Absences of 90 days or more accompanied by a failure to pay rent or utilities for the whole duration of the absence may result in termination.

Any family member will be considered permanently absent from the unit if they are away for more than 90 consecutive days except where noted below, and the Head of Household is required to notify PCC of their absence. After PCC is informed of and verifies a family member’s permanent absence, which they may do by performing an occupancy inspection, that family member’s income will not be counted in the household’s income determination. Any member that leaves the household due to medical conditions will be permitted to be absent from the unit for a period of up to 180 consecutive days. Family members must be able to provide proper documentation from a verifiable source that the member is likely to return to the unit within this timeframe.

A child who is temporarily (less than 90 consecutive days) away from home due to placement in foster care or another non-permanent situation may be considered a member of the family. If a family member is over the age of 18 and is a full-time student attending school away from home, the student will continue to be considered a family member unless the family declares that the student’s absence is not temporary. Family members serving in the armed forces, children in joint custody, and foster children may be granted exceptions to the definition of temporary absence.

5.3.6 Continual Assistance

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 Housing Choice Voucher program. PCC will consider a family to be continually assisted if an interruption in assistance under any 1937 Housing Act program occurs for a maximum period of 60 days.

5.4 Income

5.4.1 Income Limits at Admission

Household income at the time of initial eligibility determination and admission shall not exceed 50% of the Area Median Income except in the case of enhanced vouchers,
tenants in certain government-assisted projects, and other special circumstances, as described below. Annual income will be determined in accordance with 24 CFR Part 5 and includes all amounts, monetary or not, that go to or are on behalf of, the family head or spouse (even if temporarily absent) or to any other family member, or all amounts anticipated to be received from a source outside the family, and assisting the family, during the 12-month period following admission or annual reexamination date. Families must provide verification of income any time prior to annual recertification as requested by PCC.

5.4.2 Adjustments to Income

5.4.2.1 Medical Expenses

Deductions from income for medical expenses are allowed for all family members in households whose head or spouse is elderly or disabled. Families who claim medical expenses will be required to submit a written certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. Medical expenses are defined as indicated in the IRS Publication 502. If a family has medical expenses and no disability assistance expenses, the allowable medical expense is that portion of total medical expenses that exceeds 3% of annual income.

5.4.2.2 Childcare Expenses

A childcare expense may be deducted from income for the care of a child age 12 or younger when it allows an adult family member to be employed, to actively seek employment, or to further his/her education. Childcare expenses deducted to permit employment must be reasonable and may not exceed the amount of employment income that is included in annual income.

5.4.2.3 Disability Assistance Expenses

Allowable disability assistance expenses include only those costs associated with attendant care or auxiliary apparatus (e.g., wheelchair, medical equipment, etc.) for a disabled member of the family, which allow an adult family member to be employed outside of the home. The amount deducted is equal to the amount by which the cost of the care attendant or auxiliary apparatus exceeds 3% of gross income.

5.4.2.4 Income from Full-time Students

In accordance with HUD, PCC will not include in annual income the earnings in excess of $480 for each full-time student 18 years and older, excepting the head of household or spouse/partner. However, financial aid amounts exceeding tuition must be included in annual income with the exception of financial aid paid to a student over 23 with dependent children, or to a full-time student residing with his or her parents. For the purposes of the Housing Choice Voucher program, “full-time” students are defined as
those students who can document that they are considered as attending full-time at their institution or school PCC reserves the right to request documentation of enrollment.

5.4.2.5 Reporting Minimal or No Income

There is no minimum income requirement. However, staff must use good interviewing and investigative skills, including the HUD Enterprise Income Verification system when available, to determine whether an applicant actually has income but is not fully reporting it. For any family reporting minimal or no income (defined as less than $2,000 gross income annually), the Head of Household will be required to complete a Statement of Income and Expenses documenting the family’s regular living expenses (such as food and shelter) and the source of revenue for each expense. In addition, PCC requires families claiming minimal or no income to produce an IRS Tax Return Transcript or IRS Verification of Non-Filing Letter. PCC also reserves the right to require submission of the Statement of Income and Expenses by the Head of Household if the family’s income is deemed unreasonably low to cover basic needs based on family size. Failure to provide such information will be grounds for denial or termination of assistance. PCC reserves the right to require non-elderly, non-disabled participants who claim zero income, or an amount deemed unreasonably low to cover basic needs based on family size, to recertify at PCC’s discretion.

5.4.2.6 Income of Temporarily Absent Family Members

Income of family members who are temporarily absent is counted except for full-time students who have documented their absence from the family. This includes the income (pay and allowances) of family members serving in the military except for hazardous duty pay when exposed to hostile fire.

5.4.2.7 Averaging Income

There are two ways to calculate income that is not received for a full year:
- Calculating projected annual income by annualizing current income (and subsequently conducting an interim reexamination if income changes); or
- Using information available to average anticipated income from all known sources when the sources are expected to change during the year.

PCC will generally use the method of annualizing income to determine income that is not received for a full year.

5.4.2.8 Rounding of Income and Deductions

Generally PCC will round to the nearest whole dollar at the final calculation for each income/deduction source.

PCC will round as follows for the following income and deductions:
Social Security Income: When income is verified through EIV, PCC will use the amount listed in EIV. PCC will use the income even though the full monthly benefit is rounded down before any deductions and then annualizing that monthly benefit. This methodology will be applied to all SS benefits whether or not there are any deductions applied. For example if the full monthly benefit is $754.90 and the monthly medical insurance premium is $77.90, annual income is: $754.00 x 12 = $9,048. In instances where the family disputes EIV reported SS or SSI benefits or when EIV is data is not available, PCC will use the full amount listed on the SSA Proof of Income Letter and round the final result of the calculation once annualized.

Other Income/Deduction Sources which include direction on rounding: Where the income/deduction verification document has direction on rounding of income/deductions, PCC will follow the direction on the verification document to calculate annual income and/or deductions.

Income/Deduction Sources with NO direction on rounding: If the income/benefit/deduction verification document does not include any direction concerning rounding, PCC will calculate income/benefit/deductions by annualizing the entire weekly, bi-weekly or monthly income/benefit/deduction. Once the annual amount is calculated, PCC will round to the nearest whole dollar. For example, if the weekly income is $500.20, annual income is $500.20 x 52 = $26,010.4, which is rounded to $26,010.

5.4.2.9 Assets Disposed of for Less than Fair Market Value

At initial eligibility and annual recertification, PCC will determine whether an applicant or participant family has disposed of an asset for less than fair market value within the past two years. In such an instance, PCC may assign the fair market value to the asset. As permitted by regulation, PCC may adopt a minimum threshold to ignore small amounts that would not be counted toward income.

5.4.2.10 Earned Income Disallowance

Pursuant to 24 CFR 5.617, PCC will disallow the increase in annual income provided by the regulations covering the self-sufficiency incentive for disabled families. The disallowance of increases in income as a result of employment of persons with disabilities will not apply for purposes of admission to the program.

5.5 Income Targeting

At a minimum, 75% of families admitted to the HCV program in Bridgeport during any fiscal year will be families whose annual income do not exceed the higher of 30% of the area median income as defined by HUD or the Federal poverty level. HUD will treat multiple PHAs serving one jurisdiction as a single PHA for income targeting purposes. Families admitted to the HCV program as a result of a housing conversion action are not
subject to the income targeting requirements and their admission is not counted in
determining whether PCC is complying with the income-targeting requirement.

With HUD approval, and in accordance with 24 CFR Part 982, PCC may elect to admit a
greater percentage of families with incomes above 30% of the area median income.

5.6 Citizenship/Eligible Immigration Status

In order to receive assistance, at least one family member must be a U.S. citizen or
eligible immigrant. Eligible immigrants are persons who are in one of the immigrant
categories as specified by HUD in 24 CFR Part 5. For the citizenship/eligible immigration
requirement, the status of each member of the family is considered individually before
the family's status is defined. Families that include eligible and ineligible individuals are
called “mixed.” Such applicant families will be given notice that their assistance will be
pro-rated and that they may request an informal review if they contest this determination.

Individuals who are neither citizens nor eligible immigrants may elect to contest PCC’s
determination of their status. For citizenship and eligible immigration status eligibility
requirements only, the applicant is entitled to an informal hearing, instead of an informal
review.

5.7 Mandatory Social Security Numbers

Families are required to provide verification of Social Security numbers (SSN) for all
family members claiming citizenship or eligible immigration status prior to admission.
This requirement also applies to persons joining the family after admission to the
program. Failure to furnish verification of Social Security numbers is grounds for denial
or termination of assistance.

Children under six years old who have not been issued an SSN and applicants of the
Moderate Rehabilitation Single Room Occupancy (SRO) program will be granted 90
days to furnish an SSN.

Applicants without Social Security cards may provide other acceptable government
forms of documentation that identify the Social Security number including unemployment
benefit letters and Social Security award letters.

6.1 Privacy Rights

Applicants and participants, including all adults in their households, are required to
sign form HUD 9886 -Authorization for the Release of Information and Notice of
Consent. These documents incorporate the Federal Privacy Act Statement and
describe the conditions under which HUD/PCC will release family information. PCC’s
policy regarding the release of information is in accordance with state and local laws,
which may restrict the release of family information.
PCC’s practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location, which is only accessible by authorized staff. Access to information stored electronically will be limited to PCC employees with proper authorization.

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

7.1 Third Party Verification

Before an applicant is issued a voucher, and at subsequent recertifications, PCC must verify all information that is used to establish the family’s eligibility and level of assistance and is required to obtain the family’s consent to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. PCC will not pass on the cost of verification to the family.

Third party verification is considered to be the most effective means of verifying information provided by the family. PCC will include verification forms in the recertification package with a request for return by the appropriate third party within 14 calendar days. Third party verification forms may not be returned to PCC via hand-delivery by the family, except in the case of computer printouts from other government agencies, as noted below. PCC will use any source available for verifying income, including inquiries with the Internal Revenue Service (IRS). Each client file contains a record of the documentation that has been provided. Verification of eligibility items may not be more than 60 days old from time of receipt by PCC to the voucher issuance date.

Any documents used for verification must be the original (PCC will keep photocopies and return the originals). The documents must not be damaged, altered or in any way illegible.

In the event that third party written verification cannot be obtained, staff will document the file accordingly and obtain oral verification via a telephone call or in-person meeting. When third party oral verification is used, staff will complete a form to be included in the case file noting the source’s name, date and time of the conversation and the information provided. In the event that third party oral verification cannot be obtained, PCC will either review submitted documents or accept a certification/self-declaration (notarized statement) from the applicant of the reported information. If third party verification is received after documents have been accepted as provisional verification, and there is a discrepancy, PCC will use the third party verification.

PCC will also accept as third party verification computer printouts, computer matching or digital images provided from other government agencies. Such sources include but are not limited to: The Social Security Administration, Veterans Administration, the U.S. Department of Housing and Urban Development, Connecticut Department of Labor, and the Connecticut State Department of Children and Families. PCC will accept computer printouts from these agencies.

PCC may also accept as third party verification computer printouts, computer matching or digital images provided from trustworthy non-governmental sources, such as companies that provide employment verification services under contract for a participant’s employer.

PCC reserves the right to adopt the streamlining policies outlined in PIH notice 2016-05 with regard to participants with fixed income and assets under $5,000.

PCC reserves the right to request additional documentation as necessary.
7.2 Age of Verification Documents

7.2.1 Age of Documents When They Are Received by PCC at Application

PCC’s practice is to require that verification documents be dated within 60 days from the date they are submitted to PCC. Older documents may be used when and if they represent the most recent scheduled report, e.g., annual or semi-annual pension reports or other such items that are not provided more than once every two months.

7.2.2 Admission - Regulatory Requirement

The timing of verification is critical at admission. Income, asset, medical and expense verification documents must be dated within 60 days of the date a voucher is issued. Therefore, if more than 60 days has elapsed between the date of verification and the issuance of a voucher for initial admission, the item must be re-verified. Older documents may be used when and if they represent the most recent scheduled report, e.g., annual or semi-annual pension reports.

7.2.3 Recertification

Verification documents are usable for calculation purposes for 120 days from the time they are received in the office until the effective date of the recertification. They must be dated within 60 days of the date they are provided to PCC. PCC will accept documents dated up to six months before the effective date of the family’s reexamination if the document represents the most recent scheduled report from a source. For example, if the holder of a pension annuity only provides semi-annual reports, PCC would accept the most recent report.

7.3 Verification Factors and Required Documentation

PCC verifies household composition, family income and assets, citizenship/eligible immigration status, factors allowing a local preference, and other items relating to
program eligibility before an applicant is issued a voucher. The verification standards used by the PCC to determine household composition and annual income are not unduly restrictive, but still minimize the potential for fraud and program abuse. PCC will adhere to HUD guidelines for all acceptable forms of verification.

For applicants, verification of U.S. citizenship/eligible immigration status occurs at the same time as verification of other factors of eligibility. Upon request, PCC will grant an extension of 60 days for families to submit evidence of eligible immigrant status prior to removing the family from the waiting list.

7.4 Enterprise Income Verification

PCC uses the Enterprise Income Verification (EIV) system to verify income reported by tenants in assisted housing programs. The EIV system compares tenant income data obtained from various sources, including tenant-supplied information recorded on Form HUD-50058, wage information from the National Directory of New Hires, and Social Security and Supplemental Security Income from the Social Security Administration. The HUD Office of Public and Indian Housing (PIH) is responsible for administering and maintaining the EIV system.

At admission and when adding a member to the household, PCC will also use EIV to review reports related to:

- **Existing tenants**- To determine if a tenant is receiving subsidy in another housing program. Federal regulations prohibit individuals from receiving rental assistance if they are receiving another housing subsidy (24 CFR 982.551). See also page 7-2, under “Family Obligations.”

- **Prior debts owed to another PHA**- To determine if a tenant owes money to another PHA and is therefore ineligible for assistance from PCC. If applicants owe PCC or another PHA any debt, they will be denied assistance. Those with repayment agreements will be denied until any debt owed is fully satisfied.

- **Adverse Termination from another PHA**- To determine if a tenant was terminated from another housing program for a reason that would make him/her ineligible to receive assistance from PCC. Adverse termination reasons of Criminal Activity – Drugs, Criminal Activity – Sex Offender and Failure to Report Income are reasons that may lead to denial of subsidy.

At the end of participation of an assisted family, PCC will use EIV to enter the reason for termination of subsidy if it is for any reason other than the tenant voluntarily giving up subsidy or no longer experiencing rent hardship (tenant share equals contract rent).

7.4.1 Authorization

Signed Form HUD-9886 or PCC’s Authorization for the Release of Information / Privacy Act Notice (Alternative to Form HUD-9886) authorizes PCC to obtain and verify income information from various sources, including current and former employers, state
agencies, and the Social Security Administration. PCC may use income verification information at new admission, interim recertification, annual recertification, or at any other time it deems appropriate. Information obtained through third party verification is protected under the Privacy Act.

### 7.4.2 Security

PCC will designate a security officer to monitor the EIV system. The security officer’s responsibilities include:

- Maintaining a record of users with approved access
- Recording and monitoring security issues
- Enforcing security procedures
- Conducting quarterly reviews of all user IDs
- Revoking or modifying access rights as appropriate
- Reporting evidence of unauthorized access or security breaches.

All PCC employees will be trained in EIV security policies and procedures before receiving access to EIV information. In addition, PCC staff will complete Annual Security Awareness training and EIV system training (initial system training) and update (interim system changes) training when offered by HUD Headquarters (HHQ). EIV access will be limited to PCC staff whose duties require access to EIV information. PCC will maintain a record of all approved users. Users who no longer require access will have their access rights revoked. The security officer will conduct periodic reviews to ensure that EIV access is limited to authorized individuals.

### 7.4.3 EIV Income Discrepancies

IF the EIV or Income Validation Tool (IVT) report reveal an income source that was not reported by the tenant or a substantial difference in the reported income information, PCC will take the following actions:

1) Discuss the income discrepancy with the tenant; and
2) Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income and/or income sources; and
3) In the event the tenant is unable to provide acceptable documentation to resolve the income discrepancy, the PCC will request from the third-party source, any information necessary to resolve the income discrepancy; and
4) If applicable, determine the tenant's underpayment of rent due to unreported or underreported income retroactively; and
5) Take any other appropriate actions as allowed by HUD and this administrative plan.

A substantial difference is defined as an amount equal or greater than $2400 annually.

EIV cannot be used to calculate current employment and/or unemployment income. Participants will be provided the opportunity to contest the PCC’s determination of tenant rent underpayment in accordance with the established PCC grievance procedures.

### 7.4.4 Underreporting Income and Assets
Cases of suspected fraud will be referred to the HCV Program Manager. Serious cases (those involving verified discrepancies exceeding $5,000) may be referred to the Connecticut Department of Investigation for further investigation. In cases where PCC is able to verify unreported income (including those generated from unreported assets), PCC will take actions it deems appropriate in accordance with PCC’s repayment agreement guidelines, e.g., adjusting future HAP payments, requiring a Repayment Agreement, or termination. In such cases, the designated staff reserves the right to take into consideration the following before deciding on an appropriate action:

- Whether or not the unreported income is excludable;
- Whether or not the difference in income impacts the HAP amount, and by how much.

If an employer or asset manager charges a fee for third party verification of income, PCC can deem it “unavailable.” In addition, if income anticipated from a specific source is so insignificant that spending the time to verify the amount is not cost effective, PCC may choose not to seek third party verification.
8 SUBSIDY STANDARDS AND VOUCHER ISSUANCE

8.1 Briefings and Family Obligations

8.1.1 Briefings

Upon selection of the family from the waiting list, PCC will conduct an oral briefing with the head of household. PCC reserves the right to conduct this briefing in person, by phone or through an online service. Individuals with a disability may have a proxy attend the briefing session on their behalf if proper documentation is provided indicating their inability to attend and naming the proxy. The proxy must provide Power of Attorney documentation.

The briefing will cover the following general topics:

- How the HCV program works;
- Family and owner responsibilities;
- Where the family can lease a unit, including renting a unit inside or outside PCC’s jurisdiction; and
- Opportunities for expanded housing choices outside areas of poverty concentration.

An interpreter, or fluent PCC employee, will attend each briefing to assist Spanish-only speaking clients. PCC will take affirmative steps to make interpreters available when briefing client groups with other foreign language requirements (see Chapter 2).

All applicants attending a briefing will receive a packet that includes a number of documents that further explain the HCV program requirements. Briefing packet requirements are stipulated by 24 CFR Part 982.301(b).

8.1.2 Family Obligations

The following are obligations of participants under the program. Violation of one or more of these obligations is grounds for denial or termination of assistance.

The family must:

- Supply any information that PCC or HUD determines is necessary in the administration of the program. This includes any requested certification, release or other documentation. All information must be true and complete;
- Supply any information regarding family income and composition requested by PCC for use in any annual or interim recertification;
- Disclose and verify social security numbers and sign and submit consent forms for obtaining information in accordance with regulations;
- Allow PCC to inspect the unit at reasonable times and after reasonable notice;
- Correct any HQS breach caused by the family;
- Receive written approval to move from PCC and notify the owner/landlord and PCC in writing before the family moves out of the subsidized unit, or terminates the lease on notice to the owner;
• Promptly notify PCC of any planned absences from the unit greater than 90 days;
• Promptly give PCC a copy of any owner eviction notice;
• Use the assisted unit for residence by the family and the unit must be the family’s only residence;
• Promptly inform PCC of any changes in family composition, including the birth, adoption or court-awarded custody of a child, or the removal of any family member from the unit. The composition of the family residing in the unit must be approved by PCC; and
• Promptly notify PCC of any change in household income.

The family must not:
• Commit any serious or repeated violation of the lease, including but not limited to nonpayment of rent;
• Sublease or rent any part of the assisted unit;
• Assign the lease or transfer the unit;
• Own or have any interest in the unit (other than in a cooperative, or the owner of a manufactured home leasing a manufactured home space);
• Receive Housing Choice Voucher tenant-based assistance while receiving another housing subsidy for the same unit or for a different unit, under any duplicative (as determined by HUD) federal, state or local housing assistance program;
• Engage in profit making activities in the unit, unless such activities are legal and incidental to primary use of the unit for residence by members of the family;
• Engage in drug-related criminal activity, violent criminal activity, other criminal activity, or alcohol abuse that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

### 8.2 Issuance of Vouchers and Subsidy Standards

#### 8.2.1 Voucher Issuance

When funding is available, and after the family has been certified eligible and briefed on program requirements, PCC issues a voucher to the family. The voucher represents a contractual agreement between PCC and the family specifying the rights and responsibilities of each party and is the family’s authorization to search for an eligible unit. It also describes the program and procedures for PCC approval of a unit selected by the family and specifies the size of unit for which the family is eligible. A voucher does not constitute admission to the program, and a voucher-holder is not considered a program participant until such time as a lease and HAP contract become effective.

Individuals with a disability may have a proxy or power of attorney sign the voucher paperwork on their behalf if proper documentation is provided indicating their inability to come to PCC to sign the paperwork in person and naming the proxy.
PCC will stay as close as possible to 100% voucher and budget utilization and will perform a monthly calculation (or more frequent as warranted) to monitor utilization rates. Applications will be processed, and vouchers issued accordingly.

PCC may over-issue vouchers only to the extent necessary to meet leasing goals. All vouchers that are over-issued will be honored based on funding availability. If the agency finds it is over-leased, it will adjust future issuance of vouchers so as to not exceed the budget limitations over the fiscal year.

### 8.2.2 Voucher Term, Suspensions and Extensions

**Extension Policy**

A. The initial voucher term is 60 days.

B. Extension requests must be made within 30 days of the expiration date on the voucher. Requests made after this time will only be considered if the tenant can document good cause for the delay in submission of the request (e.g., hospitalization).

C. PCC will grant one 60-day extension in the following circumstances, if requested by the applicant/participant:
   a. The client is disabled (i.e. receives SSI or has a documented disability)
   b. The client is homeless (definition contained in Administrative Plan). Participants who come through SAMSHA meet the definition of homeless. Movers who are outside of their assisted unit will also qualify as homeless.
   c. The client is a victim of domestic violence. Acceptable documentation of domestic violence is outlined in the Administrative Plan.
   d. The client has documented mitigating circumstances for which he or she has been granted a reasonable accommodation.
   e. The client is a Section 8 Housing Choice Voucher Program participant who has been required to move due to federal regulations (landlord non-compliance, long term subsidy abatement due to Housing Quality Standards, and violation of Housing Quality Standards – Space Standards) or has been granted an “emergency” move voucher.
   f. The client is an HCV applicant or participant who wishes to port out to another jurisdiction and has less than 60 days on their voucher. Applicants who opt to port out will be granted one extension under this category.

D. PCC will grant one final 30-day extension, if requested by an applicant/participant who falls under one of the categories granted for the first 60-day extension. The participant/applicant must provide documentation in order to be granted this final extension.

**If Extensions are granted:**

The duration of the first extensions will begin from the date the applicant/participant picks up the voucher and will last for 60 days. The duration of second and final extensions will begin from the date the applicant/participant picks up the voucher and will
last for 30 days. Applicants/Participants are required to pick up their voucher extension within 15 days of notification. **Tenants who fail to pick up their vouchers after 15 days will have their extension requests denied.**

PCC will provide a written response to those requesting an extension. If an approval is not granted in person (with a voucher issued at the same time), the approval letter must be mailed. The notice will give the applicant/participant 15 days (to be noted in the system of record) to come pick up his/her voucher.

E. Requests for Tenancy Approvals (RFTA)
   - Completed RFTAs can continue to be accepted up to 5 calendar days from the expiration of the voucher including any extension.

When a RFTA is submitted within the voucher term, Owner Services staff must continue to “stop the clock” on the voucher until the RFTA is processed.

For information on voucher terms when moving, see Chapter 14: Moving with Continued Assistance and Portability.

8.2.3 Subsidy Standards

The subsidy standard is the criteria established for determining the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions. Generally, PCC’s subsidy standards provide for the smallest number of bedrooms needed to house a family without over-crowding. According to HUD’s HQS space requirements, a unit is not overcrowded as long as it has at least one bedroom or living/sleeping room for each two persons. Families may choose an apartment smaller than their voucher size, provided the unit is not overcrowded. However, subsidy standards are based on the smaller of the actual unit size or the size listed on the voucher.

The unit size on the voucher remains the same as long as the family composition and PCC’s subsidy standards remain the same, regardless of the actual unit size rented. Families that exceed two people per living/sleeping room in a household are overcrowded and will be required to reduce the household size or move to an appropriately sized unit.

8.2.4 Determining Family Unit (Voucher) Size

The unit size on the voucher will be determined solely by the number of people in the household. PCC does not determine who shares a bedroom/sleeping room. The table below establishes the occupancy standard for families.

<table>
<thead>
<tr>
<th>Size of Family</th>
<th>Family Voucher Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 or 2</td>
<td>1</td>
</tr>
<tr>
<td>3 or 4</td>
<td>2</td>
</tr>
<tr>
<td>5 or 6</td>
<td>3</td>
</tr>
</tbody>
</table>
Within these parameters, the following guidelines will apply:

- Any single live-in aide approved by PCC to reside in the unit will be counted as a household member for the purpose of determining the appropriate unit size and will be issued a separate bedroom;
- A child who is temporarily away from home (for less than 90 consecutive days) due to placement in foster care or another non-permanent situation may be considered a member of the family and included in determining voucher size;
- Foster children will be included in determining unit size only if they will be in the unit for more than 183 days (six months) a year;
- In the case of documented pregnancy by a member of the household, PCC will consider the child as a household member when proof of social security number, birth certificate and verification of citizenship are provided to PCC;
- Children specified in joint custody agreements will be considered family members if the agreement specifies that they live with the parent at least 183 days a year; and
- Space may be provided for a family member who is away at school but who lives with the family during school recesses.

Changes to subsidy standard due to change in family composition or as a result of policy changes will be effective at the anniversary of the next annual certification after the change. During periods of funding shortfall, PCC reserves the right to implement subsidy standard changes with at least 30 days’ notice to affected families. Changes to PCC’s subsidy standards will apply to all households in the HCV program except existing Project Based Voucher participants.

### 8.2.5 Exceptions to Subsidy Standards

PCC may grant an exception to these subsidy standards if the exception is justified by the health or disability of family members. All requests for exceptions must be made in writing and be submitted to PCC. All such requests must be accompanied with a PCC Reasonable Accommodation form completed by a licensed medical professional. PCC reserves the right to request that Reasonable Accommodation requests are resubmitted annually. PCC also reserves the right to accept other medical documentation from a licensed medical professional that establishes a clear connection between the exception being requested and the condition meriting accommodation.

PCC will automatically increase a voucher size only in cases where participants provide proof of a household composition change due to birth, adoption, or court-awarded custody of a child. Additions due to marriage, domestic partnership, or live-in aide must be approved in advance by PCC.

Voucher holders may select a different size dwelling than that listed on the voucher as long as the maximum subsidy is based on the lesser of the payment standard for the unit size issued or the contract rent for the unit size selected.
The utility allowance used to calculate gross rent is based on the lower of (1) the voucher size issued to the family; or (2) the unit size of the unit selected by the family.

### 8.2.6 Exceptions to Payment Standards

With HUD approval, PCC may implement exceptions to the payment standard to promote de-concentration of poverty.

Additionally, as a reasonable accommodation for households with disability, PCC may grant an exception to the payment standard up to 120\% of the FMR. A reasonable accommodation may be requested as described in section 2.3 of the Administrative Plan.
9 HOUSING QUALITY STANDARDS

PCC is required by federal legislation and HUD regulations to ensure that each unit occupied by a subsidized household is “decent, safe and sanitary.” To meet this requirement, PCC conducts a Housing Quality Standard (HQS) inspection prior to providing assistance on behalf of a client and biennially throughout the term of assisted tenancy. PCC reserves the right to conduct inspections more frequently. A PCC inspector trained in Housing Quality Standards will conduct inspections. Inspected units will receive a designation of “pass,” or “fail.”

9.1 Physical Standards

In order to pass an HQS inspection, a unit must meet PCC standards on the following components:

- Sanitary facilities;
- Food preparation and refuse disposal;
- Space and security;
- Thermal environment;
- Illumination and electricity;
- Structure and materials;
- Interior air quality;
- Water supply;
- Lead-based paint;
- Access;
- Site and neighborhood;
- Sanitary condition; and
- Smoke and Carbon Monoxide detectors.

9.2 Bedrooms and Apartment Layout

At a minimum, a dwelling unit must have a living room, a kitchen area and a bathroom. (Single Room Occupancy units are exempt from this requirement). A studio apartment is considered a living/sleeping room. The unit must also have at least one living/sleeping room for every two household members. Single Room Occupancy units may only house one person in the living/sleeping room. Each living/sleeping room must also have:

- Two working outlets; or one working outlet and one working light fixture; and
- A window if the room is used primarily for sleeping.

Payment standards are based on the legal bedroom size; i.e., sleeping quarters that are not technically bedrooms do not count as bedrooms determining payment standard.

9.3 Kitchen

A kitchen area must be used primarily for the preparation and storage of food. It must have the following items:

- Oven and a stove with top burners. All burners must be working and all knobs to turn the burners on and off must be present (Single Room Occupancy units excepted). A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and if microwave ovens are furnished instead of an oven and stove or...
range to both subsidized and unsubsidized tenants in the building in order for such substitutions to be approved.

- A refrigerator of appropriate size based on the number of household members. For example, counter top or compact type refrigerators are insufficient for a family of four. The refrigerator must also maintain a temperature low enough to keep food from spoiling, and the freezer space must be present and in working condition;
- Storage: the kitchen must have space for storage, preparation and serving of food; and
- Kitchen sink: a kitchen sink must provide running hot and cold water from the faucet and have a properly-working drain.

9.4 Bathroom

The bathroom must be contained within the apartment and have the following characteristics:

- An enclosed and operating toilet facility;
- A shower or tub with running hot and cold water;
- A permanently-installed washbasin (bathroom sink);
- One permanent light fixture in working condition; and
- A window or alternative adequate ventilation.

9.5 Other Rooms Used for Living

Other rooms used for living are defined broadly, and include bedrooms, dining room, entrance hall, and corridor. If any of these areas are used primarily for sleeping, they must have a window; two working outlets; or one working outlet plus one working permanent light fixture.

9.6 Specific Apartment Items

9.6.1 Windows

The windows should not show any signs of severe deterioration. The presence of any of the conditions listed below requires a failure rating. Severe deterioration means:

- Missing or broken panes;
- Dangerously loose, cracked panes (which present a cutting hazard);
- Windows that will not close;
- Windows that, when closed, do not form a reasonably tight seal and allow the outside elements (wind, snow, or rain) to enter; or
- Broken window balance.

9.6.2 Doors

All exterior doors must be lockable, have no holes and have all trim intact. All interior doors must have handles, contain no holes and have all trim intact.
9.6.3 Walls and Ceilings

Walls and ceilings may not show any signs of being structurally unsound or hazardous. The presence of any condition below is an automatic HQS failure. Unsound or hazardous means:

- Severe bulging, buckling, or leaning; or
- Large cracks or holes allowing drafts or rodents to enter; or
- Loose sections of plaster in danger of falling; or
- Presence of severe mold.

9.6.4 Floors

In order to pass inspection, floors must not show any signs of being structurally unsound or hazardous. The presence of any condition below will result in an automatic HQS failure.

- Severe buckling or major movements under walking stress;
- Large sections of damaged or missing flooring [two square feet or more where floor beams are visible]; or
- Large cracks or holes allowing drafts or rodents to enter.

9.6.5 Electrical

A unit must be free of electrical hazards and meet the following criteria:

- Kitchen - One working electric outlet and one permanently installed light fixture.
- Bathroom - One permanent light fixture. An outlet may be present but is not required. An outlet cannot be substituted for an overhead light fixture.
- Living Room and Bedroom - Two operating electrical dual outlets, or one operating dual outlet and one permanent overhead or wall mounted light fixture.

Electrical hazards that cause an automatic HQS failure include the following:

- Exposed, un-insulated, frayed wires;
- Missing switch covers;
- Overloaded circuits;
- Improper wire connections to outlets;
- Light fixtures hanging from electric wire with no other firm support; and
- Illegal wiring from building source to the tenant’s unit.

9.6.6 Heating

The heating must have a direct or indirect heat source as defined below:

- Direct– Each room used for living must have a radiator, hot air register or a facility for baseboard heat.
- Indirect– If there is no heat source present in the room; heat must be able to enter the room from an adjacent heated room.
9.6.7 Plumbing
- The kitchen and bathroom must have hot and cold running water;
- The apartment should be free from major plumbing leaks; and
- The plumbing must be free from major corrosion that results in serious or persistent levels of rust in the water.

9.6.8 Access
- The apartment must have its own entrance;
- Steps of six or more to any entrance in the building must also have a handrail at least three feet high.
- Doors and windows that are accessible from the outside must have legal, working locks; and
- Double cylinder locks are considered an automatic HQS failure and a hazardous condition. Apartments or buildings with double cylinder locks are automatic failures.

9.6.9 Exits
- The apartment must have an unblocked, acceptable, alternative means of egress in case of a fire (e.g., fire escape, fire exit);
- Illegal window gates (gates that are located in front of fire escape windows and are locked with combination locks or key padlocks) are an automatic HQS failure.
- Legal window gates are located in front of fire escape windows and allow easy exit in case of an emergency. These types of gates do not have locks but have a mechanical lever that can be lifted, and the gate pulled back in case of an emergency. Gates with a quick release system are permissible.

9.6.10 Sanitary
- The apartment must be free of severe infestation of vermin or roaches; and
  - Sanitary facilities must be in proper operating condition and adequate for personal cleanliness and disposal of human and animal waste.

9.6.11 Smoke Detectors
- A smoke detector is required in every unit, except where exempted by local law. Building owners are responsible for installing the detectors in accordance with the law, while tenants are responsible for maintaining them in working order. The detector is to be located in the hall of the unit near the bedrooms and on every floor if the dwelling has multiple floors. The detector may be battery or hard-wire operated.
If the detector is present but is inoperable (due to the need for a battery or if the tenant has removed the smoke detector for cooking purposes) the failure will be considered a tenant-caused deficiency.

If a hearing-impaired person is occupying the dwelling unit, the detectors must have an alarm system designed for hearing-impaired persons as specified in the National Fire Protection Association Standards (NFPA) 74.

9.6.12 Lead-Based Paint

Lead-based paint requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children under six years of age, excluding zero-bedroom dwellings. Owners must:

- Disclose known lead-based paint hazards to prospective tenants before the lease is signed,
- Provide all prospective families with "Protect Your Family from Lead in Your Home",
- Stabilize deteriorated painted surfaces and conduct hazard reduction activities when identified by PCC
- Notify tenants each time such an activity is performed
- Conduct all work in accordance with HUD safe practices
- As part of ongoing maintenance ask each family to report deteriorated paint.
For units occupied by environmental intervention blood lead level (lead poisoned) children under six years of age, a risk assessment must be conducted (paid for by PCC). If lead hazards are identified during the risk assessment, the owner must complete hazard reduction activities.

See HCV GB p. 10-15 for a detailed description of these requirements. For additional information on lead-based paint requirements see 24 CFR 35, Subparts A, B, M, and R and HUD PIH Notice 2017-13.

9.7 Emergency Conditions

PCC, at its discretion, may determine certain HQS defects to be emergencies. The owner must repair these defects within 24 hours. The following list provides examples of the type of household defects that PCC considers emergency HQS failures. Depending on their severity, other conditions may be cited as emergency HQS failures requiring a 24-hr correction period including:

- Any condition that jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Natural or LP gas or fuel oil leaks
- Any electrical problem or condition that could result in shock or fire
- Absence of a working heating system when outside or inside temperatures are below 65 degrees Fahrenheit.
- Utilities not in service, including no running hot water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of a functioning toilet in the unit
- Inoperable smoke detectors

9.8 Tenant Responsibility Defects

PCC distinguishes between tenant responsibility to repair and owner responsibility to repair HQS defects on the inspection failure notices provided to both the tenant and owner. Unless provided for in the lease agreement, owners are not responsible for the correction of HQS defects that PCC determines are the tenant’s responsibility to repair. Damages to the apartment in excess of normal wear and tear by a household member will be considered the tenant’s responsibility to repair. PCC reserves the right to make a determination of the cause of any HQS deficiency following an inspection and discussion with both the owner and the tenant.

Examples of Tenant Responsibility to Repair Failures include:

- No electricity when the tenant is responsible for the payment of utilities;
- No gas to the unit when the tenant is responsible for this utility per the lease agreement;
- No heat in conformance with local code when tenant is responsible for this utility per the lease agreement;
• A fire escape blocked, or exit blocked by tenant;
• The heavy accumulation of refuse or debris in the unit;
• No battery in the smoke detector or the smoke detector is inoperable;
• Not providing access to a specific room in the assisted unit.

9.9 The Inspection Process

9.9.1 General Policies

There are six types of HQS inspections that the PCC Housing Choice Voucher program conducts:

• Initial inspection prior to entering into a HAP contract with an owner
• Annual inspection
• Re-inspections to confirm that deficiencies have been corrected
• Verification Inspection
• Quality control inspection
• HQS complaint inspection

Inspections will be scheduled as required under 24 CFR Part 982 and this Administrative Plan. Additionally, inspections may be scheduled at the request of HUD, an applicant, a participant, an owner/managing agent, Housing Choice Voucher staff, or any other interested party.

The Housing Choice Voucher program will notify both the tenant and the owner of the scheduled inspection date. For occupied units, the tenant is responsible for providing access to the unit. If two scheduled HQS inspections are missed, PCC may terminate the family from the program for failure to uphold their family voucher obligations. For initial inspections of vacant units, owners are responsible for providing access and failure to do so may result in rejection of their Request for Tenancy Approval (RFTA—see Chapter 11 on General Leasing).

PCC inspectors will document on the appropriate form all defects that may cause the unit to fail to meet HQS standards and will indicate whether those failures are deemed to be the owner or the tenant’s responsibility to repair, or both. HUD regulation 982.404(a)(3) requires that the PHA verify that HQS failure items have been repaired. Therefore, a re-inspection of a unit with HQS failures is not a regulatory requirement provided that PCC can obtain verification through an alternative means. PCC will require re-inspections for tenant caused failure items. At other times at PCC’s discretion and/or at the request of the owner or tenant, PCC will verify non-emergency failure items that the owner is responsible to correct through certifications signed by the owner. PCC reserves the right to require re-inspection or to accept self-certification for emergency failure items that are the owner’s responsibility to correct.

If a unit fails an HQS inspection, notification of the failure and a list of the defects will be provided to the tenant and the owner, and a copy will go into the tenant’s file. The failure letter will provide the owner (or tenant, if the defect is the tenant’s responsibility to repair) with the date that the condition must be corrected by and certified as corrected. If
applicable, the letter will also provide the date of the re-inspection of the unit. The letter will also notify the owner that HAP will be abated in accordance with PCC policies and HUD regulations if repairs are not corrected and certified as corrected within 24 hours in the case of emergency failures, or 30 days in the case of routine, non-emergency failures. If the unit fails re-inspection, Housing Assistance Payment is abated, and the owner must notify PCC once the defects have been corrected.

9.10 Initial Inspections for New Program Units

Initial inspections will be scheduled upon approval of a RFTA. An initial inspection that passes HQS will be valid for up to 90 days. However, PCC reserves the right to conduct a second inspection if the period between the initial inspection and execution of the HAP contract exceeds 60 days.

If the unit does not pass inspection, the owner will be notified of the defects. The participant or applicant will receive, when possible, notification of the failure and will have the option of either searching for alternative housing or waiting for the deficiency to be corrected if the owner indicates that the defect will be corrected within a reasonable time. It is the owner’s responsibility to notify PCC that the failure has been corrected.

Access to vacant units for the initial inspection is the responsibility of the owner. If an owner misses two appointments, PCC may cancel the RFTA and allow the tenant to look for alternative housing with the time remaining on their voucher.

9.11 Annual Inspections

PCC must conduct an HQS inspection of each unit under contract at least annually. PCC reserves the right to conduct inspections more frequently. PCC will notify the family in writing at least 10 days prior to the inspection. Two missed inspection appointments within a 12-month period by the family will be considered an HQS failure and violation of family obligations under the program, and will result in termination of assistance.

If the unit does not pass inspection, the owner and tenant will be notified in writing of the defects and the 30-day requirement to make the repairs, or 24 hours if emergency failures are involved. The notice will inform the owner that HAP payments will be suspended the first of the next month if the defect has not been corrected within 30 days or, for emergency failures only, within 24 hours. It is the owner’s responsibility to notify PCC that the HQS failure has been corrected. PCC reserves the right to accept inspection results from “passed” alternate inspections as allowed under HUD Implementation of Fiscal Year 2014 Appropriations Provision on Public Housing Agency Consortia, Biennial Inspections, Extremely Low-Income Definition and Utility Allowances (FR-5778-N-01). Alternate inspections that may be accepted include inspections conducted by other agencies for HOME, Low Income Housing Tax Credit (LIHTC) or by HUD’s Real Estate Assessment Center (REAC). With HUD approval, PCC may add to the list of alternate accepted inspections.
9.12 Special Inspections

Tenants, owners and interested third parties may report HQS complaints to PCC. PCC’s Inspection Unit will attempt to inform the owner of the reported failure conditions and then attempt to confirm with the tenant if conditions have been corrected. PCC will attempt to conduct an inspection if the tenant confirms that failure conditions remain. If PCC fails to gain access, the tenant will be notified to contact PCC and arrange an inspection should the failure conditions remain.

The Housing Choice Voucher program recommends that families immediately report hazardous situations to PCC’s Inspection unit or by calling 911 for immediately life-threatening conditions. An HQS complaint inspection will be considered critical if the defect creates an immediately hazardous situation. Inspections by PCC’s Inspection Unit may be used to verify the existence or correction of an emergency hazard. If the defect endangers the family’s health or safety, the owner will be required to make the repair within 24 hours. In these instances, PCC will provide the owner and tenant with written notification of the emergency, the 24-hour correction requirement and the possibility of the suspension of HAP payments if the repairs are not made. Payment suspensions will be effective the first of the month following the correction period.

PCC has the right to terminate a contract if another federal, state or city authority or agency inspects a unit and certifies that it is unsafe for the family.

9.13 No Access

Tenants are required by Federal regulations to allow access to an inspector in order to conduct an HQS inspection. If a tenant fails to provide access to the entire apartment to a PCC inspector two times in a 12-month period, it is considered a breach of family obligation and may result in the termination of HCV housing subsidy to the family. If the tenant fails to provide access to a specific room, it will be considered a tenant caused failure.

If the tenant fails to provide access to a PCC inspector to verify that HQS violations have been corrected, PCC must take enforcement action (abatement for landlord caused failures and termination of subsidy for tenant caused failures).

9.14 Cancellation of a HQS Inspection by Tenant

Once in a 12-month period, tenants may cancel a scheduled inspection with more than 48 hours’ notice. Request for cancellation of an inspection with less than 48 hours’ notice will not be honored. A tenant will not be allowed more than one opportunity to reschedule an inspection within a 12-month period without documentation of good cause.

9.15 Abatement of HAP and HAP Contract or Program Termination for HQS Failure

For owner-caused non-emergency failures in occupied units, owners will be given 30 days to correct the failures. If corrections are not corrected during the given time period
PCC will abate HAP. The HAP abatement will take effect the first of the month following the 30-day correction period and will continue until all HQS deficiencies have been corrected and verification inspection conducted.

Tenant responsibility to repair failures will be automatically re-inspected in 30 days for non-emergencies and in 24 hours for emergencies. For an initial/vacant unit, it is the landlord’s responsibility to notify PCC that corrections have been made and to request a second inspection.

For units with owner caused emergency failures, if the owner fails to notify PCC that emergency failure items have been corrected, HAP will be abated beginning the day following the initial 24-hour correction period. The owner must notify PCC in writing in order for a verification inspection to occur. If the unit then passes, retroactive payments will be made to the date the repairs were documented, so long as notification of repair occurs within 60 days of the repair.

If a vacant unit fails the verification inspection, PCC will cancel the RFTA per "Initial Inspections for New Program Units" (p. 8-7). For tenant-caused failures, if corrections are not made by the verification inspection, PCC will begin termination procedures, per "Tenant-Caused Failures" (p. 8-10).

9.16 Owner-Caused Failures

When an owner fails to correct an HQS failure within the allotted timeframe, PCC will provide the owner with written notice that the HAP payment will be abated effective the first of the month following the correction period. A copy of the notice will also be sent to the tenant. The notice of abatement states that the tenant is not responsible for PCC’s portion of any abated rent.

The abatement will continue until all HQS deficiencies have been corrected and verified via receipt of self-certification of HQS corrections or by re-inspection. It is the owner’s responsibility to notify PCC that deficiencies have been corrected. If repairs are not made within 90 days (or less, as determined by PCC in more severe cases), PCC reserves the right to terminate the HAP contract. PCC will provide the tenant with at least 30 days’ notice before the contract termination occurs. As funding allows, PCC will provide the tenant with a new voucher, provided that the family remains eligible for assistance and can provide evidence that the family is in good standing with the current lease requirements, including payments to owners. PCC may, at its discretion, waive the requirement for the tenant to document good standing with lease requirements when there is a compelling and urgent health or safety-related need that requires the tenant to move immediately.

If the defects are corrected after notification of contract termination but before the effective date, PCC may rescind the termination.

9.16.1 Tenant-Caused Failures

When the tenant causes an HQS failure, PCC will provide the tenant with a notice of the defect and the required timeframe to correct the defect.
If the family causes a hazardous HQS failure requiring immediate correction, the family must correct the defect within no more than 24 hours at the family’s expense. For other family-caused defects, the family must correct the defect within no more than 30 calendar days. If defects are not corrected within the above timeframe, PCC will follow its termination of subsidy procedure to terminate the tenant’s participation in the program.

9.16.2 No Access to Landlord for Repair of HQS Violations

If the tenant fails to allow access to a landlord in order to make repairs, a landlord must document at least two attempts to gain access. PCC requires that landlords send a tenant at least one certified mailed letter in order to document attempts to gain access to the unit.

Once owners submit documents to the HQS unit, PCC will send tenants a notice urging them to provide access to the owner in order to make repairs. The family will not be granted an emergency move voucher based on HQS failure if they do not allow access to the landlord in order to make repairs. Once the repairs are made and the repairs have been verified by PCC staff, PCC may allow retroactive payment of HAP (if abatement has been placed) to the date the owner documented an attempted access to make repairs.
10 RENT REASONABLENESS DETERMINATIONS

10.1 General Policy

PCC will not approve a lease until it has been determined that the initial rent to the owner is a reasonable rent. During the initial term of the lease, the owner may not raise the rent. Furthermore, the contract rent must be reasonable during the whole course of the assisted tenancy in the voucher program. The term “reasonable” means that the owner’s proposed rent is within a range of rents that appropriately reflects the market conditions of a particular neighborhood in the city considering all of the relevant factors specified in 24 CFR part 982.507 and listed below. In all cases, the rent to owner may not exceed the rent charged by the owner for comparable unassisted units on the premises (including rent stabilized and rent controlled units).

10.2 When and How Rent Reasonableness Determinations Are Made

Rent reasonableness determinations are made:
- When units are placed under HAP contract for the first time;
- When owners request annual or special contract rent adjustments;
- If there is a 5% decrease in the published Fair Market Rent (FMR) published by HUD in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary;
- If directed by HUD; and
- Whenever PCC deems necessary.

PCC will determine that the proposed rent:
- Is reasonable in relation to rents for similar units in the private market; and
- Does not exceed rents charged by the owner for comparable, unassisted units in the premises.

PCC’s reasonable rent determination will consider:
- Location,
- Quality,
- Size,
- Unit type,
- Age of the unit,
- Amenities,
- Housing services,
- Maintenance, and
- Utilities provided by the owner.

Each participant file will contain documentation that a rent reasonableness review has been conducted for the assisted tenancy, except in cases such as conversion projects.
where rent reasonableness studies are conducted for entire developments and
documentation is kept separately.

10.2.1 Limitations upon Rent Subsidy - Maximum Family Share

The maximum family share at initial occupancy is a limitation on approved rent. At the
time that a family initially receives assistance in a Housing Choice Voucher approved unit, if
the gross rent for the unit exceeds the applicable payment standard, the family share of the
rent may not exceed 40% of the monthly adjusted income. Request for Tenancy Approvals
(RFTAs) submitted by families that would violate this family share requirement will not be
approved.

10.2.2 Rent Reasonableness Methodology

How Market Data is Collected

The PHA will primarily utilize www.gosection8.com which will collect and maintain data
on market rents in the PHA’s jurisdiction. Information sources include newspapers,
realtors, market surveys, inquiries of owners and other available sources. The data will
be maintained by bedroom size and market areas. Market areas may be defined by zip
codes.
The data will be updated on an ongoing basis and rent information that is more than 12
months old will be archived in www.gosection8.com. Market Rent Data greater than 12
months old will not be used for eligibility but may be used for reference.

How Rents are Determined

The rent for a unit proposed for HCV assistance will be compared to the rent charged for
comparable units in the same market area. PCC will develop a range of prices for
comparable units by bedroom size within defined market areas. Units proposed for HCV
assistance will be compared to the units within this rent range. Because units may be
similar, but not exactly like the unit proposed for HCV assistance, the PHA may make
adjustments to the range of prices to account for these differences. The adjustment must
reflect the local market. Not all differences in units require adjustments (e.g., the
presence or absence of a garbage disposal may not affect the rent in some market
areas).

PCC uses a unit-to-unit comparison, by which the rent for a unit proposed for HCV
assistance is directly compared to the rents for one or more unassisted units selected as
comparable within the same market area. Geocoded maps will be used to identify the
non-assisted units in closest proximity to the subject unit, and unit data information will
be used to select the most similar units.

In comparing rents, the PHA will take into account critical market factors that impact rent,
including the location, quality, size, unit type, and age of the contract unit, as well as any
amenities, housing services, maintenance and utilities to be provided by the owner in
accordance with the lease.
Where comparable units differ from the unit proposed for HCV assistance, the PCC will determine whether those differences impact rent. Where they do, the PHA will adjust the rental value of the comparable units, up or down, based on the market value of these factors. The rent for the unit proposed for HCV assistance will be compared to the adjusted rents for the comparable units, enabling a fair, accurate, market-based determination of rent reasonableness.

Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom). The adjustment must reflect the rental value of the difference – not its construction costs (e.g., it might cost $20,000 to put on a new roof, but the new roof might not make any difference in what a tenant would be willing to pay because rents units are presumed to have functioning roofs). When a comparable project offers rent concessions (e.g., first month rent-free, or reduced rent) reported monthly rents will be adjusted accordingly. For example, if a comparable project reports rents of $500/month but new tenants receive the first month’s rent free, the actual rent for the unit would be calculated as follows: $500 x 11 months = 5500/12 months = actual monthly rent of $488.

PCC will notify the owner of the rent that PCC can approve based upon its analysis of rents for comparable units. The owner may submit information about other comparable units in the market area. The PHA will confirm the accuracy of the information provided and consider this additional information when making rent determinations. The owner must submit any additional information within 5 business days of the PHA’s request for information or the owner’s request to submit information.

10.2.3 Annual Adjustments to Rent – Rent Increases

After the completion of the initial term of the lease, owners may request an adjustment in the approved rent once per year. Requests must be made at least 60 calendar days before the proposed effective date of the rent increase (a form is available on the PCC website for this purpose). All rent increases are subject to funding availability, and PCC may not approve a rent increase to an owner if the unit fails HQS due to landlord-caused deficiencies.

For all units, PCC will perform a rent reasonableness analysis using the same methodology as for approving initial rents. The adjusted rent to the owner will equal the lesser of:

- The reasonable rent as determined by PCC;
- The amount requested by the owner; and
- If granted approval by HUD, the rent adjusted by the annual adjustment factor published by HUD

PCC will notify both the owner and the participant in writing when PCC has approved a rent increase request.

Owners that do not comply with PCC requests for information will have their rent increase request rejected.
10.2.4 Annual Adjustments to Rent – Rent Reductions

In rent-regulated units, should the governing agency issue a rent reduction order, owners must report these decreases to PCC within 30 days. PCC will conduct a rent reasonableness review and adjust unit rent accordingly.

In any case where PCC becomes aware that the current rent exceeds the maximum allowable rent for a unit, PCC may complete a rent reasonableness determination and reduce unit rent accordingly.
11 TENANT SHARE AND SUBSIDY DETERMINATIONS

11.1 Calculating Family Share

Families will pay the highest of the following amounts, rounded to the nearest dollar:
- 30% of the family’s monthly adjusted income;
- 10% of the family’s monthly income;
- $50 (the “minimum rent” or the minimum total tenant payment established by PCC).

For tenants who are responsible for paying for their own utilities, their share is first applied to the utility expense, up to the amount of the utility allowance in effect, and the remainder goes to the owner as rent. If the utility allowance exceeds the tenant share, PCC will pay the difference in the form of a Utility Assistance Payment (UAP). PCC reserves the right to make this payment directly to the utility company or make payments on a monthly basis.

PCC will grant an exception to the minimum rent requirement if the family is unable to pay the amount because of financial hardship as defined below:
- When the family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program, including a family that includes a member who is a non-citizen 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;
- When the family would be evicted because it is unable to pay the minimum rent;
- When the income of the family has decreased because of changed circumstances, including loss of employment;
- When a death of an income earner in the family has occurred; or
- Other circumstances determined by PCC or HUD on a case-by-case basis.

11.2 Maximum Family Share at Initial Occupancy

In instances where the initial gross rent of the unit exceeds the applicable PCC payment standard for the family, the family share of the rent must not exceed 40% of the family’s adjusted monthly income. This provision applies only to the initial occupancy of the family in a new unit (including moves).

11.3 Payment Standards

The payment standard is the maximum monthly subsidy PCC will pay for units, according to the number of bedrooms in the unit. It can be no less than 90% and no more than 110% of the HUD-determined Fair Market Rent (FMR) for Bridgeport.

PCC may establish the payment standard amount for a unit size at any level between 90% and 110% of the published HUD Fair Market Rents (FMR). Based on funding availability and other relevant considerations, PCC may periodically revise the payment standard.
amounts and FMR percentages. PCC will post a notice on its website thirty (30) days in advance of payment standard revisions.

11.3.1 Increase in Payment Standard

If the payment standard amount is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family’s first regular reexamination on or after the effective date of the increase in the payment standard.

11.3.2 Decrease in Payment Standard

A decrease in the payment standard amount will be applied on the anniversary of the first regularly scheduled recertification following the decrease (second annual recertification after the effective date of the decrease in payment standard). With HUD approval, PCC reserves the right to apply PCC’s new payment standard with a minimum of 60 days’ notice to the family.

11.4 Change in Family Voucher Size

Households may experience a change in the size of the voucher they are issued. These changes may be a result of change in household composition or changes to PCC’s subsidy standards.

11.4.1 Decrease in Family Composition

Households whose family composition decreases may have their voucher size reduced at the next regularly scheduled annual recertification. Decreases can occur for a variety of reasons including death, divorce, or household members leaving the current address. In such cases, the head of the household will be required to provide documentation of a decrease in family size. Documentation will depend on the reason for the household change but could include certificate of death, divorce, or proof of a new address for a former member of the household. If other documentation is not available, PCC will use its discretion to assess whether alternative documentation can be used to show that the former household member no longer resides in the subsidized unit.

At the time of annual certification, an assisted family will receive notice if they are occupying a unit that is larger than the voucher size issued to the family. The payment standard for the household will be reduced to the one associated with the family's new voucher size at the one-year anniversary of the regularly scheduled annual certification. If the family is residing in a unit larger than that approved according to their family size, the family will be required to pay the additional cost out of pocket to remain in the oversized unit.

11.4.2 Increase in Family Composition

If there is an increase in family size, the voucher size will also be adjusted based on PCC’s subsidy standard at the regularly scheduled annual certification after the family
reports the change. At the same time, the payment standard will be updated to the one associated with the new voucher size.

Household members may only be added after PCC approval except in instances of birth, adoption or custody change. For any member to be added to the household, required documentation must be provided by the family.

11.4.3 PCC Subsidy Standard Change
In addition to departure or addition of household members, the voucher size for assisted households may change as a result of changes to PCC’s subsidy standards.

11.5 Application of Utility Allowances and Payment Standards

The utility allowance that applies for a household when their initial lease is approved is the utility allowance in effect when the lease is approved and executed by the tenant and owner. The utility allowance that applies for a household when a scheduled recertification occurs is the utility allowance in effect when the recertification is complete. When utility allowances have been revised/updated, the revised/updated allowances will be applied to the family’s rent and subsidy calculations at the first regular recertification after the allowance is adopted. With HUD approval, PCC reserves the right to apply the new standard with a minimum of 30 days’ notice. For example, during an interim recertification, if the utility allowance was revised since the last regular recertification, PCC would apply the new utility allowance.

The payment standard that applies for a household when their initial lease is approved is the payment standard in effect when the lease is approved and executed by the tenant and owner. The payment standard that applies for a household when a scheduled recertification occurs is the payment standard in effect when all recertification documents have been received and the recertification information is entered into the computer system. The payment standard that applies to a household during an interim recertification is the payment standard which was in effect at the last regular recertification. With HUD approval, PCC reserves the right to apply changes to the payment standard with a minimum of 30 days’ notice to affected families.
12 GENERAL LEASING POLICIES AND HOUSING ASSISTANCE PAYMENT (HAP) CONTRACT

12.1 Initial Steps in the Leasing Process

When a family finds a suitable unit and the owner is willing to lease the unit under the program, the family must submit to PCC, prior to the expiration of the voucher:

- A completed Landlord Package, including a completed Request for Tenancy Approval (RFTA);
- A copy of the proposed lease,
- Both the owner and voucher holder must sign the RFTA except in cases of the original contracting of PBV units that are not occupied. The family may not submit more than one RFTA at a time.

PCC will review the proposed lease and the RFTA to determine whether they can be approved. The following factors are considered:

- Whether the unit is an eligible type of housing;
- Whether the unit meets HUD’s Housing Quality Standards and Space Standards;
- Whether the rent is reasonable;
- Whether the proposed lease complies with HUD and PCC requirements; and
- Whether the owner is approvable and there are no conflicts of interest.

12.1.1 Eligible Housing Types

All structure types can be utilized in the HCV program, including, but not limited to:

- Single-family;
- Duplex;
- Triplex;
- Fourplex;
- Garden apartments;
- Townhomes;
- Walk-up apartments;
- High-rises;
- Manufactured homes where the tenant leases the dwelling and the pad;
- Group residences;
- Single room occupancy (SRO) dwellings;
- Shared housing;
- Cooperative housing (including mutual housing) subject to the specific requirements of the cooperative by-laws and restrictions; and
- Congregate housing facilities.

PCC may not allow a voucher holder to lease a unit that is receiving project-based Housing Choice Voucher assistance or any duplicative rental subsidy.
12.1.2 Initial Family Share of Rent

At the time that a family initially receives assistance in a Housing Choice Voucher approved unit, if the gross rent for the unit exceeds the applicable payment standard, the family share of the rent may not exceed 40% of the monthly adjusted income. RFTAs submitted by families that would violate this family share requirement will not be approved.

12.1.3 Disapproval of the RFTA

If PCC determines that the RFTA cannot be approved, the landlord and the family will be notified in writing unless verbal notification will suffice based on the reason for the disapproval.

When the RFTA is disapproved, PCC will provide the family with another RFTA form so that they can continue their search for eligible housing.

12.1.4 Screening of Applicants for Family Behavior or Suitability

Placing a family on the waiting list or selecting a family for participation in the program is not a representation by PCC to prospective owners about the family’s expected behavior or suitability for tenancy. Tenant screening and selection are the responsibility of the owner. PCC encourages owners to consider a family’s background with respect to such factors as:

- Payment of rent and utilities;
- Care of unit and premises;
- Respect for the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that threatens the health, safety or property of others; and
- Compliance with other essential conditions of tenancy.

To assist prospective owners in determining the suitability of applicants, PCC may provide the following information:

- The household’s current and prior address; and
- The name and address, if known, of the landlord at the household’s current and prior address.

PCC will make an exception to this requirement if the family’s whereabouts must be protected due to domestic violence or witness protection.

PCC will provide the same information for all families as that provided to owners. PCC will not provide any additional information about the applicant household but will assist owners, when requested, in referring them to public information resources that may be helpful in determining suitability for tenancy.
12.2 The Lease and Tenancy Addendum

12.2.1 Form of Lease

All private leases submitted for Housing Choice Voucher assistance must comply with state and local law, include the HUD-required tenancy addendum as an attachment and be reviewed and approved by PCC staff.

The lease must contain:
- The name of the owner and tenant;
- The address of the unit rented (including the apartment number);
- The term of the lease (initial and any provisions for renewal);
- The amount of the monthly rent to owner; and
- Specifications concerning which utilities and appliances are to be supplied by the owner and which are to be supplied by the family.

12.2.2 Initial Lease Term

Initial lease terms in the voucher program will be for a minimum of twelve months unless PCC approves a shorter term. Shorter lease terms will generally only be approved to improve housing opportunities for the tenant or if shorter-term leases are the prevailing local market practice.

In accordance with 24 CFR Part 982.309, for participants that lease in-place, PCC may approve an initial lease for Housing Choice Voucher tenancy that is shorter than 12 months to accommodate an owner’s allowable rent increase under rent regulation law.

In certain limited circumstances, PCC may also grant an initial lease term shorter than one year to accommodate development programs that require the temporary relocation of eligible tenants during building renovation.

Existing leases can be terminated and reissued to match the date of the HAP contract, if mutually agreed upon by both landlord and tenant.

12.2.3 Lease/HAP Renewal in Rent-Regulated Units

Once an owner has accepted a participant’s Voucher and signed a Housing Assistance Payment Contract that establishes a Housing Choice Voucher tenancy, PCC considers that the owner has agreed to the acceptance of the tenant’s Housing Choice Voucher for subsequent lease renewals, so long as the tenant must be offered a renewal lease.

12.2.4 Changes in Lease
If a tenant and owner mutually agree to alter the current lease agreement, any changes must be in writing, dated, and signed by both parties. The owner must provide a copy of the updated lease to PCC. PCC will approve any mutually agreed-upon alterations in a lease, as long as the lease still complies with HUD requirements.

A new RFTA, lease and HAP contract are required for:
- Changes in tenant/owner supplied utilities;
- Changes governing the term of the lease; and
- If a family moves to a new unit even in the same building or complex.

A new lease and HAP contract are **not** required when the family composition changes or the amount of rent to the owner changes.

### 12.2.5 Security Deposits

The owner may collect a security deposit from the tenant. PCC may prohibit security deposits in excess of private market practice or in excess of amounts charged by the owner to unassisted tenants. PCC may not pay for security deposits or any other additional costs outside of rent and utilities.

### 12.3 Housing Assistance Payment (HAP) Contracts

Per HUD regulations, HAP contracts will be executed after the following events:
- Tenant is issued a voucher;
- Tenant locates a unit prior to voucher expiration;
- Rent reasonability test is conducted and rent is determined eligible;
- Landlord package is approved, and landlord has been validated to receive payments; and
- Unit passed HQS inspection.

PCC will make every effort to execute the HAP contract before the commencement date of the lease term. The HAP contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed. If an executed HAP contract is not returned to PCC within this 60-day term, the contract will be null and void and the tenant will be issued a voucher to move. This policy includes contracts that may have been executed by the owner but were not returned within the 60-day term. There will be no exceptions to this rule.

### 12.3.1 HAP Payments

After a HAP contract has been executed, PCC will begin to make payments to the owner. PCC closes month end approximately two weeks prior to the end of the month. Checks are mailed on the 1st of every month PCC deems payment as received ten calendar days after the payment is mailed.
12.3.2 Overpayments

In accordance with the terms of all HAP contracts, if PCC determines that the owner is not entitled to any part of the HAP the Agency may exercise rights and remedies including deducting the amount of overpayment from any amounts due the owner (including amounts due under any other Housing Choice Voucher assistance contract), recovering payments, suspending future payments, or terminating the HAP contract. PCC may seek additional relief by judicial order or action, including specific performance, other injunctive relief, or order for damages.

Examples of overpayments that may occur include:
- Payments made when a unit is under HAP abatement because of HQS violations, or a HAP contract has been terminated for HQS violations;
- Payments made for a unit vacated with or without the knowledge of the owner; this policy does not apply to HAP payments for the month of the move-out as described below. PCC may recoup any amount due for the period that a tenant did not reside in the Housing Choice Voucher unit;
- Payments mistakenly made twice in one month because of a record-keeping or other error; and
- Change of ownership.

In all of these examples, the owner would owe PCC the portion of the HAP to which he/she is not entitled.

12.3.3 Termination of Contract and Payment

Housing assistance payments terminate if:

- The lease is terminated by the owner in accordance with the terms of the lease;
- The lease terminates and is not renewed;
- The HAP contract terminates; or
- PCC terminates assistance for the family.

If an owner has commenced the process to evict the tenant, and if the family continues to reside in the unit, PCC must continue to make housing assistance payments to the owner in accordance with the HAP contract until the owner has obtained a judicial determination allowing the owner to evict the tenant. PCC will continue such payments until the family is evicted from the unit or moves out. Payments will be pro-rated to eviction date.

12.3.4 Family Move-out

If the family moves out of the unit, PCC may not make any HAP payment to the owner for any month after the month when the family moves out. The owner may keep the HAP for the month when the family moves out.
13 OWNERS

13.1 Definition of Owner

An owner is defined as any person or entity legally authorized to lease or sub-lease the subject dwelling unit. A principal or interested party in a partnership or cooperation will be considered an owner, if authorization to act on behalf of the partnership, corporation, etc. is provided. Proof of ownership is required for participation in the program and must be submitted by providing a copy of the deed or title registered with the City Clerk, or a copy of the tax receipt verifying payment of local property taxes for the assisted property.

13.2 Disapproval of Owner

PCC will not approve a Housing Choice Voucher assisted tenancy if HUD or another party has informed PCC that the owner is debarred, suspended, or subject to limited denial of participation. PCC must also not approve a Housing Choice Voucher assisted tenancy under the following circumstances:

The federal government has instituted an administrative or judicial action against the owner for a violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending;
A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements;
The owner is a parent, child, grandparent, grandchild, sister or brother of any voucher family member residing in a unit that they own. PCC may waive this restriction as a reasonable accommodation for a family member who is a person with a disability. Exceptions to this rule must be approved at the level of Director or above.

PCC may use its discretion to disapprove an owner for a Housing Choice Voucher assisted tenancy under the following circumstances:

- Violations of obligations under one or more HAP contracts;
- History of Housing Maintenance Code violations;
- Acts of fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- Participation in any drug-related criminal activity or any violent criminal activity;
- Current or previous practice of non-compliance with HQS and/or state and local housing codes or with applicable housing standards for units leased under any other federal housing program;
- Current or prior history of refusing to evict Housing Choice Voucher program or other assisted housing tenants for activity by the tenant, any member of the household, a guest, or another person under the control of any member of the household that: threatens the right to peaceful enjoyment of the premises by other residents; threatens the health or safety of residents, PCC employees, or owner employees; threatens the neighbors’ health or safety, or neighbors’ right to peaceful enjoyment of their residences; or engages in drug-related criminal activity or violent criminal activity;
- The owner has engaged in or threatened abusive or violent behavior toward PCC personnel; and
- The owner fails to pay state or local real estate taxes, fines, or assessments.

Any owner that has entered into a legal agreement with PCC to pay outstanding obligations may be approved for participation in the voucher program. This decision will be made on a case-by-case basis and must be approved by an employee at the level of Director or higher.

### 13.3 Change in Ownership

PCC may approve the assignment of a HAP contract at the new owner’s written request. PCC may also deny approval of assignment of the contract to the new owner for any of the reasons listed above. To assign the HAP contract, the new owner must submit Form W-9, tax identification number documentation, and a copy of the property deed stamped within 90 days of submission or tax clearance form.

PCC will process a change of ownership only if the written request is accompanied by proper documentation of ownership of the property in question (copy of the deed or title) and proper documentation of the new ownership. The request and documentation must be submitted 30 days prior to closing. If an owner fails to request the change in ownership and provide all required documentation within 30 days of the transfer of property, PCC may provide payments on the 1st of the following month of submission date to the new owner.
14 ANNUAL AND INTERIM RECERTIFICATIONS

14.1 Annual Recertification

PCC conducts annual recertifications of income and family composition by mail, online and/or in person. PCC may elect to conduct a recertification of income and family composition more frequently than annually. Generally, at least 90 – 120 days in advance of the scheduled annual recertification date, PCC will send a recertification package to the head of household.

PCC will analyze and verify all information included in the recertification package, recalculate the family share of the rent and notify both the tenant and the owner of the new rent amount to be paid by the tenant and new housing assistance payment to be made to the owner (if applicable). This notice, or “rent letter,” will include effective dates of the new HAP amount, family share and new rent to owner.

If the family fails to respond or inadequately responds to an intent-to-terminate notice, a termination notice will be sent. Terminations will become effective the last day of the month following the date a termination notice has been sent.

14.2 Interim Recertification

Participants are required to report all changes in their household composition within 30 days of the change. All increases in household income must be reported within 30 days of the increase. Participants may elect to report decreases in income at any time. A participant reports a change of household composition or income by completing an interim recertification form. The form will be considered complete once all supporting documents including verification of the change have been submitted to PCC.

An interim recertification will be conducted for reported changes in household composition or decreases in income experienced between annual recertifications. PCC may elect to conduct an interim certification as needed to reflect changes in income detected through EIV. In this instance, PCC may send a recertification package for completion and submission. PCC may also elect to conduct an interim certification as needed to reflect changes in income for households reporting a replacement of their prior income, or households whose income is less than $2,000.

14.3 Recalculating Family Share and Subsidy Amount

PCC will notify the participant and the owner of any changes in the tenant share of the rent and the housing assistance payment as follows:

14.3.1 Increases in Tenant Share of Rent
Increases in the family’s share of the rent will become effective the first day of the month following a full 30-day notice. If there has been misrepresentation of income by the tenant, PCC may make the rent change effective on the first day of the month following completion of the recertification (no 30-day notice provided), or retroactive to the date it would have been effective had it been reported in a timely manner. The family will be liable for any overpaid housing assistance payment and may be required to sign a repayment agreement.

14.3.2 Decreases in Tenant Share of Rent

Decreases in the tenant share of rent will become effective on the anniversary date of the annual recertification, or, the first day of the month following the date any interim change was reported with sufficient verification documentation. If sufficient documentation of a decrease in income is provided but the scheduled recertification effective date is more than 30 days in the future, PCC may complete an interim certification on the first day of the following month. If a recertification package is not complete by the anniversary date, the rent change will be effective the first of the month following submission of all required documents.

14.3.3 Increase in Family Size

A family must obtain PCC approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody in which cases the family must report these additions in within 30 days of the event.

If a unit does not meet HQS standards due to an increase in family size, PCC will issue a new voucher to the family, as funding allows, and the family will be required to relocate to an appropriately sized unit.

Families that add members and qualify for a larger voucher size will also be provided a new voucher size if funding is available and will be provided the opportunity to move. However, unless the addition of the family member(s) results in the HQS violation described above, the family will not be required to relocate.

14.3.4 Decrease in Family Size

Decreases in family size must be reported within 30 days of the decrease. When the family size decreases, the new family size must be used to determine the payment standard amount for the family beginning at the family’s first regular recertification following the change. With HUD approval, PCC reserves the right to implement the new payment standard with 60 days’ notice to the family. If the family is “overhoused” according to PCC subsidy standards, the family will be required to relocate to an appropriately sized unit or pay the additional cost out of pocket to remain in the oversized unit.
If the family failed to report a change in composition within 30 days, any difference in the allowable subsidy due to a reduced voucher size may be charged to the family retroactively from the first day of the month following the change and a new voucher will be issued to the family immediately, if funding is available. PCC also maintains the right to terminate assistance to the family for failure to report the change in family composition.

If an assisted family breaks up, PCC will determine who remains in the program on a case-by-case basis. In the case where there is a court-stipulated determination as to which household member retains assistance, PCC will honor the determination of the court.
15 MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

15.1 Moves
A family is not permitted to move during the initial lease term. Thereafter, families may request to move only once every 12 months. Requests maybe approved as funding allows and if:

- The assisted lease for the old unit has terminated by mutual agreement of the owner and the tenant, or by PCC action of terminating the HAP contract;
- The tenant is not in the process of subsidy termination with PCC and the owner has given the tenant a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant; or
- The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner, for owner breach or otherwise).

PCC may deny permission to move if:

- The family has violated a family obligation;
- The family owes PCC money; or
- The family owes the landlord money.

15.1.1 Exceptions to Move Policy

PCC may grant an exception to these restrictions in an emergency situation, or if the family meets special circumstances associated with certain local preference categories (see Chapter 2, Violence Against Women Act for more information). PCC may also grant an exception if the family becomes overcrowded, as defined by HUD’s HQS standards, or if the apartment has two consecutive HQS failures caused by the landlord.

Moves within a building or a managed group of buildings – also referred to as transfers – may be scheduled at different intervals than every 12 months, at the discretion of PCC, if the family and owner are both in agreement and provide the required documentation to PCC for approval prior to transfer.

15.1.2 Move Procedures

Families that wish to move must follow the procedures presented below:

- The family must submit to PCC a request to move in writing;
- The family must provide proof that they are in good standing with their rent. Proof can come in the form of an intent to vacate letter from the landlord. PCC may, at its discretion, waive the requirement for the tenant to document good standing with lease requirements when there is a compelling and urgent health and safety-related need that requires the tenant to move immediately;

- If PCC has not recertified the family’s income and composition within the past six months, the family will be required to complete a recertification package. The
annual recertification date will be changed to coincide with the new lease effective date;

- Families that are eligible to move will be issued a move package that contains a, a Housing Choice Voucher, and a PCC landlord package;
- The family may conduct a search for new housing. If the family does not locate a new unit, they may remain in their current unit so long as the owner permits;
- Families may not move or transfer out of an assisted unit to a new unit with continued assistance until they receive written approval from PCC.

With HUD approval, during times of limited funding availability, PCC may restrict moves with continued assistance to units with a contract rent that is the same or lower than the previously assisted unit. During such times, families may only move to units that have a similar or lower rent than the previously assisted unit.

Once PCC has determined that funds are available, PCC will inform those households who were previously denied due to funding availability that they are eligible to move. Participants must follow the move procedures outlined in this section.

In a move, assistance stops at the old unit at the end of the month in which the tenant moved out, unless proper notice was provided to end the lease otherwise. Assistance will begin on the new unit on the effective date of the lease and HAP contract. Assistance payments may overlap for the month in which the family moves. Failure to complete the move process once the HAP contract is signed is a violation of family obligations under the tenancy addendum and may result in termination of subsidy.

If a tenant who has requested a move and processed the necessary paperwork to change units subsequently decides not to move, or if their move is delayed, s/he must notify PCC immediately so that current and future landlord accounts can be properly credited. Tenants who fail to notify PCC after such change of plans may be denied future move requests. Per federal regulations, it is a violation of family obligations to legally occupy two units and PCC will consider this act as grounds for termination.

PCC will process all move requests in the order that they are received but reserves the right to prioritize requests depending upon special circumstances or emergency situations. This includes tenants who are undergoing Holdover Court proceedings, as the landlord is attempting to gain possession of the apartment; as long as these tenants are in compliance with program regulations and their leases, these vouchers will be prioritized.

15.2 Required Moves

15.2.1 Owner Non-Compliance

When either an assisted unit or owner of the unit is not in compliance with federal regulations, PCC will terminate the HAP contract and offer the family the opportunity to move with assistance. To continue receiving subsidy, families must move to an acceptable unit within the voucher term and in accordance with PCC’s move policies. Failure to comply with PCC’s move policies is grounds for termination of assistance (see Chapter 15).
15.2.2 Unit under HAP Abatement for 30 Days

If an assisted unit is under HAP abatement for HQS failures for more than 30 days, PCC will offer the family the opportunity to request a move voucher. Families must search for a new unit during the voucher term and complete a move once a unit has been approved by PCC to continue to receive subsidy.

15.2.3 Violation of Space Standards

If PCC determines that the unit no longer meets HQS because of an increase in family size or composition, PCC will offer the family a move voucher to enable the family to find an acceptable unit within the voucher term. If the family does not find an acceptable unit by the expiration date of the voucher, the family may request additional time to continue their housing search by submitting a request in writing. Additional time to search for an appropriately sized unit will be granted on a case by case basis, and in consideration of factors such as:

- Documented attempts to search for housing; and/or
- Extenuating circumstances that may have prevented the family from finding an acceptable unit.

If an acceptable unit is available for rent by the family, PCC must terminate the original HAP contract, with notification to family and owner. The contract terminates at the end of the month that follows the month in which notification is given.

15.3 Portability

Portability is a term used to describe a family’s ability to rent a dwelling unit outside PCC’s jurisdiction and continue to receive HCV tenant-based assistance.

15.3.1 Porting out of Bridgeport

A voucher holder or participant family has the right to receive tenant-based voucher assistance to lease a unit outside PCC’s jurisdiction, anywhere in the United States, in the jurisdiction of another Public Housing Authority (PHA) with tenant-based assistance.

Continued assistance is bound by the eligibility requirements, subsidy standards, payment standards and other policies of the ‘receiving’ PHA. Portability can be exercised immediately upon receipt of the voucher and does not require an initial lease up in PCC’s jurisdiction.

Requests for portability by existing participants may be approved as funding allows and if:

- The assisted lease for the old unit has terminated by mutual agreement of the owner and the tenant, or by PCC action of terminating the HAP contract;
- The tenant is not in the process of subsidy termination with PCC
- Tenant obtains an intent to vacate form from the assisted property’s owner; or
- Tenant qualifies for an exception to PCC’s move policy as described in section 14.1.1.
- Tenant is in good standing with the PCC HCV Program.

PCC may deny permission to port if:
- The family has violated a family obligation;
- The family owes PCC money;
- The family is not an applicant or participant in the Housing Choice Voucher program. Section 8 Moderate Rehabilitation (MOD Rehab) or Continuum of Care (SRO MOD and Shelter Plus Care) applicants or participants do not have assistance that is portable; or
- The family owes the property owner money.

The receiving PHA has the option of administering the family’s portable voucher or absorbing the family into its own program. Under the first option, the households remains formally a participant in the initial PHA and the receiving PHA bills the initial PHA for the family’s housing assistance payments and the fees for administering the family’s voucher. Under the second option, the family is formally transferred to the receiving PHA and the receiving PHA pays for the family’s assistance out of its own program funds. The initial PHA, under the second option, has no further relationship with the family.

A receiving PHA that chooses to administer a portable voucher must submit a substitute W-9 form and proof from the IRS of its EIN number to enable PCC to make payments as billed by the receiving PHA.

In cases where a family, who ported out and is being administered by a receiving PHA, requests to return to PCC’s jurisdiction, PCC will consider whether the family is in good standing with the owner and in compliance with the participant’s current lease. If the participant is in good standing, PCC will reissue a Housing Choice Voucher to the family so that they can move back into PCC’s jurisdiction with assistance.

### 15.3.2 Voucher Extensions and Suspensions for Porting Out

PCC may approve extensions to a voucher issued to an applicant or tenant family porting out of PCC’s jurisdiction under the following circumstances:

- The initial term of the voucher will expire before the portable family will be issued a voucher by the receiving PHA;
- The family decides to return to the PCC’s jurisdiction and search for a unit; or
- The family decides to search for a unit in more than one jurisdiction.

In the cases above, PCC’s policies on voucher extension and suspensions will apply, including the requirement that the family apply for an extension in writing prior to the expiration of the initial voucher term.

Once the receiving PHA issues the family a voucher, the receiving PHA’s policies on extensions of the voucher term apply. PCC will allow extensions as long as the receiving PHA notifies PCC in writing of any extensions granted to the term of the voucher.
15.3.3 Porting in to Bridgeport

Families may port-in to PCC with a voucher issued by a PHA in another jurisdiction. We refer to this as porting-in. In these cases, PCC is the receiving PHA and the PHA from which the family came is the initial PHA.

Subject to funding availability, participants in other jurisdictions may choose to port to Bridgeport and use their voucher under portability rules. PCC’s procedures and preferences for selection among eligible applicants do not apply, and PCC’s waiting list will not be used. However, the family’s unit, or voucher, size is determined in accordance with PCC’s subsidy standards, and the amount of the family’s housing assistance payment is determined in the same manner as for other households in PCC’s voucher Program. Additionally, HCV Section 8 applicants in other jurisdictions will be subject to PCC’s income limits and other eligibility criteria.

When a family ports in to PCC’s jurisdiction, PCC will issue the family a portability voucher. Generally, PCC will invite the family to attend a briefing and will issue the voucher within two weeks after receiving the family’s completed paperwork from the initial PHA if the information is in order, the family has contacted PCC, and the family complies with PCC’s procedures.

If the initial PHA’s voucher expires before PCC issues the porting family a voucher, PCC will contact the initial PHA to determine if it will extend the voucher term. PCC will only issue a voucher to a family porting in if the family receives an extension of their voucher from the Initial PHA. If PCC issues a voucher to the family, it will expire 30 days beyond the initial PHA’s voucher expiration date.

15.3.4 Voucher Extensions & Suspensions for Porting In

If an applicant or participant port-in family needs additional time to search for housing, they must request that additional time from the initial PHA. PCC will only extend the term of the voucher for a port-in tenant if the initial PHA extends its voucher expiration date. If at the time of the extension request, PCC has decided that a port in family will be absorbed, PCC’s extension policy will apply.

15.3.5 Porting with Special Purpose Vouchers

PCC will administer special purpose vouchers, i.e., VASH Vouchers, in accordance with HUD-established policy in cases where HUD has established alternative program requirements of such special purpose vouchers. For example, under VASH, PCC will follow the VASH screening requirements when a VASH family ports to PCC.

When a VASH participant requests to port out of Bridgeport, Veterans Affairs (VA) VASH staff will be consulted regarding the request and the request may only be approved with their consent. PCC will work with the VA VASH staff to confirm that case management services are available in the new jurisdiction or that the family is discharged from the service requirement, at which point, PCC may issue a regular HCV to the family.
16 DENIAL OR TERMINATION OF ASSISTANCE

PCC may deny or terminate assistance for a family because of the family’s action or failure to act. PCC will provide families with a written description of the family’s obligations under the program, the grounds under which PCC can deny or terminate assistance and PCC’s procedures for informal reviews, conferences, and informal hearings.

16.1 Forms of Denial/Termination of Assistance

Denial of assistance for an applicant may include any or all of the following:
- Denying placement on the waiting list;
- Denying or canceling a voucher;
- Refusing to enter into a HAP contract or approve a tenancy; and
- Refusing to process or provide assistance under move and portability procedures.

Termination of assistance for a participant may include any or all of the following:
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures.

16.2 Mandatory Denial of Assistance

PCC must deny Housing Choice Voucher assistance to an applicant under any of the following circumstances:
- The family does not meet the program eligibility criteria (e.g. preference category, project based voucher building requirement, enhanced conversion residence requirements);
- If any family member has ever been convicted of manufacturing or producing methamphetamine on the premises of federally-assisted housing;
- If any member of a household is subject to a lifetime registration requirement under a State sex offender registration program;
- If any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR Part 5;
- If no family member can establish either citizenship or eligible immigration status; (i.e., at least one member of the family must establish either citizenship or eligible immigration status.)
- If any family member owes any debt to PCC or another Public Housing Authority;
- If a family member has been evicted from federally assisted housing for drug-related criminal activity. However, PCC may admit the family if PCC determines that the person who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program; or
  - That the circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned)
16.2.1 Criminal History

PCC will deny admission of an applicant for alcohol and/or drug abuse and criminal activity in accordance with the provisions of 24 C.F.R. §982.553 and the policies stated herein. The PCC will obtain criminal background screenings to assist in the implementation of the provisions of 24 C.F.R. §982.553:

PCC will deny admission of an applicant if there is reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or peaceful enjoyment of the premises by other residents. (24 C.F.R. §982.553(a)(2)(ii)(C)(3))

Previous Eviction: PCC will deny admission of an applicant for three (3) years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. However, the program may admit the household if the member who engaged in the drug-related criminal activity is no longer a member of the household or if he or she has successfully completed a supervised drug rehabilitation program. 24 C.F.R. §982.553(a)(1)(i))

Currently Engaged in Illegal Use of a Drug: PCC will use a look back period of three (3) years from the date of admission screening. PCC may deny admission to a household where any member has engaged in illegal use of a drug.

PCC will deny admission of an applicant if the program has evidence that a household member’s illegal drug use or pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. (24 C.F.R. §982.553(a)(1)(ii)(B))

PCC will deny admission of an applicant if any household member has ever been convicted of drug-related criminal activity for manufacturing or production of methamphetamine on the premises of federally assisted housing. (24 C.F.R. §982.553(a)(1)(ii)(C))

PCC will deny admission of an applicant if any household member is subject to a lifetime registration in a Meghan's Law and or a State sex offender registration program. The DCA will perform sex offender registration checks in the state of New Jersey and in other states where the household members are known to have resided. (24 C.F.R. §982.553(a)(2)(i)).

PCC will deny admission of an applicant if any household member has been convicted of:

1) Drug-related criminal activity;
2) Violent criminal activity,
3) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity;
4) Other criminal activity which may threaten the health or safety of the owner, property management staff, or person performing a contract administration function or
responsibility on behalf of DCA (including a DCA employee or a DCA contractor, subcontractor or agent).

The fact that an applicant was arrested for a disqualifying offense shall not be treated or regarded as proof that the applicant engaged in disqualifying criminal activity. The arrest may, however, trigger an investigation to determine whether the applicant actually engaged in disqualifying criminal activity. As part of its investigation, PCC may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. PCC may also consider any statements made by witnesses or the applicant not included in the police report; whether criminal charges were filed; whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal; and any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity.

PCC has established three (3) years as a reasonable time in which the applicant must not have engaged in these activities before admission. (24 C.F.R. §982.553(a)(2)(ii)(B)) The conviction must have occurred within three (3) years of the criminal screening, except that violent felony activity shall be considered within fifteen (15) years of the criminal screening.

"Violent crime" means a crime that has as an element the use, use of physical force against the person or property of another. DCA will conduct an "individualized assessment" that considers: (1) the facts or circumstances surrounding the criminal conduct; (2) the age of the individual at the time the conduct occurred; (3) evidence that the individual has maintained a good tenant history before and after the conviction or conduct; (4) and evidence of rehabilitation efforts(5) any mitigating circumstances related to the disability of a household member and; (6) the effect denial or termination would have on the household members not engaged in the activity. PCC reserves the right to require the household to exclude the offending member in order to continue receiving housing assistance.

PCC will consider participation in or completion of a supervised drug or alcohol rehabilitation program if denial or termination of assistance is based on illegal use of drugs or alcohol abuse and the household member is no longer engaged in the behavior. PCC will require the applicant or participant to submit written certification of rehabilitation from a social worker, counselor, or physician representing the rehabilitation facility.

If the household includes a person with disabilities, the decision of the program is subject to consideration of a reasonable accommodation.

PCC will deny assistance for criminal activity based on a “preponderance of the evidence” that a household member has engaged in the activity regardless of whether the household member has been arrested or convicted for such activity.

PCC will deny admission of an applicant if there is reasonable cause to believe that a household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or peaceful enjoyment of the premises by other residents. (24 C.F.R. §982.553(a)(2)(ii)(C)(3))
16.3 Mandatory Termination of Assistance

PCC must terminate program assistance for a participant under any of the following circumstances:

- If the family is under a HAP contract and 180 days have elapsed since PCC’s last housing assistance payment was made because the participant’s portion of rent equals the contract rent. These situations are commonly referred to as “zero subsidy” or “no rent hardship” cases. PCC reserves the right to terminate tenants prior to this timeframe, provided tenants are given 30 calendar days’ notice of termination;
- If the family is absent from the assisted unit for more than 180 days under any circumstance;
- If any family member has ever been convicted of manufacturing or producing methamphetamine on the premises of federally assisted housing;
- If the family is evicted from the assisted unit for serious or repeated violation of the lease;
- If any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR Part 5;
- Any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- The head of household refuses to enter into, or breaches a Repayment Agreement with PCC;
- Lifetime sex offender registration.

16.4 Permissible Grounds for Denial or Termination of Assistance

PCC may deny Housing Choice Voucher assistance to an applicant or terminate program assistance for a participant under any of the following circumstances:

16.4.1 Permissible Grounds for Denial

- PCC has previously terminated Housing Choice Voucher assistance for any member of the family;
  - If the head of household has previously been terminated from federal housing subsidy program for adverse termination reasons.
  - If any member of a household is subject to a lifetime registration requirement under a State sex offender registration program
  - If any member of the family on the HCV application has been evicted from federally-assisted housing in the last three years;
- An EIV existing tenant search indicates that applicant is receiving subsidy in another housing program;
- If the head of household for an applicant family is incarcerated during the application process for any criminal activity.
- The family has breached a repayment agreement with PCC previously.

16.4.2 Permissible Grounds for Denial and/or Termination

- Any household member or guest engages in illegal use of a drug in the assisted unit;
• Any member of the family commits drug-related criminal activity, or violent criminal activity;
• PCC has reasonable cause to believe that a household member’s alcohol or illegal drug use or a pattern of alcohol or illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
• The family currently owes rent or other amounts to PCC or another PHA in connection with Housing Choice Voucher or public housing assistance under the Housing Act of 1937;
• The family has breached a repayment agreement with another PHA;
• The family, a guest or apparent agent of the family has engaged in or threatened abusive or violent behavior toward PCC personnel. This includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial. “Threatening” refers to oral or written threats and physical gestures or use of animals as weapons that communicate an intent to abuse or commit violence;
• The family has misrepresented household members, or any other reported information on or accompanying the Housing Choice Voucher application or annual recertification or has misused federal funds;
• The family has misrepresented income by more than $5,000 and/or has received an overpayment of HAP subsidy of $5,000 or more;
• PCC determines that the family has misrepresented income by more than $5,000 annually for a second time;
• The family has violated one or more of the family obligations listed on the voucher, PCC briefing booklet, and PCC’s Administrative Plan;
• The family has failed to provide information requested by PCC or the family has failed to attend their scheduled briefing with PCC;
• The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damage to a unit, or any other amounts owed under the lease;
• A family member has engaged in activity that may threaten the health or safety of the owner, property management staff, or persons performing the contract administration function or responsibility on behalf of PCC, including an PCC employee or contractor or agent;
• The family fails to complete a required move as described in this plan;
• The family moves out of the assisted unit without prior written approval to move by PCC.

16.4.3 Denial/Termination Due to Lack of Funding Availability

During periods when funding availability is limited (projected expenses exceed anticipated funding) or voucher shortage (vouchers issued exceed the established voucher availability by the Annual Contributions Contract), after HUD notification, PCC reserves the right to rescind vouchers issued first and begin termination of subsidy if necessary. In such situations, PCC will decide which households will have their vouchers rescinded or subsidy terminated based on factors including but not limited to:
• Risk of immediate homelessness,
• Household income as it relates to the Area Median Income,
• Value of assets for all household members,
• Level of HAP expense,
• Availability of alternate housing subsidy.

Similar guidelines will apply to Tenant Protection Voucher holders after the one-year anniversary of the enhanced development conversion. Participants in special purpose voucher programs such as HUD VASH will be the last group to be terminated. Should the need arise to terminate subsidy for the population; the guidelines above will be applied.

Households who were terminated will have the opportunity for re-instatement if funding becomes available. Those terminated last will have the first opportunity for re-instatement. Those who have secured alternate housing subsidy may not be re-instated in the program.

16.5 Screening and Termination for Drug Abuse and Other Criminal Activity

All screening and termination of assistance procedures will be administered fairly and in such a way as to not violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sexual orientation, gender identification or other legally protected groups. Owners are responsible for screening their tenants prior to executing a lease.

16.5.1 Screening of Applicants and New Household Members

PCC will use EIV and other online databases to screen for history of criminal activity. In an effort to prevent future drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by federal regulations, PCC will endeavor to screen applicants as appropriately and fairly as possible for drug-related and violent criminal behavior. Such screening will apply to any member of the household who is 18 years of age or older.

16.6 Notice of Termination of Assistance

If PCC decides to terminate assistance to the family, PCC must give the family a written notice of intent to terminate, with reasons, as well as notify them of their right to an informal hearing prior to the proposed date of termination.

Terminations will allow a minimum of 30 days’ notice, with the following exceptions:

• Death of sole household member. The termination will be effective the end of the month of the date of death, as confirmed by the Social Security Administration or death certificate. PCC will not make housing assistance payments beyond this date.
• The assisted unit is vacated by the family without PCC approval. PCC will send a notice of Intent to
Head of household relinquishes subsidy.

16.6.1 Notice to the Family [24 CFR 982.555(c)]
When PCC makes a decision that is subject to informal hearing procedures, PCC will inform the family of its right to an informal hearing at the same time that it informs the family of the decision. In cases where the PCC makes a decision for which an informal hearing must be offered, the notice to the family will include all of the following:
- A brief statement of the reasons for the decision including the regulatory reference;
- A statement that if the family does not agree with the decision the family may request an informal hearing of the decision; and
- A deadline for the family to request the informal hearing.

16.6.2 Scheduling and Holding an Informal Hearing [24 CFR 982.555(d)]
A request for an informal hearing must be made in writing to PCC within 21 calendar days from the date of PCC decision or notice to terminate assistance. PCC will schedule and send written notice of the informal hearing to the family and will hold the hearing within a reasonable time of the family’s request. If the family misses the scheduled hearing, the family’s assistance is terminated. Prior to the date scheduled for the hearing, the family may submit a request orally or in writing to reschedule a hearing for good cause. If the family misses the rescheduled hearing, the family’s assistance is terminated. If the family does not appear at the scheduled time and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact PCC orally or in writing within 24 hours of the scheduled hearing date, excluding weekends and holidays. PCC will reschedule the hearing only if the family can show good cause for the failure to appear. PCC may request documentation of the good cause.

16.7 PCC Discretion
In deciding whether to deny program admission or terminate assistance because of action or failure to act by members of the family, PCC has discretion to consider all of the circumstances in each case including the seriousness of the case. Such acts include, but are not limited to:
- Failure to occupy a unit as a primary residence after execution of a HAP contract;
- Failure to attend a conference;
- Failure to utilize the voucher within the time allowed;
- Failure to enter into a lease at a Project Based Voucher or Enhanced Development

PCC will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. PCC may also review the family’s more recent history and record of compliance and the effects that denial of program admission or termination of assistance may have on other family members who were not involved in the action or failure to act.

PCC may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or
failure to act, will not reside in the unit. PCC may permit the other members of a family to continue in the program.

16.8 Lease Violations

Serious lease violations include, but are not limited to, the following:

- If the owner terminates tenancy through court action for serious or repeated violation of the lease;
- If the owner notifies the family of termination of tenancy for a serious or repeated lease violation and the family moves from the unit prior to completion of court action; and PCC determines based on available evidence that the cause of the move is a serious or repeated violation of the lease;
- If the family fails to provide access to the unit for the owner or management agent so that HQS deficiencies can be cured as required by PCC;
- If there are police reports, neighborhood complaints or other third party information that has been verified by PCC; and
- Non-payment of rent is considered a serious violation of the lease. A court order of eviction for non-payment is not required for PCC to terminate assistance. If an owner provides sufficient documentation of non-payment of rent, PCC will consider termination of assistance for the participant.

16.9 Termination of Tenancy by Owner

The owner may only evict the tenant by court action. During the term of the lease (the initial term or any extension thereafter), the owner may only terminate the tenancy because of:

- Serious or repeated violation of the lease;
- Disturbance of neighbors;
- Destruction of property;
- Living or housekeeping habits that cause damage to the unit or premises;
- Violation of federal, state, or local law that imposes obligations on the tenant in connection with the occupancy or use of the unit and the premises;
- Criminal activity or alcohol abuse; or
- Other good cause.

Non-payment of the HAP subsidy by PCC is not grounds for termination of the lease, since the family is not responsible for that portion under the HAP contract.

If the owner intends not to renew a lease or not to accept a renewal HAP contract, the owner must give PCC 60 days’ notice prior to the end of the current lease term, in order that PCC can offer the participant a voucher to move. However, under rent stabilization, landlords must offer tenants in good standing a renewal lease that includes the material terms of the previous lease. PCC considers the acceptance of Section 8 subsidies to be a material term of the lease; therefore, landlords of rent-stabilized units are obligated to accept Section 8 in their renewal leases. In addition, Connecticut’s Discriminatory Housing Preferences Act prohibits landlords from discriminating against tenants based on “lawful sources” of income. Lawful sources of income include social security, any
federal, state or local public assistance or housing assistance such as Section 8 vouchers.

16.10 Procedures for Non-Citizen Households

Applicant or participant families in which no members are either U.S. citizens or eligible immigrants are not eligible for assistance and must have their assistance terminated. Assistance may not be terminated while verification of the participant family’s eligible immigration status is pending.

When PCC has clear, concrete or substantial documentation that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual will be given an opportunity for a hearing. If the family or any member claimed eligible immigrant status and the U.S Citizenship and Immigration Services (USCIS) primary and secondary verifications failed to document the status, the family may make an appeal to the USCIS and request a hearing with PCC either after the USCIS appeal or in lieu of the USCIS appeal. After PCC has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

16.11 Zero Subsidy Tenants (No Rent Hardship)

The family may remain in the unit at zero assistance (the tenant portion of the rent equals the contract rent) for up to 180 days after the last HAP payment, unless PCC exercises its right to terminate assistance for such families prior to the 180-day timeframe. If the family is still in the unit after 180 days, the assistance will be terminated. If within the 180-day timeframe, or other timeframe designated by PCC per above, an increase in rent or decrease in income causes the family to be eligible for a housing assistance payment, PCC will resume payments for the family.

In order for a family to move with continued assistance to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate HAP.

16.12 Missed Appointments and Deadlines

It is a family’s obligation to supply information, documentation and certification as needed for PCC to fulfill its responsibilities. PCC schedules appointments and sets deadlines in order to obtain the required information. An applicant or participant who fails to keep an appointment or to supply information required by a deadline without notifying the agency may be sent a notice of denial or termination of assistance for failure to provide required information.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:
- Eligibility for admission;
- Verification procedures;
- Voucher issuance and briefings;
- HQS inspections;
• Recertifications; and
• Conferences and Appeals.

Acceptable reasons for missing appointments or failing to provide information by deadlines are: medical emergency, family emergency, and any other reason that PCC deems appropriate. These reasons are only acceptable if PCC is notified in a timely manner.
17 INFORMAL REVIEWS, CONFERENCES, AND INFORMAL HEARINGS

PCC offers numerous ways for program applicants and participants to clarify, resolve, review, and appeal matters and decisions concerning their eligibility to receive Section 8 rent subsidies. These include informal reviews, conferences, and informal hearings. Informal reviews concern denials of assistance to applicants (including voucher holders1), a conference is used as a preliminary step to resolve matters leading to termination of a participant’s subsidy, and an informal hearing is an appeal of termination or subsidy determination for a participant.

PCC will take affirmative steps to communicate with people who need services or information in a language other than English. Interpreters will be available if requested in writing at least three business days before the informal review, conference or informal hearing by the participants. The family has a right to legal counsel or other representation at their own expense.

PCC’s policy is that families are given 21 calendar days from the date of the notice of adverse action to request an informal hearing or review. Families may request a conference within 15 calendar days from the date of the notice.

17.1 Informal Review for Applicants

An informal review is an appeal by an applicant and will be administered as outlined in 24 CFR Part 982.554.

PCC will give all applicants prompt notice of a decision denying assistance along with a brief statement of the reason for PCC’s decision. Depending on the reason (see below), the applicant may also be given the opportunity to request an informal review of the decision and a time limit for requesting a review. An informal review consists of a review of the application, its supporting material and any additional written material that an applicant wishes to submit to support the claim of eligibility.

17.1.1 When an Opportunity for an Informal Review is Required

Generally, PCC must provide applicants with the opportunity for an informal review of decisions denying:

- Listing on PCC’s waiting list;
- Issuance of a voucher;
- Participation in the program; and
- Assistance under portability procedures.

1 A voucher holder is considered an applicant, and not a participant.
Generally, informal reviews are not required for the following reasons for denial of assistance:

- Discretionary administrative determinations by PCC;
- General policy issues or class grievances;
- A determination of the family unit size under PCC’s subsidy standards;
- PCC’s determination not to approve an extension or suspension of a voucher term;
- Disapproval of the owner’s lease form;
- An PCC determination not to grant approval of the tenancy;
- An PCC determination that a unit selected by the applicant is not in compliance with HQS; and
- An PCC determination that the unit is not in compliance with HQS because of the family size or composition.

When an applicant is denied assistance because the household income is above the applicable income limits, the period determining income eligibility ends on the date the denial notice is printed. Therefore, applicants must prove that they were income eligible at the time the denial notice was issued. Subsequent decreases in income will not be considered.

When an applicant is denied assistance for citizenship or eligible immigration status, the applicant is entitled to the same informal hearing that is offered to participants, as discussed in 16.3 of this chapter.

17.1.2 Time Limits

All requests for informal reviews must be made in writing and received by PCC, either by mail or in person, within 21 calendar days from the date printed on the notice of adverse action. PCC will not accept phone call requests for an informal review. If the applicant does not request an informal review in accordance with these procedures, PCC’s determination will become final.

PCC will attempt to schedule all informal reviews within a reasonable time from the date of receipt of the request. Requests to reschedule an informal review will only be considered for documented emergency situations (such as a documented medical emergency). PCC may accommodate requests for delayed scheduling in emergency situations for up to 90 days from the date the request was received in writing.

17.1.3 Informal Review Procedures

The Hearing Officer will conduct the informal review. The Hearing may be conducted by any person or persons designated by PCC other than the person who made or approved the determination.
The family or its representative may request pre-informal review discovery of PCC documents including records and regulations relevant to the informal review. The family may make copies of any such documents at their own expense.

Before any informal review, PCC must be provided the opportunity to examine any family documents that are directly relevant to the informal review at its office. PCC must be allowed to copy any such document at its own expense. If the family does not make a document available for examination on request of PCC, the family may not rely on the document at the informal review.

The applicant will be given the option of presenting oral and/or written objections to the determination in question. The family has a right to legal counsel or other representation at their own expense. Both PCC and the family will have the opportunity to present evidence and/or witnesses.

PCC will notify the applicant of the final decision in writing. The notification will include a brief statement of the reasons for the decision.

17.1.4 Issuance of Decision

The Hearing Officer will make a determination on whether the rule or regulation was correctly or incorrectly applied according to the information submitted at the informal review. A notice of the informal review findings will be provided in writing to PCC and the applicant within a reasonable period of time and will include a brief explanation of the reasons for the final decision.

All information concerning the informal review will be retained in the family’s file.

17.1.5 Effect of Final Review Decision

PCC is not bound by informal review decisions which:

- Concern matters in which PCC is not required to provide an opportunity for an informal review in accordance with 24 CFR Part 982.554;
- Contradict HUD regulations or requirements;
- Contradict federal, state or local laws; or
- Exceed the authority of the person conducting the informal review.

17.1.6 Substitute Hearing Officer

When a Hearing Officer is unable to render a written decision after presiding over an informal review because of death, disability, or extended leave, or is unable to carry out his or her duties or because that Hearing Officer leaves PCC’s employ, PCC will assign a substitute Hearing Officer to review the record. The record shall include all testimony
and evidence submitted at the informal review and either the audio recording or a written transcript of the informal review when available. The assigned substitute Hearing Officer will render a written decision based upon his or her review of the record and pursuant to the procedure prescribed in this Administrative Plan and HUD regulations and provide an explanation for the decision to PCC and the participant or applicant in writing.

17.1.7 Preference Denial

Although not required by regulation, when PCC denies admission to an applicant because the applicant does not belong to a program category, the family will be notified in writing of the specific reason for the denial and offered the opportunity to request an informal review.

17.1.8 When an Opportunity for an Informal Hearing is Required

PCC will provide an opportunity for an informal hearing for the following decisions:

- 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 PCC utility allowance schedule;
- A determination of the voucher size under PCC’s subsidy standards;
- A determination that a voucher program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under PCC’s subsidy standards (i.e., the family is “over-housed”), or PCC’s determination to deny the family’s request for an exception from the standards;
- A determination to terminate assistance for a participant family because of the family’s action or failure to act; and
- A determination to terminate assistance because the family has been absent from the assisted unit for longer than the maximum period permitted under PCC’s policy and HUD rules.

Informal hearings regarding termination of assistance will be conducted prior to terminating assistance if such informal hearing was properly requested within 30 days from the date printed on the notice.

17.1.9 When an Opportunity for an Informal Hearing is Not Required

PCC is not required to provide an opportunity for an informal hearing in any of the following circumstances:

- Discretionary administrative decisions by PCC;
- General policy issues or class grievances;
• Establishment of the schedule of utility allowances for families in the program;
• PCC's determination not to approve an extension or suspension of a voucher term;
• PCC's determination not to approve a unit or tenancy;
• PCC's determination that a unit is not in compliance with HQS. However, PCC must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family;
• PCC's determination that the unit is not in accordance with HQS because of the family size; and
• PCC's determination to exercise or not to exercise any right or remedy against the owner under a HAP contract.

17.1.10 Notification of Determination

For determinations of the family income, utility allowance, or unit size, PCC will notify the family that they may ask for an explanation of the basis of the determination, and, if the family does not agree with the determination, they may also request an informal hearing to contest the determination.

For determinations that a family is residing in a unit with a larger number of bedrooms than is appropriate for the family size, PCC’s denial of a family’s request for an exception from the subsidy standards, or PCC’s termination due to a family’s action, failure to act, or absence from the unit for longer than the maximum period permitted, PCC will promptly notify the family in writing. The notification will include the following information:

• The proposed action or decision of PCC and its effective date;
• The procedures for requesting an informal hearing if the family does not agree with the decision;
• The time limit for requesting the informal hearing; and
• To whom the informal hearing request should be addressed.

17.1.11 Time Limits

All requests for informal hearings must be made in writing and received by PCC within 21 calendar days from the date printed on the notice. PCC will not accept phone call requests for an informal hearing. If the participant does not request an informal hearing in accordance with these procedures, PCC’s determination will become final.

PCC will attempt to schedule all informal hearings within 14 calendar days of receipt of the request. Requests to reschedule an informal hearing will only be considered for documented emergency situations.
17.1.12 Informal Hearing Procedures

The Hearing Officer will conduct the informal hearing. The hearing may be conducted by any person or persons designated by the PCC other than the person who made or approved the determination under review or a subordinate of that person.

The family or its representative may request pre-informal hearing discovery of PCC documents including records and regulations relevant to the informal hearing. The family may make copies of any such documents at their own expense.

Before any informal hearing, PCC must be provided the opportunity to examine any family documents that are directly relevant to the informal hearing at its office. PCC must be allowed to copy any such document at its own expense. If the family does not make a document available for examination on request of PCC, the family may not rely on the document at the informal hearing.

The participant will be given the option of presenting oral and/or written objections to the determination in question. The family has a right to legal counsel or other representation at their own expense. Both PCC and the family will have the opportunity to present evidence and/or witnesses.

17.1.13 Conduct at Hearings

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

17.1.14 Issuance of Decision

The Hearing Officer will make a determination on whether the rule or regulation was correctly or incorrectly applied according to the information submitted at the informal hearing. A notice of the informal hearing findings will be provided in writing to PCC and the participant within a reasonable period of time and will include a brief explanation of the reasons for the final decision.

All information concerning the informal hearing will be retained in the family's file.

17.1.15 Substitute Hearing Officer

When a Hearing Officer is unable to render a written decision after presiding over an informal hearing because of death, disability, or extended leave, or is unable to carry out his or her duties or because that Hearing Officer leaves PCC's employ, PCC will assign a substitute Hearing Officer to review the record. The record will include all testimony
and evidence submitted at the hearing and either the audio recording or a written transcript of the hearing when available. The assigned substitute Hearing Officer will render a written decision based upon his or her review of the record and pursuant to the procedure prescribed in this Administrative Plan and HUD regulations and provide an explanation for the decision to PCC and the participant or applicant in writing.

17.1.16 Effect of Informal Hearing Decision

PCC is not bound by informal hearing decisions which:

- Concern matters in which PCC is not required to provide an opportunity for an informal hearing in accordance with 24 CFR Part 982.555(b);
- Contradict HUD regulations or requirements;
- Contradict federal, state or local laws; or
- Exceed the authority of the person conducting the informal hearing.
18 PROGRAM INTEGRITY

18.1 Preventing, Detecting, and Investigating Errors and Program Abuse

If PCC makes a determination that a family, owner or PCC employee has abused the program, PCC will take action to correct the situation. PCC may at any time deny program assistance to an applicant or terminate program assistance for a participant if a preponderance of the evidence shows that any family member has willfully and intentionally committed fraud, bribery, or any other corrupt or criminal act in connection with a federal housing program. PCC’s actions will vary based on the nature and severity of the abuse.

Fraud and abuse can consist of either a single act or a pattern of actions made with the intent to deceive or mislead, and which constitutes a false statement, omission, or concealment of a substantive fact. Fraud and abuse result in the payment of program funds in violation of program requirements.

In determining whether a case of fraud or abuse exists, PCC must recognize the differences between unintentional and intentional misreporting. PCC must also evaluate the special circumstances and seriousness of a case to determine whether further investigation for evidence of fraud or abuse is required. For example, failure to report required information due to a lack of understanding may be considered an error or omission and not fraud or abuse. For owners, collecting a HAP payment for a vacated unit when the owner is not aware that the assisted family has vacated may also be considered an error or omission and not fraud.

Fraud allegations are received or discovered from many different sources. When information indicates that fraud may exist, the family and/or owner and/or PCC employee may be required to attend a conference to review the issue. PCC may work with the Inspector General’s office at the Department of Investigation (DOI) to further investigate, either before or after a conference takes place. Referral to DOI does not prohibit PCC from making a decision to deny assistance to an applicant or terminate program assistance for a participant or owner.

18.2 Corrective Measures and Penalties

If an error has been made in determining family income, family share of the rent or family composition, PCC will promptly correct the error after notice to the family and the owner. For subsidy corrections, the notice will include an amendment to the HAP contract. For changes in family size, the correction may require the family to move to a new unit. Unless the owner requires a new lease, execution of a new HAP contract is not required. The specific corrective action that PCC takes depends upon the fault of the party in causing the error as more fully described below.

18.2.1 Family Payment Too High
- **Error or omission - fault of PCC**: PCC will refund the total amount due to the family from the Housing Choice Voucher administrative fee reserves. If the family owed the owner rent, PCC may choose to pay the amount due or a portion thereof directly to the owner on behalf of the family.

- **Error or omission - fault of the family**: If the error is the fault of the family, PCC will not reimburse the family, but will process the change effective the first of the month following notification or discovery of the error or omission.

### 18.2.2 Family Payment Too Low

- **Error or omission - fault of PCC**: If the family share of rent is incorrectly set too low, the family and the owner are not responsible for repayment. PCC in this instance will give the family and owner notice of the change in family and HAP share to be effective immediately.

- **Error or omission - fault of the family**: If the family share of rent is set too low due to error or omission of the family, PCC may exercise its discretion to terminate assistance for that family, or to enter into a repayment agreement with the family. If PCC selects the latter option, PCC will notify both the owner and tenant of the tenant share and HAP share to be effective retroactively to the time of the reporting error. Failure of the family to abide by the terms of the repayment agreement may result in termination of assistance.

### 18.2.3 Family Size

- **PCC error - family receives a subsidy for a larger unit than the size of unit for which it is entitled**: PCC will encourage the family to move to an appropriately sized unit. If the family refuses to relocate or make a good faith effort to find alternative housing, PCC will adjust the payment standard for the family to the appropriately sized unit for which it qualifies. PCC will give proper notice to both the family and the owner of any change in subsidy, which will take effect at the next regular reexamination.

- **Misrepresentation by the family - family receives a subsidy for a larger unit than the size of unit for which it is entitled**: PCC may terminate assistance, or, at its discretion, require the family to repay PCC for the total amount of overpayment due under the terms of a repayment agreement. If assistance is not terminated, PCC will adjust the subsidy to account for the new payment standard and provide the owner and the family with notification of the change.

- **Family receives a subsidy for a unit that is smaller than the size of unit for which it is entitled**: PCC will immediately notify the family and the owner of the error and issue the family a voucher for the correct unit size. If the current unit violates HQS space requirements and the family does not relocate within a reasonable period of time, PCC will terminate assistance.
18.3 Repayment Agreements

At PCC’s discretion, repayment agreements may be executed with participants who owe PCC money as a result of HAP overpayment on their behalf in the Housing Choice Voucher program. For example, if a family did not report an increase in family income, or is found, through third party verification to have a higher income than that reported by the family, PCC may calculate a retroactive payment for the full amount. However, PCC is not obligated to enter into a repayment agreement with any tenant and may terminate program assistance for a family’s violation of their program obligations. Any second or repeated instance of a failure to report assets or income will result in termination of subsidy. PCC will not offer a repayment agreement following a case of repeated misrepresentation of income or assets. PCC may also refer the case to the Inspector General’s Office of the Department of Investigation (DOI).

The program will prescribe the terms and conditions of the agreement and may deny or terminate assistance for a breach of the agreement. Households that owe the program more than $5,000 because of their failure to report changes in their total annual income may be terminated without being given the opportunity to enter into a repayment agreement. The program, on a case-by-case basis and at its sole discretion, may offer a repayment, in lieu of termination, for debts in excess of $5,000.

At its discretion, PCC may pursue other modes of collection, including referral to the Inspector General. Debts of $2,000 or less must be repaid within 12 months. Debts ranging from $2,001-$4,999 must be repaid within 24 months. Debts of $5,000 or more must be repaid in 36 months. PCC reserves the right to set payment conditions, including down payment amount, length of agreement, and monthly minimum payments.

All repayment agreements must be in writing, dated, signed by both the participant and the PCC, include the total retroactive rent amount owed, amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, repayment agreements must contain the following provisions: a. Reference to the paragraphs in the Section 8 information packet whereby the tenant is in non-compliance and may be subject to termination of tenancy or assistance, or both. b. The monthly retroactive rent repayment amount is in addition to the family’s regular rent contribution and is payable to the PCC. c. The terms of the agreement may be renegotiated if there is a decrease or increase in the family’s income. d. Late and missed payments constitute default of the repayment agreement and may result in termination of tenancy and/or assistance. PCC is required to determine retroactive rent amount as far back as PCC has documentation of family reported income. The monthly retroactive rent payment plus the amount of rent the tenant pays at the time the repayment agreement is executed should be affordable and not exceed 40 percent of the family’s monthly adjusted income.

If the full amount of the balance due will not be paid in full within the specified timeframe allotted, a larger first payment will be required. Household members that were minors at the time the repayment agreement was entered into will not be obligated to satisfy the debt, in order to secure a voucher of their own as an adult.

If the tenant does not comply with a repayment agreement or fails to enter into a repayment agreement, PCC must terminate the tenant from the program. If PCC determines that the family committed fraud or was grossly irresponsible, PCC may
terminate assistance or require the family to repay the entire amount in full without a repayment agreement. In these instances, PCC may refer the case for criminal prosecution through the Inspector General’s Office at the (DOI).

Families will not be permitted to move to a new unit (unless overcrowding or landlord-caused HQS violations require it) if they are in default of the terms of a repayment agreement, or fail to enter into a repayment agreement. PCC may also deny moves outside PCC’s jurisdiction (ports) if the family is in default of or fails to enter into a repayment agreement.
19 PROGRAM ADMINISTRATION

19.1 Administrative Fee Reserve

The Executive Director of PCC or any employee designated by the Executive Director may approve charges to the administrative fee reserve for either a House Choice Voucher program or other housing purpose. The agency does not maintain a maximum withdrawal amount from the reserve per occurrence or per fiscal year.

19.2 Housing Choice Voucher Notices

The Housing Choice Voucher program deems all notices that are mailed through the U.S. Postal Service to have been received ten calendar days after mailing, unless the Postal Service returns the notice as undeliverable. PCC may also send some notices by certified mail.

19.2.1 PCC Employee Conflict of Interest

19.2.1.1 Solicitation or Acceptance of Gifts

PCC employees shall not solicit or accept anything of value from any person or entity doing business with PCC, except that employees may accept:

- Gifts that are customary on family and social occasions (such as a birthday or wedding), as long as the basis for the gift is close personal friendship and the entire circumstances indicate that there is no actual conflict or appearance of impropriety; and
- Invitations, meals, or travel expenses offered in connection with certain events, conferences, and meetings involving City business that may be considered gifts to the City and not to the individual employee.

PCC employees shall not solicit or collect any monetary or non-monetary donation or anything else of value (including, but not limited to, any campaign contribution or any donation of time or resources) on behalf of any person, entity, organization, candidate, or cause from any person or entity doing business with PCC.

19.2.2 For Employees Applying for or Receiving Housing Subsidy Administered by PCC Section 8 Department

PCC Section 8 employees who are applicants or participants in any housing subsidy program administered by PCC must immediately report this to their unit Director. Employees who own an assisted unit or who have family members that receive a PCC administered housing subsidy must also report this to their unit Director. The following policy and protocol will apply for PCC employees or contract workers that have applied for or are receiving assistance housing subsidy administered by PCC, or are participating landlords including:
• PCC employees or contract workers who are tenants, relatives of tenants or participating landlords in a PCC administered housing subsidy program may not work on or access either electronic or paper records their own cases or cases involving immediate family members. Immediate family members include a parent, stepparent, child, stepchild, grandparent, grandchild, sibling, or stepsibling. PCC may at its discretion expand this prohibition of case involvement to include close friends and additional family members as needed. This means that PCC employees or contract workers who apply for a PCC administered subsidy may not process their own application, schedule their own briefing, be directly involved in issuing their own voucher, or participate in any other aspect of their case. Employees and contract workers who already receive PCC assistance may not administer, access, or process their own recertification. Employees and contract workers working in the HQS unit or in the Code Enforcement unit may not perform any inspection for an apartment that they will rent, currently rent, or in which they have ownership interest.

• Any case files that involve a conflict of interest for any staff member will be forwarded to the Program Director for further administration.
20 PROJECT BASED VOUCHERS

20.1 Introduction

This section of the Administrative Plan describes PCC’s policies related to implementation of the Project Based Voucher (PBV) program pursuant to the Final Rule published at 24 CFR 983 on October 15, 2005.

20.2 Applicability of Tenant-Based Voucher Program Policies to Project Based Voucher Program

Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program regulations, PCC’s policies for the tenant-based voucher program described in the HCV Administrative Plan will also apply to the PBV program administered by PCC.

20.3 Equal Opportunity

PCC will comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program, including the PHA Plan certification on civil rights and affirmatively furthering fair housing.

20.4 Program Size

The total number of PBV units will not exceed 20% of PCC's Consolidated Annual Contributions Contract (ACC) authorized units. The limit may be increased to 30% of PCC's ACC authorized units if exceptions outlined in HOTMA and Chapter 1, Section 1.3.1 of this Plan apply.

20.5 Eligible Unit Types

PBV assistance may be attached to existing housing or newly constructed or rehabilitated housing. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of PCC selection, the units substantially comply with HQS.

20.5.1 Ineligible Unit Types

PCC will not attach PBV assistance to shared housing units; units on the grounds of a penal reformatory, medical, mental, or similar public or private institution; nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care (except that assistance may be provided in assisted living facilities); units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students; manufactured homes; and transitional housing.

PCC will not attach PBV assistance to a unit occupied by an owner.
PCC will not attach PBV assistance to units in any of the following types of subsidized housing except as provided in the Housing Opportunity Through Modernization Act of 2016: Implementation of Various Section 8 Voucher Provisions published on 1/18/2017:

- A public housing unit;
- A unit subsidized with any other form of Section 8 assistance;
- A unit subsidized with any governmental rent subsidy;
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- A unit subsidized with Section 236 rental assistance payments (except that PCC may attach assistance to a unit subsidized with Section 236 interest reduction payments);
- A Section 202 project for non-elderly with disabilities;
- Section 811 project-based supportive housing for persons with disabilities;
- Section 202 supportive housing for the elderly;
- A Section 101 rent supplement project;
- A unit subsidized with any form of tenant-based rental assistance;
- A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or PCC in accordance with HUD requirements.

20.6 Limits on Number of PBV Units in Buildings

Pursuant to HUD regulations, PCC will not provide PBV assistance for units in a building if the total number of dwelling units in the building that will receive PBV assistance during the term of the PBV HAP contract is more than 25 units or 25% of the number of dwelling units (assisted or unassisted) in the building except where:

- The units are in a single-family building (with four or fewer units);
- The units qualify as “excepted units” as defined below.

If a project contains 25 or fewer units, PCC may place every unit in the project under the PBV HAP contract.

20.7 Exceptions to Caps on PBV Units at a Project

PCC may provide PBV assistance to a project for up to the greater of 25 units and 25% of a project's units unless:

- The building is in a low-poverty area (in a census tract with a poverty rate of 20% or lower), in which case up to 100% of the units may receive PBV assistance;
- PCC is providing PBV assistance as part of a Rental Assistance Demonstration (RAD) conversion, in which case up to 100% of the units approved by HUD may receive PBV assistance;
• Any PBV assistance provided to a household who resided in a building that received HUD-funded assistance in the previous 5 years as described in section 1.3.1 (2.) of this Administrative Plan; or
• The building designates units beyond 25% of the project or 25 units as “excepted units”

Excepted units are: 1) Units exclusively serving elderly families and 2) Units housing households eligible for one or more supportive services available to all families receiving PBV assistance in the project.

PCC may refer only qualifying families for occupancy of excepted units under (a) and (b) below.

(a) Units for elderly families. Units that are exclusively made available to elderly families are excepted from the project cap. The term elderly family is defined in 24 CFR §5.403 as follows: “Elderly family means a family whose head (including co-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.”

(b) Units for households eligible for supportive services. Dwelling units that are exclusively made available to households eligible for supportive services that are made available to the assisted residents of the project, according to the standards for such services the Secretary may establish are excepted from the project cap. The exception applies to any household eligible for the supportive services and is not limited to households with a family member with a disability.

20.7.1 Requirements Applicable to Households Residing in Excepted Units

For excepted units occupied by elderly families, PCC will not require that the family be offered supportive services as a requirement of program participation.

For excepted units occupied by families offered supportive services, PCC will review the project’s plan for providing supportive services prior to any commitment to provide PBV assistance. Project plans for supportive services must include the following options as offered directly or through direct referral to a partner agency.

• Case management;
• Employment skills development and job training;
• Family support services;
• Parenting skills, child care skills, family budgeting and similar related services;
• Housekeeping and homemaking activities;
• Transportation services;
• Health –related services;
• Treatment for drug or alcohol addiction;
• Other services designed to help the recipient live in the community as independently as possible.

For all excepted units set aside for families offered supportive services, at the time of tenant application, the family must be offered supportive services by or through the provider listed in the supportive services plan. Even if a family does not initially agree to participate in the
supportive services program, the services must remain available to the family for the duration of their tenancy in the excepted unit should they choose to receive services at a later date. PCC will not consider any families’ failure to complete supportive services which they have agreed to receive as cause for denial or termination of assistance.

20.7.2 Relocation Assistance

As previously noted, PCC will not select, execute an agreement to enter in a HAP contract (AHAP) or execute a HAP contract for a development for a unit occupied by a family that is ineligible for participation in the PBV program.

Notwithstanding the above, any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)[42 U.S.C. 4201-4655] and implementing regulations at 49 CFR part 24. The cost of required relocation assistance may be paid with funds provided by the owner, local public funds, or funds available from other sources. PCC may not use voucher program funds to cover relocation costs; however, PCC may use its HCV administrative fee reserve to pay for relocation expenses after all other program administrative expenses are satisfied, and provided that payment of the relocation benefits is consistent with state and local law. Use of the administrative fee for these purposes will also be consistent with other legal and regulatory requirements, including the requirement in 24 CFR 982.155 and other official HUD issuances.

Acquisition of real property for a PBV project is also subject to the URA and 49 CFR part 24, subpart B.

20.8 Selection of PBV Owner Proposals

Prior to selection of a proposal for PBV assistance, PCC will determine that:

a) the property is eligible housing;

b) the project complies with regulatory caps on the number of PBV units per building/project;

c) the project meets the applicable site selection standards; and

d) the project complies with other applicable HUD regulations and requirements for the PBV program.

PCC will select PBV owner proposals pursuant to either of the methods described at 24 CFR 983.51(b) (1) and (2).

PCC anticipates that PBV owner selection will primarily be accomplished through the method described in 24 CFR 983.51(b)(1). PCC will issue a Request for Proposals (RFP) to generate proposals for PBV assistance. Projects will be selected based on how they accomplish PCC’s housing goals and the degree to which they conform to PBV requirements. The selection criteria will be published on PCC’s website and in at least one published circulation with a minimum of 30 days for response to the RFP.

Selection criteria may include, but are not limited to, adherence to PCC’s goals of creating and maintaining affordable housing, population assisted by the projects, and level of rehabilitation
required and previous participation with PCC programs. PCC will review and evaluate these proposals on their merits using any published selection criteria and the following factors:

a. Extent to which housing and economic opportunity is expanded through de-concentrating of poverty; and

Extent to which PBV assistance will facilitate project feasibility.

However, periodically, PCC may select projects for Project Based assistance pursuant to 24 CFR 983.51 (b)(2). PCC will use this method for selecting some senior housing projects and PBV VASH eligible projects, as described in its annual PBV allocation memo. In selecting proposals for PBV assistance pursuant to 24 CFR 983.51(b)(2), PCC will consider those proposals for housing assisted under an existing or future federal, state or local housing assistance program, community development or supportive services program that requires competitive selection of proposals. To be eligible for PBV selection, the project must have been selected:

a) by PCC;
b) within the last three years of the proposal selection date;
c) through a competitive process;
d) without any consideration that the project would receive PBV assistance.

PCC will directly contact specific owners that have already been selected for federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance, if Method 2 in 24 CFR 983.51(b)(2) is used. Alternatively, PCC program intermediaries may nominate housing developments for PBV assistance.

Proposals selected for PBV assistance must meet all of the other required criteria specified herein including subsidy layering, environmental review and site and neighborhood standards.

20.8.1 PHA Owned Units

PCC may submit a proposal for project-based housing that is owned or controlled by the PHA. If the proposal for PHA-owned housing is selected, PCC will use a HUD approved independent entity to review the selection and to administer the PBV program. PCC will obtain HUD approval of the independent entity prior to selecting the proposal for PHA-owned housing.

The term of the HAP contract and any HAP contract renewal must be agreed upon by PCC and the HUD-approved independent entity. In addition, an independent entity must determine the rent to owner, the redetermined rent to owner, and reasonable rent. Housing quality standards inspections must also be conducted by an independent entity.

PCC may only compensate the independent entity from PCC ongoing administrative fee income (including amounts credited to the administrative fee reserve). PCC may not use other program receipts to compensate the independent entity for its services. PCC and independent entity may not charge the family any fee for the appraisal or the services provided by the independent entity. (24 CFR 983.51(e), 983.59, Notice PIH 2015-05, and FR Notice 1/18/17)
20.8.2 Notification of Owner Selection

PCC will notify selected owners within 30 days of its final decision to select the owner’s proposal or PCC nomination for PBV funding. PCC will maintain records of its evaluation and selection process which will be available upon request to the public. Such records will be maintained for a one year period.

20.9 Subsidy Layering

PCC will only provide PBV assistance in accordance with HUD’s subsidy layering requirements at 24 CFR 4.13 in accordance with PIH Notice 2013-11. PCC will conduct the subsidy layering review for eligible projects and submit the necessary documentation to HUD. PCC will not enter into an agreement to enter into a HAP contract until the subsidy layering review has been completed and has determined that the PBV assistance is in accordance with HUD subsidy layering requirements. PCC has been determined eligible to complete subsidy layering reviews for projects that receive tax credits. Subsidy layering review for newly constructed projects not receiving tax credits will be submitted to HUD for review.

The HAP contract will contain the owner’s certification that the project has not received and will not receive before or during the term of the HAP contract any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.

20.10 Site and Neighborhood Standards

PCC will select units or sites for PBV assistance only where PCC has determined that housing on the site: a) is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities consistent with regulations and PCC’s PHA Plan and Administrative Plan; b) will facilitate and further comply with the applicable provisions of Title VI of the Civil Rights Act and other relevant provisions as cited at 24 CFR 983.57; c) meets the site selection requirements described in 24 CFR 8.4(b)(5); and, d) meets the HQS site standards at 24 CFR 982.401(l).

PCC will limit approval of sites for PBV assistance to census tracts that have poverty concentrations of 20% or less except where PCC determines that the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities as described in 24 CFR 983.57. PCC will expand beyond census tract to the community district level to review poverty level and redevelopment activity in establishing site and neighborhood standards.

20.11 Existing and Rehabilitated Housing

PCC will not provide PBV assistance for existing or rehabilitated housing until it has determined that the site complies with the HUD required site and neighborhood standards. The site must:

- Be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
• Have adequate utilities and streets available to service the site;
• Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
• Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
• Be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

20.12 New Construction Housing

In order to be selected for PBV assistance, a site for newly constructed housing must meet the following HUD required site and neighborhood standards:
• The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
• The site must have adequate utilities and streets available to service the site;
• The site must not be located in an area of minority concentration unless PCC determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area;
• The site must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area;
• The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
• The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate;
• The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
• Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

20.13 Environmental Review

PCC activities under the PBV program will be conducted in conformance with HUD environmental regulations at 24 CFR parts 50 and 58 and at 24 CFR 983.58. The responsible entity is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969.
20.13.1 Dwelling Unit Standards

The housing quality standards (HQS) for PCC’s tenant-based program, including those for special housing types, generally apply to the PBV program. HQS requirements for shared housing, cooperative housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program.

The physical condition standards at 24 CFR 5.703 will not apply to the PBV program.


In addition to mandatory HQS standards, PCC may also identify the need for any special features on a case-by-case basis depending on the intended occupancy of the PBV project. PCC will specify any special design standards or additional requirements in the agreement to enter into HAP contract, and the HAP contract.

20.14 Accessibility

Housing provided with PBV assistance must comply with the program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. PCC will ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

Housing first occupied after March 13, 1991, will comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable. (24 CFR 983.102)

20.15 Inspections

20.15.1 Pre-Selection

PCC will inspect the proposed site before the proposal is selected for an existing building that will not undergo substantial rehabilitation. To qualify as existing housing, units must substantially comply with HQS on the proposal selection date. However, PCC will not execute the HAP contract until the units fully comply with HQS.

20.15.2 Pre-HAP Contract

PCC will inspect each contract unit before execution of the HAP contract. PCC will not enter into a HAP contract covering a unit until the unit fully complies with HQS.
20.15.3 Turnover

Before providing assistance to a new family in a contract unit, PCC will inspect the unit. PCC will not provide assistance on behalf of the family until the unit fully complies with HQS.

20.15.4 Annual

At least annually during the term of the HAP contract, PCC will inspect a random sample, consisting of at least 20% of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this inspection requirement. If more than 20% of the sample of inspected contract units in a building fails the initial inspection, PCC will re-inspect 100% of the contract units in the building.

20.15.5 Other

In addition to pre-selection, turnover and annual inspections, PCC will inspect contract units as needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract.

Inspections follow up and supervisory quality control inspection procedures will be the same as those described in Chapter 8 of this plan.

20.16 Special Requirements for Newly Constructed or Rehabilitated Housing

This section describes specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing.

20.16.1 Agreement to Enter into HAP (AHAP)

PCC will enter into an agreement to enter into a HAP (AHAP) with the owner after receiving notice that subsidy layering requirements have been met, and before construction or rehabilitation work is started. The AHAP will be in the form required by HUD. At a minimum, the AHAP will describe the following features of the housing to be developed and assisted under the PBV program:

- Site and the location of the contract units;
- Number of contract units by area (size) and number of bedrooms and bathrooms;
- Deadlines for completion of the housing;
- Services, maintenance, or equipment to be supplied by the owner without charges in addition to the rent;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner and utility services to be paid by the tenant;
• An indication of whether or not the design and construction requirements of the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 apply to units under the AHAP. If applicable, any required work item resulting from these requirements must be included in the description of work to be performed under the AHAP;
• Estimated initial rents to owner for the contract units;
• Description of the work to be performed under the AHAP. For rehabilitated units, the description must include the rehabilitation work write up and, where determined necessary by PCC, specifications and plans. For new construction units, the description must include the working drawings and specifications.
• Any additional requirements for quality, architecture, or design over and above HQS.
• Requirement for submission of evidence of completion of work.

20.16.2 Labor Standards

If an AHAP covers the development of nine or more contract units (whether or not completed in stages), the owner and the owner’s contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development of housing. The HUD-prescribed form of the AHAP will include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates. The owner, contractors, and subcontractors must also comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other applicable federal labor relations laws and regulations.

20.16.3 Section 3 Requirements

The owner must comply with Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR part 135. The owner must also comply with federal equal employment opportunity requirements.

20.16.4 Owner Disclosure

The AHAP and the HAP contract will include a certification by the owner that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs. The owner must also disclose any possible conflict of interest that would be a violation of the AHAP, the HAP contract, or HUD regulations.

Upon completion of construction, the owner must submit certifications to PCC in a form specified by PCC stating that:

• The work has been completed in accordance with HQS and all requirements of the AHAP; and
• The owner has complied with labor standards and equal opportunity requirements in development of the housing.
PCC may require owners to submit additional documentation as evidence of completion as needed on a case-by-case basis.

20.17 PCC Acceptance of Completed Units

Upon notification by the owner that the PBV housing is completed, PCC will inspect to determine if the housing has been completed in accordance with the AHAP, including compliance with HQS and any additional requirements imposed under the AHAP. PCC will also determine if the owner has submitted all required evidence of completion. If the work has not been completed in accordance with the AHAP, PCC will not enter into the HAP contract. If PCC determines the work has been completed in accordance with the AHAP and that the owner has submitted all required evidence of completion, PCC will execute a HAP contract with the owner.

20.18 Housing Assistance Payment (HAP) Contract

PCC will enter into a HAP contract for each PBV project. The HAP contract will specify the following information:

- The total number of contract units by number of bedrooms;
- The project’s name, street address, city or county, state and zip code, block and lot number (if known), and any other information necessary to clearly identify the site and the building(s);
- The number of contract units in each building, the location of each contract unit, the area of each contract unit, and the number of bedrooms and bathrooms in each contract unit;
- Services, maintenance, and equipment to be supplied by the owner and included in the rent to owner;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner (included in rent) and utility services to be paid by the tenant;
- Features provided to comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8;
- The HAP contract term, which must be no less than one year and no more than twenty years, to be negotiated by PCC with the owner on a case by case basis;
- The number of units in any building that will exceed the 25% or 25 units per project cap, which will be set-aside for occupancy by qualifying families; and
- The initial rent to owner for the first 12 months of the HAP contract term.

PCC may agree to enter into an extension at the time of the initial HAP contract term or any time before expiration of the contract, for an additional term of up to 15 years if PCC determines an extension is appropriate to continue providing affordable housing for low-income families. A HAP contract extension may not exceed 15 years. PCC may provide for multiple extensions; however, in no circumstance may such extensions exceed 15 years, cumulatively. Extensions after the initial extension are allowed at the end of any extension term provided that not more
than 24 months prior to the expiration of the previous extension contract, the PCC agrees to extend the term, and that such extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities. Extensions after the initial extension term shall not begin prior to the expiration date of the previous extension term. Subsequent extensions are subject to the same limitations described in this paragraph. Any extension of the term must be on the form and subject to the conditions prescribed by HUD at the time of the extension. In the case of PHA-owned units, any extension of the initial term of the HAP contract shall be determined in accordance with 24 CFR §983.59.

The HAP contract must provide that the contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by PCC in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, PCC may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

If in accordance with program requirements the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to PCC. In this case, families living in the contract units will be offered tenant-based assistance.

PCC will abate and terminate PBV HAP contracts for non-compliance with HQS in accordance with the policies used in the HCV voucher program.

The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term. The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year.

There is a single annual anniversary and expiration date for all units under a particular HAP contract, even in cases where contract units are placed under the HAP contract in stages (on different dates) or units are added by amendment. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under contract.

20.19 Changes to HAP Contract to Substitute, Add or Subtract PBV Units

At PCC’s discretion and subject to all PBV requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same building for a previously covered contract unit. Before any such substitution can take place, PCC must inspect the proposed unit and determine the reasonable rent for the unit.

At PCC’s discretion and subject to the restrictions on the number of dwelling units that can receive PBV assistance per building and on the overall size of PCC’s PBV program, a HAP
contract may be amended to add additional PBV units in the project. This type of amendment is subject to all PBV program requirements except that a new PBV proposal is not required. For initial PBV HAP contracts that were executed with a term of 15 years or fewer, PCC may, at its discretion and with the agreement of the owner, extend that initial term to a 20-year term.

If any PBV units have been vacant for 120 days, PCC may give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. The amendment to the HAP contract will be effective the first day of the month following the date of PCC’s notice.

20.20 Vacancy Payments

PCC may, on a case-by-case basis, determine if the owner will be provided with vacancy payments. The HAP contract with the owner will contain any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments. The HAP contract may provide for vacancy payments to the owner for an PCC-determined period of vacancy extending from the beginning of the first calendar month after the move-out month for a period not exceeding two full months following the move-out month subject to the limitations and requirements detailed below. The amount of the vacancy payment will be determined by PCC and cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner (including amounts available from the tenant’s security deposit).

PCC will only make vacancy payments if:

- The owner notifies PCC in writing within five calendar days certifying that the family has vacated the unit and identifies the date when the family moved out (to the best of the owner’s knowledge);
- The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
- The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
- The owner provides any additional information required and requested by PCC to verify that the owner is entitled to the vacancy payment.

The owner must submit a request for vacancy payments in the form and manner required by PCC and must provide any information or substantiation required by PCC to determine the amount of any vacancy payment.

If PCC determines that the owner is responsible for a vacancy and, as a result, is not entitled to either a vacancy payment or the right to keep the housing assistance payment for the month in which the family vacated the unit, PCC will notify the landlord of the amount of housing assistance payment that the owner must repay.

20.21 Waiting List and Occupancy of PBV Housing
Applicants for PBV assistance must meet the same eligibility requirements as applicants for PCC’s tenant-based voucher program. PCC will utilize one project-based waiting lists for each development receiving project-based vouchers.

In addition, the following specific provisions apply solely to the PBV program:

*In Place Family:* An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by PCC is considered an “in-place family.” These families are afforded protection from displacement under the PBV rule; however, they may be determined ineligible based on PCC’s eligibility and suitability assessment. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on PCC’s waiting list. Once the family’s continued eligibility is determined, the family will be given an absolute selection preference and referred to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements. This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

*Accessible Units:* When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, PCC will refer families who require such features to the owner.

*Offers of PBV Units:* PCC will not take any of the following actions against a family from the regular waitlist who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the waiting list for tenant-based voucher assistance if they are eligible;
- Deny any admission preference for which the applicant qualifies;
- Change the applicant’s place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the PCC’s selection policy;
- Remove the applicant from the tenant-based voucher waiting list.

If a PBV owner rejects a family for admission to the owner’s units, such rejection may not affect the family’s position on the tenant-based voucher waiting list.

### 20.21.1 WAITING LISTS

PCC will establish individual waiting lists for each PBV project selected. These applicants will be selected from the LIPH waitlist in accordance with the Father Panik Consent Decree. Applicants will be screened and verified for the need of supportive services provided for any particular unit.

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

### A. PREFERENCES
PCC may establish separate preferences for each PBV program depending on the services attached to the unit.

In addition to the HCV preferences, these preferences may include the following:
- Preferences for elderly families;
- Preferences for disabled families;
- Preferences related to supportive housing programs;
- Preferences for families in imminent danger of homelessness due to foreclosures on the properties where they reside;
- Preferences for the chronic homelessness in accordance with HUD definitions;
- Preferences for Substance Abuse and Mental Health Service Administration (SAMHSA)

The specific preferences for each individual PBV project will be explicitly stated in PCC’s PBV Preference form, provided to all applicants to PBV or tenant-based Housing Choice Voucher assistance.

**B. Preferences Related to Supportive Housing Programs**

In selecting families for PBV units designated for families receiving supportive services, PCC’s preferences will be structured to give preference to disabled families who need the supportive services offered at a particular project, in accordance with the limits described below.

The preference is limited to the population of families (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain themselves in housing and
- Who, without appropriate supportive services, will not be able to obtain or maintain themselves in housing; and
- For whom such services cannot be provided in a non-segregated setting.

The project must be open to all otherwise eligible persons with disabilities who may benefit from services provided in the project; and disabled residents shall not be required to accept the particular services offered at the project.

According to federal laws and regulations, PCC is prohibited from granting preferences to persons with specific disabilities (see 24 CFR 982.207(b)(3)).

Income Targeting [24 CFR 983.251(c)(6)] At least 75 percent of the families admitted to the PHA’s tenant-based and project-based voucher programs during the PHA fiscal year from the waiting list must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

**20.22 Family Briefing**

When a family accepts an offer for PBV assistance, PCC will give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, PCC will provide a briefing packet that explains how the PCC determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.
20.23 Leasing of Project-based unit

PCC will make housing assistance payments to the owner in accordance with the HAP contract for contract units leased and occupied by eligible project-based voucher families during the HAP contract term. Per HUD regulations, payments will not begin on behalf of a PBV tenant until after the following events:

- Tenant has attended a briefing;
- Unit has a Passed HQS Inspection;
- Tenant submitted all necessary documents to confirm income and program eligibility;
- Landlord has submitted a lease and tenancy addendum with the rent breakdown and effective date determined by PCC.

Lease effective date will be the 1st or 15th of the month following a tenant briefing and passing an HQS inspection. The landlord will have 60 calendar days to submit an executed lease agreement to PCC. If the landlord fails to do so by the deadline given, PCC will void the lease effective date and will set a new future effective date.

20.23.1 Procedures for families occupying a unit of the wrong size or an accessible unit whose accessibility features are not required by the family.

If PCC determines that the family is occupying a wrong-sized unit for the family’s size and composition, PCC must promptly notify the family and the owner of this determination, and of PCC’s offer of continued assistance.

Likewise, if PCC determines that the family is occupying an accessible unit when the accessibility features are not required by the family, PCC must promptly notify the family and the owner of this determination, and of PCC’s offer of continued assistance.

PCC must offer the family the opportunity to receive continued housing assistance in another unit, which may include, at PCC’s discretion and subject to availability:

- 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; if funds are available as a last recourse; or
- Other comparable public or private tenant-based assistance (e.g., under the HOME program).

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

- If the PHA offers the family 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.

20.24 Termination of Tenancy

With two exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program. In the PBV program, terminating tenancy for “good cause” does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

20.24.1 Tenant Absence from the Unit

The owner may specify in the lease a maximum period of tenant absence from the unit that is shorter than the maximum period permitted by PCC policy. According to program requirements, the family’s assistance must be terminated if they are absent from the unit for any reason for more than 180 consecutive days.

20.25 Security Deposits

The owner may collect a security deposit from the tenant; however, PCC prohibits security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. When the tenant moves out of a contract unit, the owner, subject to state and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid tenant rent, damages to the unit, or other amounts owed by the tenant under the lease.

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

If the security deposit does not cover the amount owed by the tenant under the lease, the owner may seek to collect the balance form the tenant. PCC has no liability or responsibility for payment of any amount owed by the family to the owner.

20.26 Overcrowded, Under-Occupied and Accessible Units

If PCC determines that a family is occupying a wrong size unit, based on PCC’s subsidy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that does require the features, PCC will promptly notify the family and the owner of this determination, and offer the family the opportunity to receive continued housing assistance in another unit. PCC will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

- PBV assistance in the same building or project;
- PBV assistance in another project; and
• Tenant-based voucher assistance.

When PCC offers a family another form of assistance that is not a tenant-based voucher, the family will be given 30 days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 30-day time frame, PCC will terminate the housing assistance payments at the expiration of this 30-day period. PCC may make exceptions to this 30-day period if needed for reasons beyond the family’s control such as death, serious illness, or other medical emergency of a family member.

20.27 Family Right To Move

The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to PCC. If the family wishes to move with continued tenant-based assistance, the family must contact PCC to request the rental assistance prior to providing notice to terminate the lease.

If the family terminates the lease in accordance with these requirements, PCC is required to offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance. If voucher or other comparable tenant-based assistance is not immediately available upon termination of the family’s lease in the PBV unit, PCC will give the family priority to receive the next available opportunity for continued tenant-based assistance (but not priority over Enhanced or new PBV developments). If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.

20.28 Rent to Owner

Except for certain tax credit units (discussed below), the rent to owner must not exceed the lowest of the following amounts:

- An amount determined by PCC, not to exceed 110% of the applicable fair market rent (or any HUD-approved exception payment standard) for the unit bedroom size minus any utility allowance;
- The reasonable rent;
- The rent requested by the owner.

For certain tax credit units, the rent limits are determined differently than for other PBV units. These different limits apply to contract units that meet all of the following criteria:

- The contract unit receives a low-income housing tax credit under the Internal Revenue Code of 1986;
- The contract unit is not located in a qualified census tract. A qualified census tract is any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50% of households have an income of less than 60% of Area Median Gross Income (AMGI), or where the poverty rate is at least 25% and where the census tract is designated as a qualified census tract by HUD;
• There are comparable tax credit units of the same bedroom size as the contract unit in the same building and the comparable tax credit units do not have any form of rental assistance other than the tax credit; and

• The tax credit rent exceeds the PCC-determined amount (not to exceed 105% of the fair market rent or any approved exception payment standard). *Tax credit rent* is the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

For contract units that meet all of these criteria, the rent to owner must not exceed the lowest of:
• The tax credit rent minus any utility allowance;
• The reasonable rent;
• The rent requested by the owner.

When determining the initial rent to owner, PCC will use the most recently published FMR in effect and the utility allowance schedule in effect at execution of the HAP contract. When re-determining the rent to owner, PCC will use the most recently published FMR and the utility allowance schedule in effect at the time of redetermination. At its discretion and upon the owner’s request, PCC may, for initial rent use the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP contract, or for redeterminations of rent, the 30-day period immediately before the redetermination date.

PCC will not apply Small Area FMRs to the PBV Program.

Any HUD-approved exception payment standard amount under the tenant-based voucher program also applies to the project-based voucher program. The same utility allowance schedule applies to both the tenant-based and project-based voucher programs.

20.29 Rent Reasonableness

PCC will re-determine rent reasonableness:
• Whenever there is a 5% or greater decrease in the published FMR in effect 60 days before the contract anniversary for the unit sizes specified in the HAP contract as compared with the FMR in effect one year before the contract anniversary
• Whenever PCC approves a change in the allocation of responsibility for utilities between the owner and the tenant.
• Whenever the HAP contract is amended to substitute a different contract unit in the same building.
• Whenever there is any other change that may substantially affect the reasonable rent.

The reasonable rent of a unit receiving PBV assistance will be determined by comparison to rent for other comparable unassisted units. When making this determination, PCC will consider factors that affect market rent. Such factors include the location, quality, size, type and age of the unit, as well as the amenities, housing services maintenance, and utilities to be provided by the owner.

For each unit, the comparability analysis will use at least three comparable units in the private unassisted market. This may include units in the premises or project that is receiving project-based assistance. The analysis will show how the reasonable rent was determined, including
major differences between the contract units and comparable unassisted units, and will be retained by HUD. The comparability analysis may be performed by PCC staff or by another qualified person or entity, provide that they do not have any direct or indirect interest in the property.

By accepting each monthly housing assistance payment, the owner certifies that the rent to owner is not more than rent charged by the owner for other comparable unassisted units in the premises. At any time, PCC may require the owner to submit information on rents charged by the owner for other units in the premises or elsewhere.

For units receiving assistance under the HOME program, rents may not exceed rent limits as required by that program.

For units in any of the following types of federally subsidized projects, the rent to owner may not exceed the subsidized rent (basic rent) or tax credit rent as determined in accordance with requirements for the applicable federal program:

- An insured or non-insured Section 236 project;
- A formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
- A Section 221(d)(3) below market interest rate (BMIR) project;
- A Section 515 project of the Rural Housing Service;
- A project receiving low-income housing tax credits;
- Any other type of federally subsidized project specified by HUD.

20.30 Rent Increases

Requests for a rent increase for Project Based Voucher assisted units must be made in writing by the owner at least 60 days in advance of the annual anniversary date of the HAP contract.