

# **CITY OF VILLE PLATTE**

## **Section 8 Housing Choice Voucher**



### **Administrative Plan**

## **SECTION 8 HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN**

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## **INTRODUCTION**

**The overall mission for The City of Ville Platte is to Improve and Preserve our Homes and Communities.**

Within the overall mission of the agency, this Administrative Plan serves as the handbook for implementing the U. S. Department of Housing and Urban Development's (HUD) Section 8 Housing Choice Voucher (HCV) Program. This Plan has been prepared in such a manner as to ensure compliance with all requirements set forth in 24 CFR §982.54 (Administrative Plan).

In the implementation of the Section 8 Housing Choice Voucher (HCV) Program, The City of Ville Platte acts as the Public Housing Agency (PHA) for all local programs under its purview. In this capacity as PHA, The City of Ville Platte has full responsibility for the satisfactory completion of all contractual obligations with HUD. The Section 8 tenant-based assistance programs are federally funded and administered for the City of Ville Platte.

Administration of the Section 8 Program and the functions and responsibilities of the City of Ville Platte Section 8 staff will be in compliance with HUD's Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.



## **Section 1.0 SELECTION AND ADMISSION POLICIES**

It is the policy of City of Ville Platte to ensure that all families who express an interest in housing assistance are given equal opportunity to apply and are treated in a fair and consistent manner. This section describes the policies and procedures for selecting and admitting families to the Statewide Section 8 Housing Choice Voucher (HCV) Program including completion of an application for assistance, placement and/or denial of placement on the waiting list and limitations on who may apply.

### **1.01 Preferences**

**Residency Preference:** Is a preference for admission of persons who resides in a specific geographic area. The applicant must reside in within the City of Ville Platte or anywhere within the 70586 zip code.

- Applicants who work or have been hired to work in the City of Ville Platte or 70586 zip codes will be treated as residents. It will not be based on how long an applicant has lived or worked in the preference area.
- Graduates of or active participants in education and training programs in a residency preference area may be treated as residents of the area if the programs are designed to prepare individuals for the job market.

**Single Preference:** Single persons who are elderly (62 years and older), displaced, homeless, or disable over other single persons. *CFR 982.207(b) (5)*

### **1.02 Opening the Waiting List**

When the City of Ville Platte determines that there are an insufficient number of applicants on its local waiting list, the City of Ville Platte will advertise through public notice in local media of general circulation. The public notice should provide general eligibility requirements; and should also contain the following:

- The dates, time, location, and other relevant contact information regarding where families may apply;
- The specified period (if any) for which applications will be received by the PHA; (The City of Ville Platte will only accept applications from 8:00am-4:00pm, in person, by mail or by internet.
- A brief description of the program;
- A statement that individuals with disabilities are eligible for the program and that reasonable accommodation will be made where necessary to ensure equal participation in housing assistance;
- A statement affirming compliance with equal housing opportunity requirements; and affirming compliance with equal housing opportunity requirements; and
- The Federal Equal Housing Opportunity Logo.
- Preference if any

After the closing deadline (if any) for accepting applications and if requested by a person with a disability, additional time will be given as a reasonable accommodation for submission of an application.

### **1.03 Closing the Waiting List**

The City of Ville Platte may discontinue receiving applications if there are enough applicants to fill anticipated openings. The City of Ville Platte will announce the closing of the waiting list by public notice.

### **1.04 Purging the Waiting List**

The City of Ville Platte will update and purge its waiting list to ensure that the pool of applicants reasonably represents families still actively interested in Section 8 HCV assistance. Purging should also enable the City of Ville Platte to update information regarding address, family composition, income category and preferences.

Prior to purging the waiting list:

- All applicants who are affected by the purge must be notified by mail.

Before removing an applicant from the waiting list due to the applicant's failure to respond to the initial contact letter, a second letter must be mailed to the applicant. If the applicant does not respond to the second notice within ten (10) business days, the name of the applicant will be removed from the waiting list.

The name and address of each applicant must be typed or written on the original contact letter. Letters must include the name and address of the applicant notified.

The City of Ville Platte should advise applicants to provide updated contact information in writing. Applicants will be advised that they will be removed from the waiting list if they cannot be reached at the address provided on the initial application.

When the purge is initiated, a letter will be sent to the applicants in the order in which they appear on the waiting list. The letter will indicate that the purpose of the contact is:

- to determine applicant interest in remaining on the waiting list; and
- to offer the family an opportunity to update any information previously provided to the City of Ville Platte Section 8 office.

The contact letter will require the applicant to provide return correspondence in the following circumstances:

1. The applicant wishes to be removed from the waiting list, or
2. The applicant wishes to update information currently on file provided by the City of Ville Platte to expedite return of requested information.

Contact letters returned by the Post Office as undeliverable will be grounds for removing an applicant from the waiting list. However, if a letter is returned by the Post Office with a forwarding address, the City of Ville Platte should update the information on the computer and re-mail the letter to the new address. In such cases, an applicant's name should not be removed from the active waiting list and determined ineligible unless the applicant fails to respond to this notice.

In addition, and if applicable, The City of Ville Platte should also notify the contact person or organization provided by the applicant on **Form HUD-92006**, "Supplement to Application for Federally Assisted Housing (see section of form entitled "Reason for Contact")", before removing the applicant's name from the active waiting list.

The City of Ville Platte will compare results of the purge to regular annual program participant attrition rates. If the initial purge results in an inadequate number of applicants to offset regular program attrition rates, the City of Ville Platte will conduct additional outreach until it is determined that there are sufficient numbers of active applicants.

#### **1.05 Removal of Applicants from the Waiting List**

The City of Ville Platte will remove an applicant's name from the waiting list under the following conditions:

- The applicant requests, in writing or via phone, that his/her name be removed; And a follow up letter will be sent.
- The applicant fails to respond to a written request for information;
- Correspondence is returned to the City of Ville Platte by the Post Office as undeliverable;
- The applicant misses the first scheduled appointments/briefings; or
- The applicant does not meet either program eligibility or screening criteria.

When an extenuating circumstance prevents an applicant from responding to The City of Ville Platte correspondence which resulted in the applicant being removed from the active waiting list and determined ineligible, reinstatement of the applicant shall be granted by the City of Ville Platte subject to acceptable documentation verifying the extenuating circumstance. If reinstatement is granted, the applicant will retain his/her original position on the waiting list. **CFR 982-204(c) 2**

In no event will an applicant's name be held in abeyance on the active waiting list based on his/her representation that he/she is not ready to be processed when reached on the list.

***Applicants' files must be retained for at least three years after the date an application is closed, withdrawn from the waiting list, or determined ineligible.***

#### **1.06 Screening of Applicants**

As part of the City of Ville Platte processes for determining eligibility for participation, the City of Ville Platte will conduct criminal background checks on all adult household members, including live-in aides. These checks will be used to identify circumstances under which assistance must be denied in accordance with the requirements of Section 982.553 of the program regulations.

All adult applicant family members(18 years and older) will be required to sign a release of information which will authorize the City of Ville Platte to access criminal records with in the past five (5) years. **CFR 5.903**

This check may be made through state or local law enforcement or court records in those cases where the household member has lived in. If the individual has lived outside the local area, the City of Ville Platte may contact law enforcement agencies where the individual had lived or request a check. The City of Ville Platte will also check with the National sex offender registration to determine if an individual is subject to a lifetime registration requirement as a State sex offender. Also theft of utilities, misdemeanors (to the discretion of the administrator) will be considered.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, the City of Ville Platte will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.

All screening procedures will be administered uniformly, fairly and in such a way as not to violate rights to privacy or discriminate on the basis of race, color, nationality, religion, familial status, disability, sex or other legally protected group.

### **1.07 Grounds for Denial of Assistance**

The City of Ville Platte **will** permanently deny assistance to a *family* if any member of the family has ever been convicted of drug-related criminal activity.

The City of Ville Platte **will** permanently deny assistance to anyone subject to a lifetime registration, also for the state of Louisiana tier I, and II registration requirement as a State sex offender

The City of Ville Platte will also deny assistance to applicants who:

1. Do not meet any one or more of the eligibility criteria;
2. Do not supply information or documentation required by the application process;
3. Fail to complete any aspect of the application or lease-up process;
4. Have a history of criminal activity by any household member involving crimes of physical violence against persons or property, or any other criminal activity, including drug-related criminal activity.

The City of Ville Platte may waive the decision to deny assistance if:

- the circumstances leading to the violation no longer exist because the person who engaged in prohibited drug-related or alcohol-related activity is no longer in the household due to death or incarceration.
5. Currently owe rent or other obligations to any housing authority in connection with the public housing or Section 8 programs;
  6. have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
  7. Have a family member who was evicted from federally assisted housing within the last five years;
  8. Have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
  9. Have engaged in or threatened abusive, violent behavior, or profanity towards any City of Ville Platte Section 8 staff member;

**Dispute Information:**

If the City of Ville Platte deny an applicant based on criminal record information or sex offender registration information obtained from state or local agency under **CFR 5.903 or CFR 5.905** , prior to denial of admissions the City of Ville Platte must

- Notify the household of the proposed action to be based on the information
- Provide the applicant and subject of the record with
  - A copy of the information
  - An opportunity to dispute the accuracy and relevancy of the information

**1.08 Confidentiality of Criminal Records**

The City of Ville Platte will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated.

All criminal reports, while needed, will be housed in a separate record in locked file with access limited to the City of Ville Platte staff responsible for screening and determining eligibility for initial. Misuse of the above information by any employee of the City of Ville Platte will be grounds for termination of employment.

If the family's assistance is denied or terminated, the criminal record information must be filed immediately upon completion of the review or hearing procedures and the final decision.

**1.09 Notification of Negative Actions**

Any applicant whose name is being removed from the waiting list will be notified in writing by the City of Ville Platte that he/she has ten (10) business days from the date of the written correspondence to request an informal review. The letter will also indicate that the applicant's name will be removed from the waiting list if he/she fails to respond within the time limit specified.

The City of Ville Platte system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the City of Ville Platte will provide a reasonable accommodation. If the applicant indicates that he/she did not respond due to a disability, the City of Ville Platte will verify that the applicant is disabled.

## **1.10 Application Procedures**

The City of Ville Platte will utilize a standardized application form. The applicant will be responsible for completing all sections of the application. If an applicant with a disability requests assistance as a reasonable accommodation, the City of Ville will arrange for it.

The primary purpose of the application intake function is to gather pertinent eligibility information on applicants. This process will also be utilized by the City of Ville Platte to provide such information to applicants as may be necessary to ensure accurate and timely decisions concerning eligibility and to expedite provision of assistance to eligible families.

Prospective applicants may either complete the application at the City of Ville Platte office or request that one be sent to them for completion and return.

At a minimum, the application will contain the following information:

1. Head-of-household name, address, and phone number;  
*Note: The application must be accompanied by a copy of the applicant's driver license or state issued ID and will be considered incomplete without this information.*
2. Dates of birth for all family members;
3. Social Security numbers for all family members in accordance with HUD regulations and guidance, **CFR 5.216(g)**
5. Annual gross income for each family member;
6. Date and time application was submitted
7. Form HUD-92006, Supplement to Application for Federally Assisted Housing.  
Note: While HUD requires that this form be included as a Supplement to the PHA's Application for Federally Assisted Housing, the applicant has the option of providing additional contact information or declining to do so. Regardless of the option chosen, the signed and dated form must be maintained in the applicants file.

Upon receipt in the City of Ville Platte Section 8 office, the date and time of each application will be recorded on the application form. Persons submitting applications will not be required to attend an interview; information on the application will be accepted on a "self-certified" basis until the applicant is contacted for a pre-selection final eligibility determination.

Applicants who have submitted a complete application and have been determined to be preliminarily eligible for Section 8 HCV assistance will be placed on the waiting list until assistance is available.

Disclosure of Social Security numbers by applicants must conform to HUD regulations and guidance, and to HCR policy notices.

If an applicant is determined ineligible based on the information provided in the application, the

City of Ville Platte will notify the family in writing state the reason(s), and inform the family of its right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as a reasonable accommodation.

### **1.11 Applicant Status While on Waiting List**

All applicants who are placed on the waiting list will be informed of their responsibility to report changes in address in writing.

Applicants will be notified that, if the City of Ville Platte is unable to contact the family due to its failure to promptly submit a change of address notification, it may result in its name being dropped from the waiting list. Applicants will also be dropped from the waiting list if they fail to respond to written requests for information or action within the City of Ville Platte specified time frames.

Exceptions will be granted for applicants with disabilities, as defined in 24 CFR §5.403 who were not able to respond within the time frame due to their disability. Exceptions may also be granted for applicants hospitalized for sufficient duration if the failure to respond is/was to the hospitalization.

### **1.12 Selection of Families from the Waiting List**

The selection of participants in The City of Ville Platte jurisdictions will be according to the following local selection order.

- Selection will be based on date and time of application
- Lottery selection

The qualification for the above listed preference and/or any subsequent preferences that may be added is based solely on an applicant's status at the time of selection from the waiting list.

### **1.13 Eligibility of Students for Assisted Housing under Section 8**

On December 30, 2005 HUD published a final rule implementing a new law pertaining to eligibility of students for Section 8 housing.

HUD Guidance was published in a notice in the April, 10, 2006 Federal Register

Under the new law and HUD's rule, a person will not be eligible to separately receive Section 8 assistance who:

Is enrolled as a student at an institution of higher education (a detailed definition of this term is provided in the April 10, 2006 Federal Register notice, pages 18149-18150);

- Is under the age of 24;
- Is not a veteran of the United States military;
- Is unmarried;
- Does not have a dependent child;
- Not a student with disabilities who was receiving HCV assistance as of 11/30/2005
- The student is eligible and the students' parents (individually or jointly) are



income eligible for the program. (Students and parents both have to be income eligible unless the student can demonstrate absence or independence from their parents).

#### **1.14 Initial Eligibility Certification**

At the point of selection from the waiting list, all adult household applicants will be required to participate in an initial eligibility certification interview. Single persons who claim that they are elderly, disabled, handicapped or displaced must have that status verified prior to the City of Ville Platte scheduling of the initial eligibility certification interview.

Information used to verify an applicant's eligibility at initial certification for the HCV program must be current, that is within 60 days of the issue date of a voucher. Upon verification of the applicants' information, the City of Ville Platte must update the "Applicant Data Sheet" for each applicant. A copy of the "Applicant Data Sheet" must be maintained in each applicant's file.

After the above preference is verified, applicants will be required to participate in a full eligibility certification interview with a City of Ville Platte representative. The certification and briefing interview afford the City of Ville Platte an opportunity to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that all required information is accurate and complete. The briefing phase of the interview is used as a vehicle to provide information about the certification and verification process, as well as to advise the family of other PHA services or programs which may be available.

At the certification interview, the applicant will be required to furnish complete and accurate information requested by the interviewer. The City of Ville Platte representative will initially complete the certification based on written and/or verbal information provided by the applicant.

At the conclusion of the certification interview, the applicant will sign and certify that all information is complete and accurate.

### **1.15 Requirement to Attend Interview**

All adult family members are required to attend only 1 (one) scheduled interview and sign the eligibility certification. Exceptions may be made for members whom attendance would be a hardship.

The head of household or the head and spouse are required to attend the interview.

If an applicant misses a scheduled appointment, does not contact City of Ville Platte to reschedule, the City of Ville Platte will reject the application and the applicant will be removed from the waiting list. If the applicant misses the rescheduled appointment they will be also removed from the waiting list.

If an applicant is denied assistance due to failure to attend the full certification interview, the applicant will be notified in writing and offered an opportunity to request an informal review.

Reasonable accommodation will be made for persons with a disability who require an advocate or accessible offices. A designee will be allowed to participate in the interview process, but only with permission of the person with a disability.

The head of household and spouse will be required to sign the certification form and/or a supplemental form/worksheet containing the family composition, income, and allowance information for the family. As required by the City of Ville Platte, other adult members may also be asked to sign these forms.

All adult members must sign:

- HUD Form 9886 (Release of Information);
- declarations and consents related to citizenship/immigration status; and
- a consent form to release criminal conviction records and to allow the City of Ville Platte to receive records and use them in accordance with HUD regulations.

Applicants may also be required to sign specific verification forms for information which is not covered by HUD form 9886. Failure to do so when required will be cause for denial of the application for Section 8 assistance.

If the City of Ville Platte determines during or after the interview that additional information is needed directly from the applicant, the City of Ville Platte will specify in writing what information is required and what kind of documentation must be provided by the applicant to verify it. The family will be given ten (10) business days to supply requested information. If the information is not supplied in this time period, the City of Ville Platte may deny assistance.

### **1.16 Portability Moves from Other PHAs**

Local Administrators are required to adhere to HUD's portability requirements for initial and receiving PHAs, as set forth in HUD regulations and PIH Notices.

Policies related to absorption or billings of portability moves are established by HCR as PHA. HCR reserves the right to revise its portability billing guidelines based on budget authority granted by HUD and unit baseline allocations established by HCR for each local program.

*Anyone that is ported out and if the City of Ville Platte PHA will be billed, the administrator must first check the budget to see if the PHA is able to afford it.*

## **1.17**     **Income Verification**

All income and asset information provided by the applicant will be verified via third-party contact unless repeated attempts to provide such verification fail. If the City of Ville Platte is unable to obtain third-party verification, the City of Ville Platte will specify what other form of verification may be acceptable within the guidelines specified by HUD. When third party verification is unavailable, the file must be documented to leave a clear audit trail. Any documentation requested directly from the applicant must be provided within the time specified by the City of Ville Platte.

### **1.17.01**         **Child Support**

Periodic and determinable allowances received as child support payments must be included as annual income. However, child support payments pursuant to court order or private agreement that is nonrecurring or sporadic shall be excluded as income upon proper written verification.

The City of Ville Platte must also obtain third party verification of income derived from child support and/or cash contribution. Request for verification of such incomes must be made directly from the contributor or the enforcement agency (family court or Department of Social services, etc.).

### **1.17.02**         **Pay Stubs as Verification of Income**

Original or authentic pay stubs generated by a third party source dated either within the 60-day period preceding the reexamination or The City of Ville Platte requested date can be accepted as verification of income subject to the following:

The City of Ville Plate is required to obtain at a minimum, four current and consecutive pay stubs for determining annual income from wages. However, when available, the City of Ville Platte must obtain more than four consecutive pay stubs. Although consecutive pay stubs are required to determine annual income, if one or more pay stubs is/are significantly less than the other(s) the City of Ville Platte must ascertain the reason(s) for the difference and a determination should be made whether to exclude or include such pay stub(s). When this occurs, the City of Ville Platte must document the file to leave a clear audit trail.

### **1.17.03**         **Asset Verification**

The City of Ville Platte is required to include in the calculation of annual income any interest or dividends earned on assets held by the family. Original or authentic documentation (i.e.; bank statements, stocks/bonds, real estate, etc.) generated by a third party source within the most recent three (3) months. At its discretion, the City of Ville Platte may obtain statements that are older than 3 months if there is/are suspicion of any irregularities.

When a family has net family assets in excess of \$5000, annual income shall include the greater of the actual income derived from the net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.

For each new admission, the City of Ville Platte must comply with HUD's EIV income verification requirements, including:

- review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date; and
- print and maintain a copy of the Income Report in the tenant file; and
- resolve any income discrepancy with the family within 60 days of the EIV Income Report.

Anything other than third party verification must be notarized, on letterhead with a signature and phone number upon accepting as verification.

#### **1.17.04 Verification of Utilities**

Lights and water must be verified at admissions/annual reexamination and interim-reexamination. The tenant must provide a copy of their light bill from the utility company and water bill from the prospective water company. The tenant must have operable lights and water while on the assistance program at all times

All utility reimbursements will go directly to The City of Ville Platte for tenant in the city limits and Cleco for tenants outside of city limits. Reimbursements for tenants that are in the city limits may go to Cleco depending on the circumstances.

#### **1.18 Final Determination and Notification of Eligibility**

After verification is completed, the City of Ville Platte will make a final determination of eligibility. This decision is based upon information provided by the family, verification activities undertaken by the City of Ville Platte and current eligibility criteria in effect. If the family is determined to be eligible, the City of Ville Platte will confirm eligibility via written notification to the family. If a briefing has not already been conducted by the City of Ville Platte, one will be scheduled to coincide with issuance of the Housing Choice Voucher.

## **1.19 Document Retention for Applicants and Participants**

### **1.19.01 Applicants**

Applicant files and documents must be retained for at least three years after:

- the date an application is closed,  
or
- the applicant has withdrawn from the waiting list,  
or
- the applicant is determined  
ineligible.

When an applicant is admitted to the program, the application and associated verification of eligibility documents must be transferred to the participant's file and must be retained in that file according to the rules for program participant files (see below).

### **1.19.02 Participants**

Documents for participants must be retained during the term of the assisted tenancy and for at least three years thereafter. However, ~~except~~ for the documents listed below, *all other documents may be destroyed after the three-year period.*

- Birth certificates or other verification of DOB
- Social security cards
- Initial pre-application
- Initial income eligibility verification
- Initial voucher
- Initial 50058
- Initial HAP contract
- Initial lease and tenancy addendum

When a new or additional folder is created for an existing participant, the documents specified above must be transferred to the new folder.

### **1.19.03 Criminal Records**

Special retention rules pertain to criminal records for both applicants and participants. Criminal records are to be destroyed once the purpose for which they are obtained has been accomplished.

## **Section 2.0 ISSUING VOUCHERS**

After all family information has been verified, eligibility has been determined and the family has been briefed regarding general program rights and obligations, the City of Ville Platte will issue the Housing Choice Voucher (HCV). At this point the family begins its search for a unit.

### **2.01 Voucher Term**

While HUD regulations specify a minimum voucher term of 60 days, the PHA has the discretion to modify this term and to grant a family one or more extension of the initial voucher term in accordance with the policies set forth in the PHA's administrative plan.

The initial term of the voucher will be 60 days and must be stated on the voucher. The City of Ville Platte will not grant any extensions. If additional extensions are required for reasonable accommodation and/or extenuating circumstances, the City of Ville Platte must follow the guidelines outlined in Section 2.04 below.

The family must make a reasonable effort to locate a unit throughout the initial voucher term and/or any subsequent extensions. If necessary, the family may seek the assistance of the City of Ville Platte.

### **2.02 Voucher Expirations**

Upon expiration of a Housing Choice Voucher, the City of Ville Platte must inform the applicant or participant in writing that the voucher has expired. The applicant may reapply if the City of Ville Platte waiting list is open or at the point it is reopened by the City of Ville Platte.

If a voucher has expired, has not been extended by the City of Ville Platte or expires after an extension, the family will be denied assistance. As allowed by program regulations, a decision by the City of Ville Platte not to extend a voucher is not subject to an informal hearing.

### **2.03 Suspensions**

Suspension or tolling of the time that an applicant spends locating a unit is not permitted.

## **2.04 Extensions**

### ***2.04.01 Reasonable Accommodation Extensions:***

*If a family needs and requests an extension (beyond the term noted in Section 2.01 above) as a reasonable accommodation to make the program accessible to and usable by a family member with a disability, it is the City of Ville Platte responsibility to evaluate and grant the extension and to notify their Program Representative of same.*

### ***2.04.02 Extensions Due to Extenuating Circumstances:***

*Prior to granting any of the following voucher extensions, the City of Ville Platte must obtain documentation to substantiate the basis for his/her approval of the extension and must submit same to their Program Representative for approval.*

(1) The City of Ville Platte will not grant any extensions (Section 2.01) above, if extenuating circumstances such as hospitalization or a family emergency for an extended period of time affected the family's ability to find a unit.

(2) A 30 day extension will grant for the following circumstances:

(a) A family member submits a "Request for Tenancy Approval" prior to the expiration of the voucher. After the submission of the Request for Tenancy Approval, the landlord/owner rescinds the agreement and the voucher term, as noted in Section 2.01 above, has expired; or

(b) After the submission of the Request for Tenancy Approval and the completion of the HQS inspection, the landlord/owner refuses to correct the HQS deficiencies and the voucher term, as noted in Section 2.01 above, has expired.

## **2.05 Assistance to Voucher Holders**

Families who require additional assistance during their search may call the City of Ville Platte office to request assistance. Voucher holders will be notified at their briefing session if the City of Ville Platte maintains and updates a listing of available units and how the updated list may be obtained.

The City of Ville Platte will assist families in negotiations with owners and provide other assistance related to the families' search for housing.



### **3.0 Disaster Recovery**

#### **3.01 Disaster**

When a Federal or State disaster declaration is made in the jurisdiction in the City of Ville Platte, The needs resulting from each disaster make vouchers available to respond to disaster needs.

City of Ville Platte may utilize any available new or turnover assistance to assist families.

From existing Section 8 Annual Contributions Contract (ACC) authority, vouchers may be allocated to local programs per the following terms, conditions and necessary steps:

1. On the basis of demonstrated need in each local program area, City of Ville Platte may request additional Section 8 vouchers from HUD for families/persons that have been either permanently or indefinitely displaced as a result of a Federal or State declared disaster and that meet all normal program eligibility guidelines.
2. If/when disasters occur, City of Ville Platte will notify HUD that this provision of (PHA) Plan and Administrative Plan is to be invoked.
3. During the term of the Federal or State disaster declaration, income-eligible families already on local program waiting lists will be given first preference in the selection process. Other families affected by the disaster, but who are not on waiting lists, will be added to the list and given the same preference.
4. To be considered for Section 8 assistance, verification of a participant's displacement status must be provided by an agency or individual capable of rendering an official decision (for example, codes officer, building/permits officer, etc.). This process must establish that a participant/person has been displaced and that such displacement is of such permanent, indefinite or extended duration that Section 8 is a necessary and appropriate resource.
5. A complete determination of participant eligibility must be made as soon as possible by the City of Ville Platte in conjunction with the damage/displacement assessment.
6. The City of Ville Platte will advise when:
  - the overall supply of vouchers has been depleted; or
  - City of Ville Platte determines that the situation has stabilized to the point where interim vouchers will no longer be made available.
7. Vouchers will be returned when:
  - lose eligibility per normal operating procedures (i.e., 30% of participant income equals the unit's gross rent); or
  - are terminated from the program for non-compliance or any other reason. The City of Ville Plate will be notified if there are any changes to these provisions for returning vouchers.

8. Use of this special form of voucher disaster assistance is predicated on the understanding that once a participant receives a voucher, that assistance may not be considered for any fixed term (e.g., six months, one year, etc.); eligibility for continued assistance is handled like that of any other participant in the Section 8 program.

## **Section 4.0 OCCUPANCY POLICIES**

### **4.01 Definition of Groups of Persons That May Qualify as a Family**

1. A group of persons residing together. Such a group includes, but is not limited to
  - Children temporarily absent from the home due to placement in foster care are considered participant members.
  - elderly families, a near-elderly family, disable family, displaced family and the remaining member of a tenant family
  - In cases where a parent has joint custody where the child/children reside with the parent at least 51% of the time, the City of Ville Platte must consider such child/children in determining the voucher (unit) size for the participant. The 51% custody arrangement must be verified and documented. If both parents are participants in the Housing Choice Voucher Program (Local program or another PHA), only one of the parents is allowed to claim the child/children as a dependent.
2. An elderly family, which is:
  - a family whose head, spouse, or sole member is a person who is at least 62 years of age;
  - 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.
3. A disabled family, which is:
  - a participant whose head, spouse, or sole member is a person with disabilities;
  - two or more persons with disabilities living together; or
  - one or more persons with disabilities living with one or more live-in aides.
4. A displaced family is a family in which each member or sole member has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
5. A remaining member of a tenant family may qualify as a family.
6. A single person, who is not an elderly or displaced person, a person with disabilities or

the remaining member of a tenant family, may qualify as a family.

#### **4.02 Family Guests**

Participants in the Housing Choice Voucher program are permitted to have a guest or guests in the household.

If the guest resides in the unit for more than a total of 30 days in a calendar year, the guest(s) will be considered unauthorized household member(s). When this occurs, the City of Ville Platte must enforce HUD policies addressing this matter.

#### **4.03 “Roommates”**

An individual, with or without dependent children, who is not a family member may reside in the unit, if approved by the Local Administrator and by the landlord, provided that the voucher holder or the voucher holder’s spouse occupies the unit as his/her primary residence. The income of a room-mate is included in the calculation of income for purposes of program qualification and determination of amount of Housing Assistance Payment and Family Share. Such occupancy by a qualifying non-family member is subject to the Subsidy Standards set forth in Section 10.0 of this Plan.

#### **4.04 Definition of When an Applicant Is Considered to Be Continuously Assisted**

An applicant is considered to be continuously assisted under the United States Housing Act of 1937 if the family is already receiving assistance under any 1937 Act program when the family is admitted to the Section 8 Housing Choice Voucher Program.

## **Section 5.0 AFFIRMATIVELY FURTHERING FAIR HOUSING**

In the provision of housing services and programs, the City of Ville Platte promotes Fair Housing and Equal Opportunity and carries out its responsibilities pursuant to: Presidential Executive Order #11063 requiring equal opportunity in housing; The Fair Housing Act of 1968 - Title VIII; and The Americans with Disabilities Act (ADA).

It is the policy of PHA's Statewide Section 8 Housing Choice Voucher (HCV) Program to ensure that participating landlords and each of its local program offices fully comply with all Federal, State, and local nondiscrimination laws and the U.S. Department of Housing and Urban Development regulations governing Fair Housing and Equal Opportunity. No person shall, on the grounds of race, religion, color, national origin, sex, marital status, age, disability, military status or sexual orientation be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any of its housing programs.

Office of Fair Housing and Equal Opportunity was organized to respond to the Agency's expanding role in monitoring the progress of access to Fair Housing initiatives. In this effort website are available the following publications:

- Fair Housing and Equal Opportunity form;
- Anti-Discrimination form;
- Affordable Housing Directories;
- Statewide Listing of HCR Section 8 Providers;
- FAQs;
- Section 8 Information Sheets;
- Agency contact phone numbers; and
- A complaint line.

### **5.01 Assistance to Families Claiming Discrimination**

City of Ville Platte will provide Federal/State/local information to applicants for and participants in the Section 8 HCV Program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be made available with the application. All applicable Fair Housing Information and Discrimination Complaint Forms will be made available City of Ville Platte Section 8 Program office. In addition, all appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The City of Ville Platte will assist any participant who believes he/she has suffered illegal discrimination by providing him/her with copies of the housing discrimination form. The City of Ville Platte will also assist the participant in completing the form, if requested, and will provide him/her with the address of the nearest HUD Office of Fair Housing and Equal Opportunity.

The City of Ville Platte will advise families regarding how to file a complaint if they believe they have been discriminated against by an owner. The City of Ville Platte will advise the participant to make a Fair Housing complaint. The City of Ville Platte may also report the owner to HUD (Fair Housing applicant briefing package includes information on the fair housing rights of HCV participants and where a discrimination complaint may be filed, including the office address, telephone number, and TTY number of the local fair housing agency, or HUD's Office of Fair Housing and Equal Opportunity. The briefing material also includes the toll free number for the

HUD Housing Discrimination Hotline, (800) 669-9777, which may also be accessed via TTY by

calling the Federal Relay Service (Fed Relay) at (800) 877-8339. HCR conducts outreach to organizations which assist people with disabilities, the elderly, students, immigrants, homeless

people and victims of domestic violence and offers a 24 hour Tenant Complaint Hotline.

Equal Opportunity advertisements and applicable Fair Housing Information and Discrimination Complaint Forms are available at each local office Opportunity) or the local Fair Housing organization.

## **5.02 Violence Against Women Act (VAWA)**

The Violence Against Women and Justice Department Reauthorization Act of 2005, (VAWA) protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from HUD Section 8 assistance based on acts of such violence against them.

PHAs are required to notify their program participants and landlords of their rights and obligations under VAWA. Accordingly, City of Ville Platte have been instructed to utilize HUD's revised Housing Assistance Payments Contract (HUD-52641) and Tenancy Addendum (HUD 52641-A) which contain the VAWA provisions; provide all program participants with Form HUD 50066, Certification of Domestic Violence, Dating Violence, or Stalking (at the time of admission, termination, or the start of an eviction proceeding); and provide all landlords with HCR's Information Sheet entitled The Violence Against Women Act- Landlords Rights and Responsibilities.

In responding to an incident involving domestic violence, dating violence, or stalking that may affect a tenant's participation in the Housing Choice Voucher program, the City of Ville Platte must request that the individual certifies in writing that he/she is a victim of such violence or stalking as well as police reports.

Certification may be done by completing Form HUD 50066. The form requires specific information concerning the name of the perpetrator and the date and location of the incident. The form, if utilized to meet the certification requirement, must be completed, dated, signed and submitted by the individual within 14 business days of the City of Ville Platte request, unless extended by the City of Ville Platte. The form is available on the HUD website or on HCR's forms website page.

Evidence other than (or in addition to) the HUD certification form may also be accepted by the City of Ville Platte to meet the certification requirement. HUD Notice PIH 2006-42 contains details regarding other acceptable forms of verification. The City of Ville Platte is not required to demand official documentation or physical proof of the violence. The signed certification or other corroborating evidence is sufficient to trigger the protections available under the Act.

If the individual does not provide the Form HUD 50066 or the information that may be provided in lieu of the certification by the 10th business day, authorized by the City of Ville Platte, none of the protections afforded under this Act will apply.

City of Ville Platte should be aware of the confidential nature of all VAWA-related documentation and must observe confidentiality requirements set forth in the Notice.

## **Section 6.0 PROVIDING PARTICIPANT INFORMATION TO PROSPECTIVE OWNERS**

The City of Ville Platte must provide the owner with:

- the participant's current and prior address as shown in the City of Ville Platte records; and
- the name and address (if known) of the landlord at the participant's current and prior addresses.



## **Section 7.0    DISAPPROVAL OF OWNER**

The City of Ville Platte will deny participation by an owner at the direction of HUD. The City of Ville Platte may also deny an owner's participation for any of the following reasons:

1. The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract;
2. The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
3. The owner has engaged in drug-related criminal activity or any violent criminal activity;
4. The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
5. The owner has a history or practice of renting units that fail State or local codes;
6. The owner has not paid State or local real estate taxes, fines, or assessments;
7. The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threatens the health, safety or right of peaceful enjoyment of the premises by tenants, The City of Ville Platte employees or owner employees, or neighboring residents;
8. The owner is the parent, child, grandparent, grandchild, sister, or, brother of any member of the family; unless the PHA/City of Ville Platte determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This restriction against PHA/City of Ville Platte approval of a unit only applies at the time a family initially receives tenant-based assistance for occupancy of a particular unit, but does not apply to PHA/City of Ville Platte approval of a new tenancy with continued tenant-based assistance in the same unit.

An example of this exception is: A current participant who is residing in a unit that is subsequently purchased by a relative may continue to receive assistance so long as they remain in the same unit within the property purchased by the relative.

Note: A family who resides in a unit owned by a relative, and who is subsequently selected from the waiting list and issued a voucher, cannot remain in that unit unless a household member is a person with disabilities who requires this unit as a reasonable accommodation.

9. There exist other conflicts of interest under Federal, State, or local law.

## **Section 8.0 GROUNDS FOR TERMINATING ASSISTANCE**

### **8.01 Terminating for Alcohol Abuse or Criminal Drug Activity**

Members of a participant's household must not abuse drugs or alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and/or persons residing in the immediate vicinity of the premises.

Pursuant to the procedures outlined in Section 14.0, "Informal Hearing Procedures for Participants," the City of Ville Platte may terminate assistance if either of the following occurs:

- The City of Ville Platte finds that a member of the household has demonstrated a pattern of drug or alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and/or persons in the immediate vicinity of the premises.
- The City of Ville Platte finds that a current household member was convicted or incarcerated for any alcohol-related or drug-related criminal activity (no more than 2 occurrences are allowed) that took place on or near the premises.

The City of Ville Platte will permit the participant family to continue receiving assistance, provided that household members determined to have engaged in the proscribed activities will not reside in the unit.

The City of Ville Platte will waive the decision to terminate assistance if:

- the circumstances leading to the violation no longer exist because the person who engaged in prohibited drug-related or alcohol-related activity is no longer in the household due to death or incarceration.
- Background checks conducted on former that has a record will be sent a warning letter,

### **8.02 Other Reasons for Terminating Assistance**

Pursuant to the procedures outlined in Section 14.0, "Informal Hearing Procedures for Participants", the City of Ville Platte will terminate assistance to participants who:

1. were admitted to the program after June 25, 2001 and the participant or any household member is subject to a lifetime sex offender registration requirement;
2. have a family member who has been convicted of manufacturing or producing methamphetamine on the premises of a federally assisted housing;
3. have a history of criminal activity by any household member involving crimes of physical violence against persons or property, or any other criminal activity, including

drug-related criminal activity, that would adversely affect the health, safety or well-being of other participants or staff, or cause damage to the property;

4. have committed fraud, bribery, or any other corruption in connection with any Federal housing assistance program, including the intentional misrepresentation of information related to their housing application or benefits derived there from;
5. have a family member who is involved in drug-related criminal activity including but not limited to the illegal manufacture, sale, distribution or possession with the intent to manufacture, sell or distribute a controlled substance as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802;
6. have a family member who is illegally using a controlled substance or abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. The City of Ville Platte will waive this requirement if:
  - the person demonstrates to the City of Ville Platte satisfaction that the person is no longer engaging in drug-related criminal activity or abuse of alcohol;
  - the person has successfully completed a supervised drug or alcohol rehabilitation program;
7. Have engaged in or threatened abusive or violent behavior towards any City of Ville Platte Section 8 staff member;
8. Any type of utility theft.
9. Failure to keep any appointments with the PHA
10. Tenant fails to pay there portion of the rent.
11. Failure to allow PHA inspect home after 2 scheduling's.
12. Failure to have utilities in tenant's name or someone on the lease and keep utilities on at all times.
13. Failure to provide any requested verification request.

If assistance is to be terminated as outlined in this Section, the termination will be based upon either of the following:

- Preponderance of Evidence - defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.
- Credible Evidence - defined as evidence provided by police and court systems such as drug raids, drugs found in the dwelling unit, evidence which is tied to the activity, warrants issued, arrests made, etc.

The City of Ville Platte may also terminate assistance to participants who do not supply information or documentation that is required for continued program assistance or who fail to comply with any other program obligations.

## Section 9.0 SUBSIDY STANDARDS

### **9.01 Determination of Family Unit (Voucher) Size**

The City of Ville Platte will issue a voucher for a specific bedroom size, taking into consideration the family size and family composition, in determining the family's level of assistance. The subsidy standard provides for the smallest number of bedrooms needed without overcrowding and must be applied consistently for all families of like size and composition. The following guidelines will be used to determine each family's unit size:

**~Voucher size will be determined by HUD standard voucher size.**

The City of Ville Platte does not determine who shares a bedroom/sleeping room, but there must be at least two people per bedroom on the voucher. The City of Ville Platte subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines. For subsidy standards, an adult is a person 18 years old or older.

All standards in this section relate to the number of bedrooms on the voucher, not the family's actual living arrangements.

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

Generally, the City of Ville Platte assigns one bedroom to two people. Exceptions to this standard are noted below:

- Persons of different generations, persons of the opposite sex (other than spouses), and unrelated adults should be allocated a separate bedroom.

For subsidy standard purposes different generations are defined as *“family members from different eras (i.e., grandparents/parents; parents/children, etc.)”*

- Separate bedrooms should be allocated for adult siblings of the opposite sex.
- Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship and children 1 years or older).

- Foster children will be included in determining unit size only if they will be in the unit for more than one month.
- Live-in attendants will generally be provided a separate bedroom. No additional bedrooms are provided for the attendant's family.

Space may be provided for a child who is away at school but who lives with the family during school recesses.

Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.

Adults of different generations will have separate bedrooms.

A single pregnant woman with no other family members must be treated as a two-person family.

These standards are based on the assumption that each bedroom will accommodate no more than two persons. In determining bedroom size, the City of Ville Platte will include the presence of the first child to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, and children who are temporarily away at school or temporarily in foster-care.

The City of Ville Platte may grant exceptions to normal occupancy standards in accordance with the provisions in Section 10.02.

The family unit size will be determined by the City of Ville Platte in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a unit that may be larger or smaller than the family unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

## **9.02 Exceptions to Subsidy Standards**

The City of Ville Platte may grant exceptions from the subsidy standards if the family requests and the City of Ville Platte determine that the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

The City of Ville Platte will grant an exception upon request as an accommodation for persons with disabilities.

Circumstances may dictate a larger size than subsidy standards permit when persons cannot share a bedroom because of a need such as a verified medical or health reason or elderly persons or persons with disabilities who may require a live-in attendant.

### **9.03 Requests for Exceptions to Subsidy Standards**

The family may request a larger voucher than indicated by the City of Ville Platte subsidy standards. Such request must be made in writing within 30 days of the City of Ville Platte determination of voucher size.

The request must explain the need or justification for a larger voucher. Documentation verifying the need or justification will be required as appropriate.

The City of Ville Platte will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage or court-awarded custody. A larger voucher will not be issued due to additions of adult offspring, other adult family members (except by marriage), or room-mates. Requests based on health-related reasons must be verified by a licensed medical doctor.

At its discretion, as the PHA, may authorize the City of Ville Platte to issue a larger voucher to the family due to extenuating circumstances. However, the City of Ville Platte must obtain documentation to substantiate the basis for the larger voucher and must submit same to their Program Representative for approval.

### **9.04 Errors in Subsidy Standards**

If the City of Ville Platte commits an error in the bedroom size designation, the family will be issued a voucher of the appropriate size.

### **9.05 Changes for Applicants**

The voucher size is determined prior to the family's briefing by comparing the family composition to the established City of Ville Platte subsidy standards. If an applicant requires a change in voucher size, based upon established PHA subsidy standards, the guidelines in Section 10.01 will apply.

### **9.06 Changes for Participants**

Upon initial lease-up for any unit, the City of Ville Platte must certify the family and give its approval of the persons who are permitted to reside in the unit as family members. Family members eligible for addition to the household subsequent to the initial lease-up fall into two categories as follows.

*Category 1:*

*Persons added to the participant family by birth or adoption (including minor children previously born to or adopted by the program participant, but not residing in the household at the time of initial lease-up) or by court-awarded custody may be added*

*to the household as a matter of right. The family is required to notify the LA within 30 days of the addition of such person(s) to the household.*

*Category 2:*

*Persons other than those in category 1, including adult children of the participant, may not be added to the participant household without prior written notification to the owner and the LA. The guidelines in Sections 10.01 and 10.03 will apply to additions to the household in both categories 1 and 2.*

## **9.07 Underhoused and Overhoused Families**

If a unit does not meet Housing Quality Standards (HQS) space standards due to an increase in family size (unit too small), the City of Ville Platte will issue a new voucher of the appropriate size.

The City of Ville Platte will also notify the family of the circumstances under which an exception will be granted, such as:

- if a family with a disability is underhoused in an accessible unit;
- if a family requires the additional bedroom because of a health problem, which has been verified by the City of Ville Platte; or
- the City of Ville Platte and family has been unable to locate a unit within 180 days.

## **9.08 Ineligible Housing**

The following types of housing are not assisted under the City of Ville Platte Section 8 Housing Choice Voucher Program:

- a public housing or Indian housing unit;
- a unit receiving project-based assistance under a Section 8 program;
- nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;
- college or other school dormitories;
- units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;



- a unit occupied by its owner (this restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space); or
- a unit receiving any duplicative Federal, State, or local housing subsidy (this does not prohibit renting a unit that has a reduced rent because of a tax credit).

The City of Ville Platte will not approve a lease for any of the following special housing types, except as a reasonable accommodation for a family with disabilities:

- Congregate housing;
- Group homes;
- Shared housing;
- Assisted living facilities; or
- Single room occupancy housing.

## **Section 10.0 FAMILY ABSENCE FROM THE DWELLING UNIT**

The family must supply any information or certification requested by the City of Ville Platte to verify that the family is living in the unit or, if the family is absent from the unit, it must provide any City of Ville Platte requested information or certification on the purposes of family absences.

The family must cooperate with the City of Ville Platte for this purpose. The family must promptly notify the City of Ville Platte of its absence from the unit.

Absence means that no member of the family has resided in the unit for 30 or more days. The family must request permission in writing from the City of Ville Platte for absences that will exceed 30 days. The City of Ville Platte will make a determination in writing within five business days of the request. An authorized absence may not exceed 180 days. Any family absent for more than 30 days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

- prolonged hospitalization;
- absences beyond the control of the family (e.g., death in the family, other family member illness); or
- other absences that are deemed necessary by the City of Ville Platte.

## **Section 11.0: DETERMINING ASSISTANCE IF A FAMILY BREAKS UP**

In those instances where a family assisted under the Section 8 Housing Choice Voucher Program becomes divided into two otherwise eligible families due to divorce, legal separation or the division of the family; the new families cannot agree as to which new family unit should continue to receive the assistance; and there is no determination by a court, the LA will consider the following factors to determine which of the families will continue to be assisted:

- which of the two new family units has custody of dependent children;
- which family member was the head of household when the voucher was initially issued (listed on the initial application);
- the composition of the new family units and which unit includes elderly or disabled members;
- whether domestic violence was involved in the breakup;
- which family members remain in the unit; and
- recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, the City of Ville Platte will terminate assistance on the basis of failure to provide information necessary for a recertification.

### **11.01 Remaining Member of Tenant Family**

To be considered the remaining member of the tenant family, the person must have been previously approved by the City of Ville Platte to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the family. A “room-mate,” as defined in Section 4.03 is also not a member of the family and will not be considered a remaining member of the family.

In order for a minor child to continue to receive assistance as a remaining family member:

- the court has to have awarded emancipated minor status to the minor; or
- the City of Ville Platte must have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child (or children) for an indefinite period.

A reduction in family size may require a reduction in the voucher family unit size.

## **Section 12.0 INFORMAL REVIEW PROCEDURES FOR APPLICANTS**

### **12.01 Preference Denials**

If the City of Ville Platte denies a preference to an applicant, the applicant will be notified in writing of the specific reason for the denial and will be offered the opportunity for an informal meeting (not an informal review) with City of Ville Platte staff to discuss the reasons for the denial.

The person who conducts the meeting will be an employee of the City of Ville Platte who is at or above the level of the employee but not the employee who made the decision.

### **12.02 Informal Review Procedures for Applicants**

The City of Ville Platte will give an applicant for participation in the Section 8 Housing Choice Voucher Program prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for the decision and will state that the applicant may request an informal review within ten business days of the denial and will describe how to obtain the informal review. An applicant should be given an opportunity to submit a written request to reschedule an informal review. The applicant will be granted only one opportunity to reschedule an informal review. The informal review must be conducted within 30 days from the date of the notice.

### **12.03 When an Informal Review is Not Required**

The City of Ville Platte will not provide the applicant an opportunity for an informal review for any of the following reasons:

1. a determination of family unit size under the City of Ville Platte subsidy standards;
2. City of Ville Platte determination not to approve an extension or suspension of a voucher term;
3. City of Ville Platte determination not to grant approval to lease a unit under the program or to approve a proposed lease;
4. City of Ville Platte determination that a unit selected by the applicant is not in compliance with Housing Quality Standards (HQS), including reasons related to family size or composition;
5. general policy issues or class grievances; or
6. discretionary administrative determinations by the City of Ville Platte.

#### **12.04 Informal Review Process**

The City of Ville Platte will give an applicant an opportunity for an informal review of the decision denying assistance to the applicant.

Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract. The exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the City of Ville Platte determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- the reason(s) they have been determined ineligible;
- the procedure for requesting a review if the applicant contests the decision; and
- the deadline or time limit for requesting a review.

When denying admission for criminal activity as shown by a criminal record, the City of Ville Platte will provide the subject of the record and the applicant with a copy of the criminal record upon which the decision to deny was based.

The City of Ville Platte will provide applicants with the opportunity for an informal review of decisions denying:

- listing on the City of Ville Platte waiting list;
- issuance of a Voucher;
- participation in the program; and
- assistance under portability procedures.

#### **12.05 Procedure for Review**

A request for an informal review must be received in writing by the close of the business day, no later than ten business days from the date of the City of Ville Platte notification of denial of assistance. The informal review will be scheduled within five business days from the date the request is received. The informal review must be conducted within 30 days from the date of the notice of denial.

The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The review may be conducted by any of the following:

- a staff person who is at the Casework Supervisor level or above;
- the Program Director or Executive Director (if not the same person who made the initial decision to deny assistance); or
- an individual from outside the City of Ville Platte.

The applicant will be given the option of presenting oral or written objections to the decision. Both the City of Ville Platte and the family may present evidence and witnesses. The family may use an attorney or other representative to assist the family at its own expense. The review may be conducted by mail and/or telephone if acceptable to both parties.

A notice of the review findings will be provided in writing to the applicant within fourteen days after the review. It will include the decision of the review officer and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the applicant's file.

#### **12.06 Mitigating Circumstances for Applicants with Disabilities**

When applicants are denied placement on the waiting list or the City of Ville Platte is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal review process.

Examples of mitigating circumstances are:

- A person with a cognitive disorder may not have understood the requirement to report increases in income.
- A person may not understand the need to make regular repayments on a promissory note.
- Minor criminal records for public drunkenness may be due to medication; prior incarcerations for being disorderly may be emotional disorder.

### **12.07 Restrictions on Assistance to Non-Citizens**

Assistance to an applicant will not be delayed or denied if:

- on the basis of immigration status if the applicant, within all requirements and/or dates specified by Section 5.508 of program regulations, takes all necessary steps to provide required documentation;
- the City of Ville Platte has not completed primary and secondary verification of immigration documents submitted by the applicant in a timely manner;
- if the ineligible family member has left the household; or
- assistance to the applicant will be prorated;

Assistance to an applicant will be denied if:

- if a declaration of citizenship and eligible immigration status is not submitted by the date specified;

### **12.09 Informal Review Regarding Citizenship Status with The City of Ville Platte**

The request for The City of Ville Platte to review must be made within 10 days in writing of receipt of the notice offering the review.

After receipt of a request for an informal review, the hearing is conducted as previously described in this section. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the City of Ville Platte will deny assistance to the applicant.

Families denied for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as reviews for terminations for any other type of fraud.

## **Section 13.0 INFORMAL HEARING PROCEDURES FOR PARTICIPANTS**

### **13.01 Consideration of Circumstances**

In deciding whether to terminate assistance because of action or inaction by members of the family, the City of Ville Platte must consider all of the circumstances in each case, including the seriousness of the case, the extent of participation or culpability of individual family members, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The City of Ville Platte 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. The City of Ville Platte may permit the other members of a participant family to continue receiving assistance.

If the City of Ville Platte seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, or pattern of abuse of alcohol, such use or possession or pattern of abuse must have occurred within one year before the date that the City of Ville Platte determines and notifies the participant of the decision to deny or terminate assistance. In determining whether to terminate assistance for these reasons the City of Ville Platte will consider evidence of whether the household member:

- has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol;
- has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol; or
- is participating in a supervised drug or alcohol rehabilitation program and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol.

### **13.02 When a Hearing is Required**

The City of Ville Platte hearing procedures will be provided to families in the briefing packet. The City of Ville Platte will give a participant family an opportunity for an informal hearing to consider whether the following the City of Ville Plate decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations and The City of Ville Platte policies:

1. determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment;
2. determination of the appropriate utility allowance (if any) for tenant-paid utilities from the City of Ville Platte utility allowance schedule;



3. determination of the family unit size under the City of Ville Platte subsidy standards;
4. determination to terminate assistance for a participant family because of the families action or failure to act; or
5. determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the City of Ville Platte policy and HUD rules.

In cases described in items 4 and 5 above, the City of Ville Platte will provide the opportunity for an informal hearing before the City of Ville Platte terminates housing assistance payments for the family under an outstanding HAP contract.

### **13.03 When a Hearing is Not Required**

The City of Ville Platte will not provide a participant family an opportunity for an informal hearing for any of the following reasons:

1. discretionary administrative determinations by the City of Ville Platte;
2. general policy issues or class grievances;
3. establishment of the City of Ville Platte schedule of utility allowances;
4. determination not to approve an extension or suspension of a certificate or voucher term;
5. determination not to approve a unit or lease;
6. determination that an assisted unit is not in compliance with HQS. However, the will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family;
7. determination that the unit is not in accordance with HQS because of the family size;  
or
8. a determination by the City of Ville Platte to exercise or not exercise any right or remedy against the owner under a HAP contract.

### **13.04 Notices to the Family**

In the cases described in items 4 and 5 of Section 14.03 entitled “When a Hearing is Not Required,” the City of Ville Platte will notify the family that the family may ask for an explanation of the basis of the determination, and that, if the family does not agree with the determination, the family may request an informal hearing on the decision.

In the following cases described in items 4 and 5 of Section 14.02 entitled “When a Hearing is Required,” the City of Ville Platte will give the participant prompt written notice that the family may request a hearing within ten business days of the notification. The City of Ville Platte hearing procedures will be provided to families in the briefing packet. The participant should be given the opportunity to submit a written request to reschedule an informal hearing. The participant will be granted only one opportunity to reschedule an informal hearing.

The notice will contain a brief statement of the reasons for the decision and state that, if the family does not agree with the decision, the family may request an informal hearing on the decision within ten business days of the notification. The informal hearing must be conducted within 60 days from the date of the notice.

### **13.05 Hearing Procedures**

The City of Ville Platte and participants will adhere to the following policies and procedures:

#### **1. Discovery**

- a. The family will be given the opportunity to examine before the hearing any documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family’s expense. If the City of Ville Platte does not make the document(s) available for examination on request of the family, the City of Ville Platte may not rely on the document at the hearing.
- b. The City of Ville Platte will be given the opportunity to examine, at the section 8 offices before the hearing, any family documents that are directly relevant to the hearing. The City of Ville Platte will be allowed to copy any such document at the expense. If the family does not make the document(s) available for examination on request of the City of Ville Platte, the family may not rely on the document(s) at the hearing.

#### **2. Representation of the Family**

At the family’s own expense, a lawyer or other representative may represent the family.

#### **3. Hearing Officer**

The hearing will be conducted by any qualified person or persons designated by the City of Ville Platte, other than a person who made or approved the decision under review or a subordinate of this person;

The person who conducts the hearing will regulate the conduct of the hearing in accordance with City of Ville Platte hearing procedures.

#### **4. Evidence**

The City of Ville Platte and the family must have the opportunity to present evidence and to question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

#### **5. Issuance of Decision**

The person who conducts the hearing must issue a written decision within 14 calendar days from the date of the hearing, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

### **13.06 Effect of the Decision**

The City of Ville Platte is not bound by a hearing decision:

- concerning a matter for which the City of Ville Platte is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under hearing procedures; or
- contrary to HUD regulations or requirements, or otherwise contrary to Federal, State or local law.

If the City of Ville Platte determines that it is not bound by a hearing decision, the City of Ville Platte will notify the family within 14 calendar days of the determination and of the reasons for the determination.

### **13.07 Mitigating Circumstances for Participants with Disabilities**

When the City of Ville Platte is terminating assistance, the family will be informed that presence of a disability may be considered as a mitigating circumstance during the informal hearing process.

Examples of mitigating circumstances are:

- a person with a cognitive disorder may not have understood the requirement to report increases in income;
- a person may not understand the need to make regular repayments on a promissory note; or
- minor criminal records for public drunkenness may be due to medication; prior incarcerations for being disorderly may be emotional disorder.

### **13.08 Hearing Provisions for Restrictions on Assistance to Non-Citizens**

Assistance to a participant will not be terminated:

1. on the basis of immigration status if the participant, within all requirements and/or dates specified by Section 5.508 of program regulations, takes all necessary steps to provide required documentation;
2. if the City of Ville Platte has not completed primary and secondary verification of immigration documents submitted by the participant in a timely manner;
3. if the ineligible family member has left the household;
4. if assistance to the participant will be prorated;
5. if assistance for a mixed family is continued in accordance with Sections 5.514 and 5.518 of program regulations;
6. if the City of Ville Platte has deferred termination of assistance in accordance with Sections 5.516 and 5.518 of program regulations.

Assistance to a participant will be terminated if:

1. a declaration of citizenship and eligible immigration status is not submitted by the date specified;

### **13.09 Informal City of Ville Platte**

The request for a hearing must be made within 10 days in writing of receipt of the notice offering opportunity for the hearing.

After receipt of a request for an informal hearing, the hearing is conducted as previously described in this section. If the hearing officer decides that the individual is not eligible and there are no other eligible family members, the City of Ville Platte will:

- defer termination if the participant family qualifies for deferral; or
- terminate the participant if the family does not qualify for deferral.

If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be terminated for failure to provide.

Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.

Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.

Families terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

## **Section 14.0 COMPLAINTS**

The City of Ville Platte will investigate and respond to complaints by participant families, owners, employees, and the general public. All complaints will be documented. The City of Ville Platte may require that complaints other than HQS violations be put in writing.

Anonymous complaints are investigated when the person making the complaint indicates in writing the details of the specific allegations.

### **Categories of Complaints**

- **Complaints from families:** If a participant family disagrees with an action or inaction by a representative of the City of Ville Platte or owner, complaints will be referred to the supervisor of the City of Ville Platte representative (unless that is the same person to whom the complaint was lodged against). If a complaint is not resolved, the City of Ville Platte may refer the family to another higher representative.
- **Complaints from owners:** If an owner disagrees with an action or inaction of the City of Ville Platte or a family, complaints from owners will be referred to the City of Ville Platte office.
- **Complaints from staff:** If a staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to the City of Ville Platte for resolution.
- **Complaints from the General Public:** Complaints or referrals from persons in the community in regard to the City of Ville Platte, a family or an owner will first be referred to the City of Ville Platte. If a complaint is not resolved, it may be referred to the City of Ville Platte.

## **Section 15.0 PAYMENT STANDARDS**

### **15.01 Setting the Payment Standard**

Payment standards are established within the allowed “basic range” 110 percent of the applicable HUD published Fair Market Rent (FMR). Specific payment standards for all bedroom sizes are established per the unique market forces at play in each local program area.

Upon The City of Ville Platte request, approve a higher payment standard within the basic range, if required as a reasonable accommodation for a family that includes a person with disabilities.

### **15.02 Revising the Payment Standard**

The City of Ville Platte will review payment standard levels annually, concurrent with publication of Fair Market Rents. The City of Ville Platte may also request payment standard adjustments at times other than the annual review when circumstances warrant.

Adequacy/appropriateness of existing payment standard levels will consider:

1. The percentage of annual income families pay for rent under the voucher program (rent burdens);
2. Program utilization rates;
3. Rents for units currently leased;
4. Size and quality of units leased under the program;
5. Rental vacancy rates and rents in the market area; and
6. Success rates of voucher holders in finding units.

If it is determined that existing payment standard levels present an obstacle to achieving favorable success and/or utilization rates, reasonable rent burdens or that families are generally renting low quality units, within the basic range, raise the payment standard to a higher level. The City of Ville Platte will be responsible for initiating this process by providing HUD with analyses that document the nature of the problem and recommend specific payment standard levels that will alleviate these hardships.

The City of Ville Platte may also reduce a payment standard for a specific bedroom size or all bedroom sizes if analysis shows that a significant percentage of leased units of moderate to high quality have rents that are substantially below the payment standard level.

Before increasing any payment standard, a financial feasibility test to ensure that in using the higher standard, adequate funds will continue to be available to assist families in the program.

### **15.03 Reasonable Accommodation**

Grant exception payment standards between 90% and 110% of the Fair Market Rent (FMR) in instances where a higher standard is necessary to provide reasonable accommodation for a family member with disabilities. This policy applies to cases where approval for higher payment standards only in cases involving disabilities in conformity with the Americans with Disabilities Act (ADA) and other applicable Federal and State human rights laws.

When a Local Administrator plans to increase the payment standard on behalf of a tenant in this category, the following procedures must be implemented:

1. The tenant must submit documentation to the City of Ville Platte verifying that the household member is in fact disabled. While a "diagnosis" is not required, there should be documentation in the file that provides substantiation of the person's disability. The documentation should also include a statement from a physician which supports the determination that the nature of the disability requires reasonable accommodation through the use of a higher rent/payment standard.
2. Once the City of Ville Platte has obtained documentation that verifies the tenant's disability, the City of Ville Platte should submit a letter to their Statewide Section 8 Program Representative with a carbon copy to the Section 8 Program Fiscal Manager. The letter should indicate that the City of Ville Platte has increased the payment standard to the specified percentage, and state the month/date in which the increase will take effect. The Program Representative will maintain a copy on file.

Payment standards of 111% to 120% for disabled participants require HUD's approval. When submitting exception payment standard requests in this range, the following procedures MUST be implemented:

1. Submit a written request to your HUD Program Representative outlining your justification for this request. The submission should include:
  - i. A specific statement that you have reviewed and enclosed all pertinent information and that you support this request.
  - ii. Documentation verifying that the approved gross rent is reasonable, in relation to unassisted units within and outside of, the building or development in question.



After reviewing your request, the Program Representative will forward the request to the local HUD Field Office for final approval.

The Program Representative will notify the tenant of HUD's response.

## **Section 16.0 OWNER RENTS AND RENT REASONABLENESS**

### **16.01 Rent to Owner in the Housing Choice Voucher Program**

The allowable rent to owner is limited primarily by rent reasonableness. However, if the proposed gross rent for a unit is above the payment standard, the impact this will have on a family's maximum allowed rent burden also becomes a factor. At the time a family initially receives Housing Choice Voucher (HCV) assistance, whether a new admission or a move to a different unit, the family share may not exceed 40 percent of the family's monthly adjusted income when the gross rent for the unit exceeds the applicable payment standard for the family.

All owners will be advised that by accepting each monthly housing assistance payment they are certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the same premises. If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere.

### **16.02 Rent Proration**

When initiating voucher assistance, the general standard is to begin assistance on either the 1<sup>st</sup> or the 15<sup>th</sup> of the month. However, Local Administrators are authorized to initiate assistance on any day of the month in circumstances when a landlord is unwilling to hold a unit until the 1<sup>st</sup> or the 15<sup>th</sup> and the voucher holder would thereby lose access to the unit.

In such cases, assistance for the initial month is to be prorated based on the number of days under HAP contract for that specific month (example, a unit rented on July 13<sup>th</sup> would be prorated based on 19 days). Prorated assistance is calculated by dividing the 19 days by the number of days in the month (31); in this case, multiplied by the full rent for the month.

To ensure that all leases are for a minimum of 12 months, the lease for the unit would be 12 months plus the additional days in the month being prorated.

### **16.03 Rent Reasonableness Determinations**

The City of Ville Platte will not approve an initial rent or a rent increase in the HCV program without determining that the rent amount is reasonable with respect to rents for comparable unassisted units in the market area.

Reasonableness is determined prior to the initial lease and in the following circumstances:

- Before an increase in rent to owner is approved;
- If 60 days before the contract anniversary date, there is a 5 percent decrease in the published Fair Market Rent (FMR) as compared to the previous FMR; and
- If the City of Ville Platte or HUD directs that reasonableness be redetermined.

As part of the overall Section 8 Housing Choice Voucher System (SHCVS), HCR has developed an automated database for analyzing and determining rent reasonableness on an individual unit basis. Data for unassisted units has been gathered from contacts via newspaper classified listings, realtors, professional associations, direct inquiries of owners, market surveys, local tax assessors, waiting list queries and other available sources. In order to ensure uniformity and consistency, the rent reasonableness system establishes standard criteria for all units entered in the database. Unit rents within any/all defined housing market areas are individually identified and segregated and are compared to similar units within the same market area.

A survey will be taken of each unit and input into the database.

The following criteria are included in the system database:

- size (number of bedrooms);
- location;
- general quality;
- amenities (bathrooms, dishwasher, air conditioning, etc.);
- services;
- age of unit;
- unit type;
- maintenance; and
- utilities.

#### **16.04 Rent Reasonableness Methodology**

The City of Ville Platte rent reasonableness system is based on unit comparison per the criteria listed above. The system uses a non-weighted total point count determined by summing the responses to questions about each criterion.

Based on the number of points derived for each unit, the automated rent reasonableness system then displays low, average and high rents for units of similar size and type within the same market area.

While City of Ville Platte are always encouraged to obtain multiple (three or more) comparable for each proposed unit, HCR currently requires a minimum of two comparable units in order for the unit to pass the rent reasonableness test.

Information on unassisted units only is maintained in the automated database and is updated or purged when that data is more than 12 months old.

## **Section 17.0 SPECIAL HOUSING TYPES**

The Statewide Section 8 Voucher Program will only approve one of the following special housing types when it is necessary to provide a reasonable accommodation for a family with disabilities:

- Congregate housing;
- Group homes;
- Shared housing;
- Assisted living facilities; and
- Single room occupancy housing.

The Statewide Section 8 Voucher Program will approve other HUD-permitted housing types including:

- Single family dwellings;
- Apartments;
- Manufactured housing; and
- Manufactured home space rentals.

## **Section 18.0 PARTICIPANT PAYMENTS FOR AMOUNTS OWED THE PHA**

The City of Ville Platte assume all day-to-day responsibility for enforcing the requirements of this section and for ensuring that monies collected are promptly returned to HCR.

A participant is responsible for reporting all changes in income and household composition to the City of Ville Platte within two weeks of the date of such change. If a participant fails to report these changes an overpayment of Housing Assistance Payments (HAP) may occur. The participant is responsible for repaying any amount overpaid on his/her behalf to the Statewide Section 8 Voucher Program.

In such cases the City of Ville Platte is responsible for making every effort to recoup any overpayment of HAP, and may only proceed to termination of assistance after considering the seriousness of the case, such as:

- whether or not there was a prior similar violation;
- the participant used false names or social security numbers, or
- falsified, forged or altered documents.

The City of Ville Platte may also consider the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or inaction (*see Section 14.01 of this Administrative Plan*). The analysis of all these factors must be documented in writing before proceeding to termination for any first time offender.

Participant obligations of this nature may be satisfied by either paying the full amount due immediately upon request of the City of Ville Platte, or through a repayment agreement approved by the City of Ville Platte.

The length of a repayment agreement, as determined by the City of Ville Platte, cannot exceed 36 months. The City of Ville Platte must carefully evaluate each case to determine the terms of the agreement and to assure repayment of the debt within the prescribed time. If the participant is not current on a repayment agreement, the family will not be issued a voucher to move to a new unit. If the family has a repayment agreement in place and incurs an additional debt to the City of Ville Platte, the additional debt must be paid in full within 30 days.

An applicant owing money may apply to the program and remain on the waiting list until his/her time of selection. If it is determined, based on information in HUD's Enterprise Income Verification (EIV) System that an applicant still owes money to a PHA or a Section 8 landlord when he/she is contacted for selection, assistance may be denied subject to resolution of the reported outstanding debt. Refer to HUD's January 28, 2010 EIV Training Webcast: *Refinement of Income and Rent Rule*, and Form HUD-52675 (Debts Owed to Public Housing Agencies and Terminations) for detailed guidance. The applicant's name will remain on the waiting list in accordance with the aforementioned guidelines.

### **18.01 Repayment Agreements – General**

A participant's obligation of this nature may be satisfied by either paying the full amount due immediately upon the City of Ville Platte request or through a repayment agreement approved by the City of Ville Platte. A repayment agreement between the City of Ville Platte and a participant is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the City of Ville Platte upon default of the agreement.

The repayment agreement must contain the following provisions:

1. The terms of the agreement may be renegotiated if there is a decrease or increase in the family's income, or;
2. A change in income cycle (i.e.; weekly to bi-weekly or bi-monthly, and vice versa).
3. The monthly repayment amount is in addition to the family's regular rent contribution.

City of Ville Platte will **not** enter into additional repayment agreements if:

- the participant already has an agreement in force;
- determines that the family has committed additional program fraud during the term of the repayment agreement.

There is no maximum dollar amount for considering whether or not the City of Ville Platte will enter into a repayment agreement.

Although the City of Ville Platte is authorized to enter into a repayment agreement of up to 36 months, the maximum term should not be automatically granted. Each family should be evaluated on a case-by-case basis. The term of the agreement may range from one (1) to thirty-six (36) months depending on the family's income and the amount owed. Repayment options include lump sum payments, monthly installments, or a combination of both.

If a participant refuses to enter into a repayment agreement or defaults on an existing agreement, the participant must be terminated from the program and collection/enforcement actions should be pursued. The City of Ville Platte should contact their Program Representative for further guidance.

## **18.02 Repayment Agreements - Fraud Recovery**

PHAs are required by HUD to report fraud recovery in HUD's Voucher Management System reports. A PHA is allowed to keep 50% of the recovered funds resulting from fraud repayments.

It is the City of Ville Platte responsibility to distinguish between what is an error of omission and what is fraud. HUD guidance has indicated that fraud can best be categorized as intentional deception for the purpose of receiving funds that the recipient is not entitled to. This could include, but is not limited to:

- intentional misrepresentation of income, assets and allowances;
- intentional misrepresentation of family composition;
- initiation or participation in bribery;
- falsification, forging or alteration of documents;
- falsification of names or Social Security numbers;
- repeated misreporting of material information;

In order to establish fraud, City of Ville Platte are responsible for ensuring that the tenant file contains documentation indicating that they were made aware of program requirements and prohibitions, and that they intentionally misstated or withheld material information.

City of Ville Platte is responsible for determining, on a case-by-case basis, what is intentional misreporting. City of Ville Platte is entitled to 50% of the full recovery amount only for case of documented fraud. If a family disputes that fraud was committed, the City of Ville Platte must conduct an informal hearing with an independent arbiter.

Once an act of fraud has been determined, the City of Ville Platte will initiate a Repayment Agreement with the family and set up a monthly repayment schedule following **the guidelines in Section 19.0 and 19.01 of this Plan.**

The City of Ville Platte will submit to the Statewide Section 8 Voucher Program, in a form or manner prescribed a list of the names and addresses of all participants/landlords who have entered into a repayment agreement.

The full amount of funds recovered from fraud investigations and determinations must be in the form of a certified check or money order and must be made payable to the *City of Ville Platte Section 8*. The office will subsequently be advised on how and when to request payment of the 50% of recovered funds allowed by HUD regulations.

City of Ville Platte is responsible for recouping all overpayment of HAP following the guidelines contained in Section 19 of the Administrative Plan.

### **18.03 Late Payments**

A payment under a participant repayment agreement will be considered in arrears if payment has not been received by the City of Ville Platte within 5 business days of the due date.

Payment is due by the close of business on the due date. If the due date is on a weekend or holiday, the due date will be at the close of the next business day. If a participant's repayment agreement is in arrears and the participant has not contacted or made arrangements with the City of Ville Platte, the office will require the participant to pay the balance in full within 30 days. If the participant subsequently fails to pay the full amount due within the 30 days, the participant will be terminated from the program.

If a family requests a move to another unit, and has an existing repayment agreement in place for the payment of an owner claim, the family will not be permitted to move with continued HCV assistance until the family pays the balance in full.

If a family who has an outstanding balance on an existing repayment agreement requests to port to another jurisdiction or PHA, the outstanding balance must be paid in full before the family will be permitted to port.

### **18.04 Minimum Rents**

PHA has a minimum rent policy of \$50 for all participants in the Section 8 Voucher Program. Adjustments to rent shares for affected families are to be implemented immediately at the next annual review or interim recertification, whichever comes first.



## **Section 19.0 UTILIZING THE ENTERPRISE INCOME VERIFICATION (EIV) SYSTEM**

Use of EIV is mandatory. The City of Ville Platte will use the EIV system to identify potential discrepancies in income reporting by participants during the annual and interim reexamination processes. In order to identify any discrepancies, the City of Ville Platte will use EIV wage/benefit data in conjunction with third party income verification documents received during the annual and interim recertification processes. If there are discrepancies in the amount of income, or if the income is outdated, the City of Ville Platte will use the most accurate and reliable source of income verification.

The data contained and provided by the EIV system will be protected by the City of Ville Platte and should only be used for official program purposes. Data will not be disclosed to anyone in any manner that would violate the privacy of the individuals represented.

The City of Ville Platte must adhere to EIV security awareness measures to ensure that only authorized system users may access the EIV system in order to maintain overall privacy and security compliance.

The City of Ville Platte must use the EIV system to verify household income on such sources as social security, social security disability, SSI, wages and unemployment compensation for each family member. The City of Ville Platte must use the EIV system to compare the income source and amount recorded in the participant-supplied income data and form, HUD 50058 which is maintained in the Public Housing Information Center (PIC) database.

### **19.01 Demonstrating Compliance with Mandatory Use of EIV**

In accordance with 24CFR §5.233(a) (2) (i), City of Ville Platte must demonstrate compliance with mandated use of EIV by doing the following:

- A. For each new admission:
  - a) review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date;
  - b) print and maintain a copy of the EIV Income Report in the tenant file;  
and
  - c) resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
- B. For each historical adjustment (action type 14)
  - a) Review the EIV Income Report to confirm/validate family-reported income within 120 days of the PIC submission date;

- b) print and maintain a copy of the EIV Income Report in the tenant file; and
  - c) resolve any income discrepancy with the family within 60 days of the EIV Income Report date.
- C. For each interim reexamination (action type 3)
- a) maintain in the tenant file, a copy of the ICN Page when there is no household income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report. (LAs have the discretion to print the EIV Income report; however, only the ICN page is required.)
  - b) maintain in the tenant file, a copy of the EIV Income Report when there is an income discrepancy noted on the household's Income Discrepancy Report tab or Income Discrepancy Report.
- D. For each annual reexamination where the *tenant does not dispute EIV information, the LA must:*
- a) maintain the EIV Income Report, current acceptable tenant- provided documentation, and *if necessary* (as determined by the LA), traditional third party verification form(s).
- E. For each annual reexamination where the *tenant disputes EIV information, the LA must:*
- a) maintain the EIV Income report, current acceptable tenant- provided documentation, and/or traditional third party verification form(s)
- F. Where the *Tenant-reported income is not verifiable through EIV system, the LA must:*
- a) maintain current tenant-provided documents, and *if necessary*, traditional third party verification form(s).

#### **19.01.1 Debts Owed to PHAs & Termination Module**

HUD has established a national data base to serve as a repository for debt and termination information on former program participants. It is now mandatory that each local program designate at least one staff person whose responsibility it will be to enter information into this Debt Termination Data Base (DTDB).

The designated staff must obtain prior approval from HUD, before the system will allow them to enter information into the DTDB. Prior approval from HUD can only be obtained by submitting an EIV Access Authorization form to HCR's EIV

Coordinator, requesting user access role ***Program Administrator – Voucher Section 8***).

#### **19.01.2 Policy Governing DTDB Entries**

The following practices must be adhered to when entering debt/termination information into DTDB:

- 1) Debt/Termination information must not be entered into DTDB until an End Of Participation (EOP) action has been entered in PIC for the former participant;
- 2) Debt/termination information must be entered within 90 days from the EOP date;
- 3) Debt/termination information will be maintained in DTDB only up to a period of 10 years;
- 4) Families who have never, or no longer, warrant being in the data base must be removed following HUD guidelines under *Debts Owed to PHAs and Termination information*.
- 5) Local programs may modify a tenant record only 3 times;
- 6) Debts should not be modified as payments are being made. The debt is to be removed only after being paid in full;

#### **19.01.3 Screening Families Through EIVs’ “Former Tenant Search” Module**

Procedures governing use of the EIV “Former Tenant Search” module must include the following:

- 1) Prior to admission, local programs should query each adult household member’s SSN to determine if a PHA has reported a debt or adverse termination;
- 2) Former participants who owe debts to a PHA may not be admitted to the program until the debt is paid in full to the PHA that is owed the outstanding amount;
- 3) Adverse Terminations should be denied assistance in accordance with PHA or HUD policy; and

- 4) Families denied assistance due to information in DTDB must be provided with a copy of the Debts Owed & Termination report, and as with other denials, offered an informal review.

#### **19.01.4 Mandatory Monitoring of EIV Reports**

The City of Ville Platte is required to monitor the following EIV reports on a *monthly* basis:

1. Deceased Tenants Report
2. Identity Verification Report
3. Immigration Report

The City of Ville Platte is required to monitor the following EIV reports on a *quarterly* basis:

1. Income Discrepancy Report
2. Multiple Subsidy Report
3. New Hires Report

#### **19.02 Income Discrepancy Resolutions**

When the EIV income data differs from the participant-provided income data by at least \$200.00 per month; this constitutes a “substantial difference.”

In cases where the EIV income data is **NOT** substantially different than tenant-reported income, the City of Ville Platte will:

- Use participant documents or third party income verification to calculate anticipated annual income if the EIV income is less than current participant-provided documentation; or
- Use EIV income data unless the participant provides documentation of a change in circumstances when the EIV data is more than the current participant-provided documentation. If acceptable participant documentation is provided to justify a change in circumstances, the participant documents will be used to calculate income.

In cases where EIV income is substantially different than the participant-reported income, the City of Ville Platte must:

- Request written third-party verification from the income source in accordance with 24 CFR 5.236(3) (i).
- Review historical income data for patterns of employment, paid benefits, and/or receipt of other income when the City of Ville Platte cannot readily anticipate income such as in the cases of seasonal employment, unstable working hours and suspected fraud.

- Analyze all data and attempt to resolve the income discrepancy.
- Use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

### **Section 19.03 EIV Security Measures**

#### ***19.03.1 Handling of Discrepancy Reports***

The City of Ville Platte must handle EIV discrepancy reports in the following manner:

- ☐ If a participant disagrees with the discrepancy report issued by the EIV system, a meeting will be scheduled by the City of Ville Platte with the participant to resolve the dispute. All details of the discrepancy report must be documented and the participants will have 15 business days from the date of the meeting to obtain third-party verification of the discrepancy and submit supporting documentation to the City of Ville Platte. All participant-provided information and submitted documentation should be dated not more than 60 days prior to the initial resolution meeting. Once the information is received from the participant, the City of Ville Platte will review and make a final decision within ten business days from the date that the information was received from the participant.
- ☐ If a situation arises where facts indicate that a participant has not reported or has under-reported income; a repayment agreement will be executed between the participant and the City of Ville Platte. A revision to the current and future participant's share must also be made. If a participant refuses to enter into a repayment agreement and/or refuses to pay the newly calculated rent, termination of assistance will occur using the established policies and procedures in accordance with the Administrative Plan.

#### **19.03.2 Records Retention**

During the term of the assisted tenancy and for three years thereafter, the City of Ville Platte must retain the documents in the participant's file. EIV information must be destroyed three years from the End of Participation (EOP) unless there is pending litigation.

#### **19.03.3 Disposal of Applicant and Participant Records**

All EIV documents must be destroyed at the end of the three-year retention period. They should be destroyed in a manner that would not compromise the confidentiality of the applicants and/or participants. The preferred method for destroying documents is by shredding.

#### **19.03.4 EIV Security Monitor**

Each local program must designate someone as the agency's "*EIV Security Monitor*." The agency's EIV Security Monitor will be responsible for ensuring that the minimal EIV security procedures outlined in this document is adhered to.

The local EIV security monitor or other designated personnel must give written notification to the HCR-designated EIV Security Officer when:

- ☐ a staff member associated with EIV information is no longer employed with the agency, or
- ☐ a staff member who previously had access rights to the EIV system no longer has such rights.

#### **19.03.5 Storage of EIV Documents**

As an added security measure, on an annual basis the HCR EIV security officer will mail to each local program a listing of local program staff members who have HCR approved access to EIV wage/benefit data. The local security monitor or other designated staff must review this list and immediately notify the PHA EIV security officer in writing of any names that should be deleted from the list.

Each PHA must maintain a lockable container, file cabinet, or room to store EIV documents that are:

- ☐ outdated and are destined to be destroyed; or
- ☐ printed but not yet placed in the participants' files.

Caution should be taken to prevent the combining of each of the above types of documents. PHA recommends that the City of Ville Platte keep each type in separate folders within the lockable receptacle.

#### **19.03.7 EIV Security Awareness Training**

Applicants requesting EIV access must satisfy the required annual EIV Security Awareness Training before they can be approved for EIV access. In order to satisfy this requirement, an applicant must meet the following two conditions:

- a) Applicants must watch the most recent HUD, EIV Security Awareness Training Webcast.
- b) Applicants must confirm that they have watched the above mentioned webcast by signing the applicable HCR issued EIV Webcast Training Certification form, and submitting it to the PHA EIV Coordinator.

#### **19.03.8 Breach of EIV Security Policy**

Any breach of the EIV security policy should be immediately reported to the designated HCR Security Officer.

## **Section 2.0    RECERTIFICATIONS**

### **20.01 Interim Income Recertification's**

Families are required to report all changes in income and family composition to the City of Ville Platte within two weeks of the date of such change. Families that report a change in income or family composition will be advised by the City of Ville Platte to forward written documentation. During an interim reexamination only information affected by the changes being reported will be reviewed and verified.

Upon receiving any documentation requested from the family, the City of Ville Platte will process interim recertification's in the following circumstances only:

- Recertification's requested by a participant which result in a decrease in tenant rent;
- Recertification's due to an increase in yearly household income which would result in a monthly increase of \$50 or more in participant rent share; or
- Recertification's that are a result of a change in family/household composition and that result in either an increase or decrease in the tenant rent as described above.

In order to add a household member (other than through birth or adoption), including a live-in aide or a room-mate, the family must request that the new member be added to the lease. The new household member must first be approved by the landlord. Before adding the new member to the lease, the individual and participant head of household must undergo a recertification and document the income, assets, and all other information normally required of applicants and participants.

The individual to be added to the household must also provide his/her Social Security number (if he/she has one) and must verify his/her citizenship/eligible immigrant status.

NOTE: Housing assistance will only be delayed if caused by family action or inaction.

The family's revised annual income will be recalculated taking into account the income and circumstances of the new family member.

### **20.02 Effective Date of Changes for Interim Recertification's**

The City of Ville Platte will give 30 days' notice of any rent increase to the family. If notice of an increase in rent is delayed due to a reason beyond the control of the family, the rent increase will be effective the first of the month after the month in which the family receives a 30-day notice of the amount.



If a participant family has caused the delay, the increase will be effective on the date the City of Ville Platte, would have been otherwise able to issue the notice if the family had not caused the delay.

A reduction in participant rent share will be effective the first of the month after the revised family share of rent is determined.

### **20.03 Annual Recertification's**

An annual recertification must be completed for each Section 8 family. The recertification must be completed on or prior to the date of the previous year's recertification.

The information used for reexamination must be current (within 120 days) of the effective date of the recertification. The family should be given a minimum of 90 days, but not more than 120 days, written notice prior to the anniversary date of the recertification.

Tenant will be given 1 (one) scheduled appointment that they must attend for annual recertification's. If the tenant cannot attend the appointment they must call to reschedule.

The City of Ville Platte must require the participant(s) to visit the Section 8 office for the purpose of conducting the recertification. However, as a reasonable accommodation, the City of Ville Platte may conduct a home visit for the purpose of completing the annual recertification, if the participant is homebound and/or disabled.

The initial recertification notice must inform the family of the required documents and the deadline (or the date to appear in the Section 8 office for the reexamination) for submitting all required documents and requested information.

If the family fails to respond to the initial/first notice, a second notice must be sent to the family informing them that they have failed to submit the required information for recertification. A second request and a copy of the previously sent notice must be sent to the family.

If the family fails to respond to the second notice a termination notice must be mailed to the family.

### **20.04 Verification Guidance and Public Assistance Income Calculations**

HUD regulations stipulate in 24 CFR Part 5.609 (b) (6) that welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) be included in annual income only to the extent that such payments :

- Qualify as assistance under the TANF program as defined in 45 CFR 260.31; and
- Are not otherwise excluded from income under 24 CFR 5.609 (c).

If the welfare assistance payments include an amount specifically designated for shelter and utilities, the amount of welfare assistance income to be included as income should consist of:

- The amount of the allowance or grant exclusive of the amount specifically designated for shelter and utilities;
- The maximum amount of welfare assistance the agency could in fact allow the family for shelter and utilities; or
- The prorated amount as determined by the Department of Children and Family Services (DCFS) for families receiving SSI income.

### **20.05 Zero Income Families**

When a family reports zero income to the City of Ville Platte, the City of Ville Platte must conduct an in office interim recertification every 6 months. The purpose of the interim recertification is to verify the family's expenses, and to have the family provide an explanation of how their expenses are being paid. Any regular contributions received by the family from outside sources must be considered as household income. In addition, the family must complete the HUD "*Zero Income Checklist and Worksheet*" Form every 6 months, which can be found in the HUD Public Housing Occupancy Guidebook. For further guidance on this topic, see the HUD Public Housing Occupancy Guidebook (published June 2003).

### **20.06 Minimum Rent Hardship Exemption**

The City of Ville Platte must advise a family who is paying the minimum rent of their right to request an exemption of the minimum rent payment. If the family requests the exemption the City of Ville Platte must suspend the minimum rent and adjust the HAP payment effective on the first of the month following the change in the family's circumstances. The City of Ville Platte must request documentation to substantiate the hardship, and must promptly determine if the hardship is temporary or long term.

If the City of Ville Platte determines the financial hardship to be temporary (90 days or less), the minimum rent must be suspended for a period of 90 days from the date of the family's request. At the end of the 90 day period, the minimum rent must be reinstated retroactive to the date of suspension. If the amount the family owes as a result of the suspension of the minimum rent exceeds the family's ability to pay in one lump sum, the City of Ville Platte must offer the family a repayment plan.

Financial hardship includes the following circumstances:

- When a family has lost eligibility for or is awaiting an eligibility determination for a government assistance program;
- When a 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 has occurred in the family; and
- Other circumstances determined by the PHA or HUD

The City of Ville Platte must conduct an in office interim recertification every 30 days for a family that is receiving a minimum rent hardship exemption. The purpose of the interim recertification is to verify the family's expenses, and to have the family provide an explanation of how their monthly expenses are being paid. Any regular contributions received by the family from outside sources must be considered as household income.

In addition, the family must complete the HUD "*Zero Income Checklist and Worksheet*" Form every 6 months, which can be found in the HUD Public Housing Occupancy Guidebook. For further guidance on this topic, see the HUD Public Housing Occupancy Guidebook (published June 2003).

## **Section 21.0 RESTRICTIONS ON MOVES BY A PARTICIPANT FAMILY**

During the initial 12 months of assisted occupancy, families who resided in the City of Ville Platte jurisdiction prior to admission and wish to move within the same City of Ville Platte jurisdiction will be allowed to move only under the following conditions:

- The City of Ville Platte has terminated the Housing Assistance Payment (HAP) contract due to an owner's breach of responsibility (i.e.- failure to correct Housing Quality Standards (HQS) violations); or
- The owner and family have agreed to mutual rescission of the lease;

**NOTE:** This provision may only be utilized once within any 12-month period by a participant and owner.

If a family lives in one City of Ville Platte jurisdiction and applies to the waiting list, the family will be required to utilize the assistance for 12 months in the jurisdiction of the City of Ville Platte where they are being admitted. (See also Section 1.0 "Selection and Admission Policies.")

Families will not permitted to move more than once in a 12-month period unless the City of Ville Platte approves the move based on a documented reason over which the participant has no control (e.g.-owner's failure to correct HQS violations).

As allowed by program regulations, families will **not** be permitted to move outside the City of Ville Platte jurisdiction under portability provisions during the initial 12 months of assisted occupancy.

The City of Ville Platte may deny permission to move if:

- the family has violated a family obligation;
- the family owes the City of Ville Platte money; or
- the family has moved or been issued a voucher within the last 12 months.

Families are required to give proper written 30-day notice of intent to terminate the lease. During the initial term families may not end the lease unless the family and the owner mutually agree to end the lease and submit in writing to the City of Ville Platte a statement signed by the owner and tenant that the lease is being mutually terminated and the effective date of the termination. If the family moves from the unit before the initial term of the lease ends without the owner's and the City of Ville Platte approval, it will be considered a serious lease violation and may subject the family to termination from the program.

The family is required to give the City of Ville Platte a copy of the notice to terminate the lease at the same time it gives the notice to the landlord. A family's failure to provide a copy of the lease termination notice to the City of Ville Platte will be considered a violation of family obligations and

will cause the family to be terminated from the program. The family will be ineligible for assistance until three years have elapsed from the date of termination.

## **Section 22.0 HOUSING QUALITY STANDARDS (HQS) INSPECTION POLICIES**

Housing Quality Standards (HQS) are minimum standards for tenant-based programs and are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as to the unit. Newly leased units must pass the HQS inspection **before** the beginning date of the assisted lease and Housing Assistance Payments (HAP) contract.

The City of Ville Platte will inspect each unit under contract at least annually. The City of Ville Platte will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by the Section 8 Management Assessment Program (SEMAP) annually to maintain the City of Ville Platte required standards and to assure consistency in the City of Ville Platte program. In addition, the City of Ville Platte must engage a third party HQS inspector for City of Ville Platte owned and City of Ville Platte managed units in order to avoid the appearance of a conflict of interest.

This section describes City of Ville Platte procedures for performing HQS and other types of inspections and City of Ville Platte standards for the timeliness of repairs. It also explains the responsibilities of the owner and family and the consequences of non-compliance with HQS requirements for both families and owners.

### **22.01 Requirements and Guidelines for Inspections**

When a Request for Tenancy Approval (RTA) is submitted, the unit being offered must be available for inspection no later than 60 days from the date of RTA submission.

The City of Ville Platte will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Section 8 Program unless HQS is met. Units will be inspected at least annually, and at other times as needed, to determine if units meet HQS.

The City of Ville Platte must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by mail or by phone. If the owner and/or family cannot be at home for the scheduled inspection appointment, the owner or family must make arrangements to enable the City of Ville Platte to enter the unit and complete the inspection.

If the owner or family misses the scheduled inspection and fails to reschedule the inspection, the City of Ville Platte will only schedule one more inspection. If the family misses two inspections, the City of Ville Platte may consider the family to have violated a Family Obligation and may terminate their assistance.

All utilities must be in service prior to the HQS inspection. If the utilities are not in service at the time of inspection, the inspector will notify the tenant or owner (whomever is responsible for the utilities according to the Request for Tenancy Approval) to have the utilities turned on. Either the inspector will schedule a reinsertion or the owner or tenant will both certify that the utilities are on.

If the tenant is responsible for supplying the stove and/or the refrigerator, the City of Ville Platte will allow the stove and refrigerator to be placed in the unit after the unit has passed all other HQS. The family must then certify that the appliances are in the unit and working. Although not required, the City of Ville Platte may conduct a reinsertion if deemed necessary by the City of Ville Platte.

Following are the types of inspections the City of Ville Platte will perform:

1. **Initial:** An inspection that must take place to ensure that the unit passes HQS before assistance can begin; this inspection is conducted upon receipt of Request for Tenancy Approval;
2. **Annual:** An inspection to determine that the unit continues to meet HQS; this inspection must be conducted within 12 months of the last annual inspection;
3. **Complaint:** An inspection caused by the authority receiving a complaint regarding the unit by anyone;
4. **Special:** An inspection requested by a third party (i.e. - HUD request);
5. **Emergency:** an inspection that takes place in the event of a perceived emergency; these will take precedence over all other inspections; and
6. **Supervisory:** Quality control inspections on units under lease during any specific the City of Ville Platte fiscal year.

### **22.02 Initial HQ S Inspections**

The City of Ville Platte will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within 2 days after the family and the owner have submitted a request for approval of tenancy.

### **22.03 Annual HQS Inspections**

The City of Ville Platte will conduct HQS inspections within 12 months of the last annual inspection. Special inspections may be scheduled between anniversary dates.

HQS deficiencies which cause a unit to fail must be corrected by the landlord unless it is a deficiency for which the tenant is responsible.

The owner and/or family must allow the City of Ville Platte to inspect the unit at reasonable times with reasonable notice.

Inspections will be conducted on business days only during normal business hours of the City of Ville Platte. Weekend inspections may be conducted under extenuating circumstances at the City of Ville Platte discretion. The City of Ville Platte will provide the family with as much notice possible when scheduling the inspection.

If the owner or family is unable to be present at the inspection, he/she must reschedule the appointment within five business days.

If the family or their designee misses an inspection appointment and does not contact the City of Ville Platte to reschedule the inspection, or if the family misses two scheduled inspection appointments, the City of Ville Platte will consider the family to have violated a family obligation and the family's assistance will be terminated in accordance with the termination procedures in this Plan.



#### **22.04 Verification of HOS Deficiencies**

The City of Ville Platte may elect to do a reinsertion to comply with 23 CFR 982.404 (a) (3) to verify that all HQS deficiencies have been corrected. A reinspection is not necessary if the City of Ville Platte can obtain verification by other means.

Other than in the case of life threatening deficiencies the City of Ville Platte may accept an owner's and/or families written certification that the deficiencies have been corrected.

When the deficiencies are the responsibility of the family, the owner or a representative of the owner must also certify that the deficiencies have been corrected.

When the deficiencies are the responsibility of the owner, the family must also certify that the deficiencies have been corrected.

Verification that repairs were completed may be made at the next on-site inspection.

The City of Ville Platte should base the verification process on the severity of corrections to be made and/or the City of Ville Platte experience with the owner and property.

#### **22.05 Re-inspections**

If an on-site re-inspection is required and the family and/or owner is not at home for the re-inspection appointment, the City of Ville Platte will send a second reschedule notice and inform the tenant that the inspector went out for the first re-inspection scheduled and state why the first re-inspection was not conducted.

#### **22.06 Notification of HQS Failures**

When a unit fails HQS inspection, the City of Ville Platte must notify the owner in writing of the amount of time that will be allowed to correct any items noted as fail. The amount of time allowed will be determined by the City of Ville Platte based on the time standards described in Section 23.07.

If the time period allowed to correct the repairs has elapsed and the City of Ville Platte has not granted an extension of time, the family must select another unit for assistance.

#### **22.07 Time Standards for Repairs**

**Emergency items** which endanger the family's health or safety must be corrected by the owner within 24 hours of notification. (See "Emergency Repair Items," Section 24.13.)

For **non-emergency items**, repairs must be made within 15 days.

For **major repairs**, the City of Ville Platte may approve an extension beyond 15 days.

#### **22.08 Rent Increases**

Rent increases to an owner must not be approved if the unit fails inspection.

If the tenant's rent increase the PHA will give the tenant and landlord a 30 day notice before the increase take place.

#### **22.09 Move Out/Vacate Inspections**

The City of Ville Platte will not, conduct a move-out inspection. All move-out/Vacate inspections are up to the landlord.

#### **22.10 Special/Complaint Inspections**

If at any time the family or owner notifies the City of Ville Platte that the unit does not meet HQS, the City of Ville Platte will conduct an inspection.

The City of Ville Platte will inspect only the items which were reported, but if the inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the annual inspection date is within 120 days of a special inspection and as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

#### **22.11 Quality Control Inspections**

Quality control inspections will be performed by the City of Ville Platte City Clerk and/or City of Ville Platte Mayor on the number of files required by SEMAP. The purpose of quality control inspections is to ascertain that each inspector is conducting accurate and complete inspections and to ensure that there is consistency among inspectors in application of HQS.

The sampling of files will include recently completed inspections (within the prior three months), a cross-section of neighborhoods, and a cross-section of inspectors.

### **22.12 Accessibility Modifications to HQS**

Modifications or adaptations to a unit due to a disability must meet all applicable HQS.

### **22.13 Emergency Repair Items**

HQS deficiencies of an emergency nature must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector. Deficiencies of an emergency nature include but are not limited to the following:

- Lack of security for the unit;
- Waterlogged ceiling in imminent danger of falling;
- Major plumbing leaks or flooding;
- Natural gas leak or fumes;
- Electrical problem which could result in shock or fire;
- No heat when outside temperature is below the Fahrenheit degree level consistent with the City of Ville Platte local building codes and temperature inside is below the Fahrenheit degree level consistent with City of Ville Platte local building codes;
- Inoperable smoke detector;
- Inoperable carbon monoxide detector;
- Utilities not in service;
- No running hot water;
- Broken glass where someone could be injured;
- Obstacle which prevents tenant's entrance or exit; and
- Lack of functioning toilet.

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the City of Ville Platte.

If the emergency repair item(s) are not corrected in the time period required by the City of Ville Platte and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair items are not corrected in the time period required by the City of Ville Platte and it is an HQS breach which is a family obligation, the City of Ville Platte may terminate the assistance to the family.

## **22.14 Lead Based Paint**

City of Ville Platte are responsible for complying with HUD's Lead Based Paint requirements as outlined in 24 CFR Section 35.

### ***22.14.1 Initial Inspection***

HUD regulations require that all stabilization of lead-based paint surfaces be completed before the commencement of assisted occupancy. While 24 CFR Section 35.115 (12) permits a reasonable delay in the performance of an evaluation, lead-based paint hazard reduction, or lead-based paint abatement on an exterior painted surface during a period when the weather conditions are unsuitable for conventional construction activities, such delays are **not** permitted for initial HQS inspections. A unit must pass its initial HQS inspection before assistance commences under the HAP contract. Under no circumstances should a waiver be granted for a unit that fails initial inspection.

### ***22.14.2 Annual/Periodic Inspection***

If a unit fails its annual reinspection due to lead based paint hazards, the City of Ville Platte must advise the owner of their responsibility to ensure that the following conditions are adhered to:

#### **☐ Pursuant to 24 CFR Sections 35.1345:**

- (a) Occupants shall not be permitted to enter the worksite during hazard reduction activities (unless they are employed in the conduct of these activities at the worksite), until after hazard reduction work has been completed and clearance, if required, has been achieved; and
- (b) Occupants shall be temporarily relocated before and during hazard reduction activities to a suitable, decent, safe, and similarly accessible dwelling unit that does not have lead-based paint hazards, unless the exceptions noted in 24 CFR 35.1345 exist.

□ *Pursuant to 24 CFR Sections 35.1215:*

- (a) If assisted occupancy has commenced prior to a periodic inspection, such paint stabilization must be completed within 30 days of notification of the owner of the results of the visual assessment. Paint stabilization is considered complete when clearance is achieved in accordance with §35.1340. If the owner does not complete the hazard reduction required by this section, the dwelling unit is in violation of Housing Quality Standards (HQS) until the hazard reduction is completed or the unit is no longer covered by this subpart because the unit is no longer under a housing assistance payment (HAP) contract with the housing agency; and
- (b) The City of Ville Platte may grant the owner an extension of time to complete paint stabilization and clearance for reasonable cause, but such an extension shall not extend beyond 90 days after the date of notification to the owner of the results of the visual assessment.

**22.15 Smoke and Carbon Monoxide Detectors**

Inoperable smoke and carbon monoxide detectors are a serious health threat and will be treated by the City of Ville Platte as emergency (24-hour) fail items. If the smoke and/or carbon monoxide detectors are not operating properly, the City of Ville Platte will contact the owner by phone and request the owner to repair or replace the smoke and/or carbon monoxide detector within 24 hours. The City of Ville Platte will re-inspect the unit the following day.

If the City of Ville Platte determines that the family has disconnected the smoke **and/or carbon monoxide** detector (by removing batteries or other means), the family will be required to repair or replace the smoke **and/or carbon monoxide detector** within **24** hours and the City of Ville Platte will re-inspect the unit the following day.

The City of Ville Platte will issue a written warning to any family determined to have purposely disconnected one or both detector (s). The warning will state that deliberate disconnection of the unit's smoke or carbon monoxide detector is a health and fire hazard and is considered a violation of HQS.

## **22.16 Determination of Responsibility**

Certain HQS deficiencies are considered the responsibility of the family:

- Tenant-paid utilities not in service;
- Failure to provide or maintain family-supplied appliances; and
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear. Normal wear and tear is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations, including vermin infestation even if alleged to have been caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The City of Ville Platte may terminate the family's assistance on that basis. The owner or participant may appeal the determination to the City of Ville Platte within ten business days of the inspection. If the family is responsible for damages but the owner carries out the repairs, the owner may bill the family for the cost of the repairs.

## **22.17 Consequences When Owner is Responsible (Non-Emergency Items)**

When it has been determined that a unit on the program fails to meet HQS, and the owner is responsible for completing the necessary repair(s) in the time period specified by the City of Ville Platte, the assistance payment to the owner will be abated.

A Notice of Abatement will be sent to the owner stating that the abatement will be effective from the day after the date of the failed inspection. The City of Ville Platte will determine the deadline for completing deficiencies, depending on the nature of the repair(s) needed.

The City of Ville Platte will also determine the time period for which abated units should be inspected, depending on the owner's notification that the work has been completed.

Upon notification that the required work is completed, the City of Ville Platte will advise both owners and tenants of the reinspection date. If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The notice of abatement states that the tenant is not responsible for the City of Ville Platte portion of rent that is abated.

## **22.18 Reduction of Payments**

The City of Ville Platte may grant an extension in lieu of abatement in the following cases:

- The owner has a good history of HQS compliance;
- The failed items are minor in nature;
- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services;
- The owner makes a good faith effort to make the repairs;
- The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds; or
- The repairs must be delayed due to climate conditions.

The extension will be made for a period of time to be determined by the City of Ville Platte. At the end of that time, if the work is not completed or substantially completed, the City of Ville Platte may terminate assistance.

## **22.19 Termination of Contract**

If the owner is responsible for repairs and fails to correct all the deficiencies cited, HAP payments may be abated for a period of up to 30 days. The owner will be sent a HAP Contract Proposed Termination Notice prior to the end of the abatement period. During this period the tenant should pay their share of the rent unless directed otherwise by legal counsel. If the tenant chooses to remain in the unit after the HAP contract is terminated, they should be advised by the City of Ville Platte to seek legal guidance.

If the unit is uninhabitable, the tenant should be notified. The City of Ville Platte should work with the tenant to determine, based on the specific circumstances, when to issue a new voucher.

If repairs are completed before the effective termination date, the termination may be rescinded by the City of Ville Platte if the tenant chooses to remain in the unit.

#### **22.20 Consequences When Family Is Responsible**

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the City of Ville Platte will require the family to make any repairs or corrections within a time period consistent with the City of Ville Platte requirements for completing deficiencies. If the repairs or corrections are not made in this time period, the City of Ville Platte may terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases must be approved by the City of Ville Platte. The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP contract will terminate when assistance is terminated.

#### **22.21 Local Administrator – Owned Units**

For purposes of program integrity, and to avoid the appearance of conflict of interest, PHA's are required to outsource inspections of PHA owned and managed units. The PHA must provide a list of these units to the City of Ville Platte Section 8 Director.



## **Chapter 23.0 SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)**

The City of Ville Platte will conduct an annual or biennial SEMAP review of each of its local programs. This will cover the program's fiscal year: July 1st – June 31st.

In addition to other documents, records and reports that are required to be maintained for the SEMAP review, each PHA must maintain the following information for each of the SEMAP indicators identified below:

Indicator #5: HQS Quality Control Inspections

A Supervisory Inspection Log, including:

- The dates of the first and second inspections;
- The names of the first and second inspectors; and
- Each tenant's name and address.

Indicator #6: HQS Enforcement

A Failed Inspection Log, including:

- Each tenant's name and address;
- Name of inspector(s);
- Date(s) of each failed inspection, and
- Date the unit passed inspection (if applicable).



