

Arlington Housing Authority

Section 8 Program
Administrative Plan

Revised 8/16/2011

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I Introduction

This Administrative Plan is prepared in accordance with the Department of Housing and Urban Development's Code of Federal Regulations (CFR) as set forth at 24 CFR 982.54. Throughout this document the term "Department" or "HUD" shall mean the United States Department of Housing and Urban Development. The term "Authority" or "HA" shall mean the Arlington Housing Authority. The term "FMR" shall mean, "Fair Market Rent" for the federal Housing Choice Voucher Program (HCV) (Section 8) as determined by the Department of HUD. Other abbreviations will be so noted within the body of this document.

The Housing Authority is aware of the requirement to provide a Reasonable Accommodation in its rules or policies when so required under the law. Thus, certain policies described herein may be amended in specific situations if to do so is required as a reasonable accommodation to an individual with a disability. The provision of such accommodation shall not mean that such policy has been altered or amended and the Authority shall retain full authority to continue to enforce policies as so described within this plan for all other clients.

II. Mandatory Policies

A. How Families are Selected From the Waiting List – 982.204(a)

The Arlington Housing Authority has elected to utilize the Centralized Application and Waiting List process. Over the past few years, Department of Housing and Urban Development (HUD) has encouraged the use of a Centralized Waiting List (CWL) by Public Housing Authorities.

It is anticipated that the CWL Section 8 Waiting List will afford the Arlington Housing Authority and its clients the following benefits:

1. Ease of application process for applicants who may apply at the office of any HA participating in the CWL option.
2. Eliminate the procedural hardship on families and administrative burden to the HA of closing and opening Section 8 Waiting List. The CWL will be maintained as an open waiting list.
3. Increase housing opportunities for families who now have a potential option of placement at a number of locations throughout the Commonwealth through submission of a single application.

B. Acceptance of Applications

A single, standardized Preliminary Application is available at each participating HA. A master list of all participating HA will be maintained at the office of the Massachusetts Chapter of National Association of Housing and Redevelopment Officials (hereinafter MassNahro) and at each participating HA. Only one application will be accepted for each Head of Household.

The Preliminary Application will request information as required to administer the HCV program such as: name, city or town, (where Head of Household (HOH) and spouse live and work), phone numbers, total family members, HOH social security number, if client is 62

years of age or older or disabled, total gross family income, race, and ethnicity. Information regarding preferences adopted by participating HA will also be elicited on this application.

The HA collectively reserve the right to modify the application to include other information required or useful to administer the HCV program. All participating HA must agree to adopt said modification to the application in advance to such modification.

Completed applications may be delivered in person or mailed to any participating housing authority. Copies, facsimiles or emails of completed applications will not be accepted. No documentation is needed at time of application. Applications will be accepted without regard to race, color, creed, religion, sex, national origin, familial status or disability.

Applications will be available for completion at the AHA in person between the hours of 8:30 and 4:30, Monday through Friday. Upon completion of the application it shall be marked by the AHA staff with date and time of submission and the family will be provided with a standard receipt evidencing submission of the application.

The AHA will then enter the information from the application to the CWL.

C. Updating the Applications

A family may update its application (i.e. change of address) at the office of any participating HA regardless of where the original application was submitted. To update the application, a written request must be submitted by the family. Updates are also now available for the applicants convenience on the CWL website, www.massnahro.org.

D. Selection from the Waiting List

The selection criteria set for the AHA is applicants or spouse residing or working in Arlington during the time of selection. Definition: Persons who reside in a specified geographic area (Arlington, Ma) or who are working or have been hired to work in the same area, i.e. **Residency Preference**.

Before a family receives assistance, the HA must verify the family's eligibility for the preference based on current circumstances. If upon verification the HA determines that the family does not qualify for the Residents Preference, the family does not receive preference. Therefore, the HA must provide a written notice stating the reasons for the determination

E. Determination of Eligibility

There is no longer a requirement to serve elderly, disabled, or displaced persons before “other” singles and this policy is no longer applied by the Authority.

B. Procedures for Removing Names From the Waiting List¹ – 982.204©

1 – Purge of the Waiting List

If determined necessary by the Housing Authority, on an annual basis, the Authority may send a letter to all applicants on the Section 8 waiting list. This letter will be sent to the address listed on the Section 8 waiting list or on any “Change of Address” which was completed and sent to the Housing Authority. Clients will be requested to respond to the mailing within a time parameter set forth in the letter and the letter shall indicate that failure to respond will result in the removal of his/her name from the Section 8 waiting list. In the event that the applicant does not respond within the applicable time parameter, his/her name shall be removed from the Section 8 waiting list.

2 – Other Reasons for Removal

In addition to the Annual Waiting List Purge, applicant names will be removed if:

- a. the applicant requests removal of his/her name from the waiting list;
- b. the applicant fails to respond to a written request to supply information to the Housing Authority;
- c. the applicant fails to attend two scheduled appointments at the Housing Authority;
or;
- d. the applicant does not meet Section 8 eligibility criteria as set forth in Federal Regulations or by Housing Authority rules/policies;

D. Denial of Assistance- 982.552(a)(2) and (b)

1. Definition of Denial of Assistance and Termination of Assistance

- a. Denial of assistance for an applicant may include any or all of the following:
 - i. Denying listing on the Housing Authority Waiting List;
 - ii. Denying or withdrawing a voucher;
 - iii. Refusing to enter into a Housing Assistance Payments (HAP) Contract;²
 - iv. Refusing to approve a lease; and
 - v. Refusing to process or provide assistance under portability procedures.
- b. Termination of Assistance for a participant may include any or all of the following:
 - i. Refusing to enter into a HAP contract;

¹ Please note that upon request, reasonable accommodations will be made for persons with disabilities.

² This section of the Administrative Plan shall not serve to limit or affect the exercise of the Housing Authority rights and remedies against the owner under the HAP contract, including termination, suspension, or reduction of payments or termination of said contract.

- ii. Refusing to approve a lease;
- iii. Terminating a HAP payments under an outstanding HAP contract; and
- iv. Refusing to process or provide assistance under Portability Procedures.

2. Mandatory Grounds for Denial or Termination 24 CFR 982.552(b)

The Housing Authority must deny program assistance for an applicant, or terminate assistance for a participant on any of the following grounds:

If any member of the family has been evicted from Federally Assisted Housing for serious violation of the lease and a reasonable³ time period has not passed since such eviction;

If any member of the family fails to sign and submit consent forms for obtaining information in accordance with part 5, subparts B and F of Title 24 Code of the Federal Regulations;

If any member of the family does not establish citizenship or eligible immigration status and the Housing Authority is required to deny admission on such basis as required under 24 CFR part 5;

If any member of the family fails to sign and submit consent forms for obtaining information in accordance with 24 CFR part 760 and 24 CFR part 813; and

If according to 24 CFR part 5, the termination is required because a family member has not established citizenship or eligible immigration status.

3. Discretionary Grounds for Denial or Termination 24 CFR 982.552.©

The Housing Authority may deny admission to the Section 8 Program or terminate program assistance for a participant based upon the following grounds:

a. The family violates any family obligations under the program as set forth in 24 CFR 982.551;

b. Any member of the family has ever been evicted from Federal or State public housing;

This Housing Authority or any other Housing Authority has terminated assistance under the Section 8 Program for any member of the family;

If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal Housing Program;

c. The family currently owes rent or other amounts to this Housing Authority or any other Housing Authority in connection with Section 8 or Public Housing Assistance under the 1937 Act;

If the family has not reimbursed any Housing Authority for amounts paid to an owner under a HAP contract for rent, damages to the unit or other amounts owed by the family under the lease;

d. If the family breaches an agreement with the HA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA; (At its discretion the HA may offer the family the opportunity to enter into an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The HA will prescribe the terms of the agreement);

e. If a family participating in the Family Self Sufficiency (FSS) program fails to comply, without good cause, with the family's FSS Contract of Participation;

f. If the family has engaged in or threatened abusive or violent behavior towards PHA personnel;

If the family fails to fulfill its obligations under the Section 8 Welfare-To-Work Voucher program; and

g. If any member of the family commits violent or drug related criminal activities.

- (i) – In determining whether to deny or terminate assistance based on drug related criminal activity, the HA may deny assistance if the preponderance of the evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.

³ The HA will determine what is a reasonable period of time in each instance based upon the facts and circumstances of each individual case. Factors to be considered include, but shall not be limited to, members of the family being involved in the action for eviction and members of the applicant family and counseling or other programs in which the family has been involved in since the eviction.

- (ii) – If the denial or termination of assistance is because of illegal use or possession for personal use of a controlled substance, such use or possession must have occurred within one (1) year before the date that the HA provides notice to the family of the HA determination to deny or terminate assistance.
- (iii) – Further, the HA may not deny or terminate assistance if the family member can show that he/she:

- (1) – has an addiction to a controlled substance, has a record of such impairment, or is regarded as having such impairment and:
 - (2) – the family member is recovering or has recovered from such addiction and does not currently use or possess controlled substances. The HA may require a family member who has engaged in the illegal use of drugs to submit evidence of participation in, or successful completion of, a treatment program as a condition to being allowed to reside in the unit.

4. Housing Authority Considerations

In deciding whether to deny or terminate assistance because of an action or failure to act by members of the family, the HA has discretion to 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 to act.

E. Term of the Voucher; Extensions; and Suspensions – 982.303

1. Terms

The Housing Authority shall issue all vouchers with a term of 120 Days.

In addition, the HA may grant an additional 2 to 60 days even if the family does not contain a disabled person if the Housing Authority is informed by the family that, although a diligent housing search was made, the family was unable to locate suitable housing. The Housing Authority may require that the family provide evidence of their diligent housing search prior to the HA granting this extension.

Upon request by the family, the Housing Authority may, in its discretion, issue an extension beyond the 120 days if such extension is necessary as a reasonable accommodation for a person with disabilities. Such extensions will be granted in writing by the HA only when the HA considers the documentation submitted by the family to be sufficient to justify this extension.

2. Suspension of Term

“Suspension” means stopping the clock on the term of a family’s voucher after the family submits a Request for Lease Approval (RLA) or Request for Tenancy Approval (RTA).

The HA will suspend the term of the voucher from the date the “Request for Lease Approval (RLA) or Request for Tenancy Approval (RTA) is submitted to the HA until the date upon which the HA informs the family that the unit in question is “approved for occupancy” or is “denied.”

F. Definition of a Family, 24 CFR 982.201 (d)

1. Mandatory Definitions

A family includes a group with a child or children.

A group of persons consisting of two or more elderly persons or disabled persons living together, one or more elderly or disabled persons living with one or more live-in-aides qualifies as a family.

A child who is temporarily away from home because of placement in foster care is considered a member of the family.

2. Housing Authority Additional Definitions

In addition, the Housing Authority has determined that a single person will qualify as a “family:”

A single elderly person;

A single displaced person;

A single disabled person and;

Any other single person

G. When a Family is Considered “Continuously Assisted”

A family is considered continuously assisted even if they were not subsidized under a program covered under the 1937 Housing Act provided that such period of non-receipt of subsidy assistance is related to certain program technicalities. Example of a program technicality includes a move with tenant based assistance where the new HAP is not executed due to no fault of the Section 8 participant. The Housing Authority will make this determination on a case by case basis taking into consideration the facts and circumstances of each case.

H. Encouraging Participation by Owners in Non Poverty/Minority Areas

The Housing Authority encourages participation by owners of suitable units located outside areas of low income or minority concentration. Definition of such areas is referenced in the City or State Consolidation Plan and/or the Housing Authority’s five-year plan.

The Housing Authority encourages participation by owners of suitable units outside areas of low income or minority concentration (check which apply to your PHA).

1. The HA has an “owner’s brochure” which describes the benefits to owners renting to participants under the Federal Section 8 Program.

I. Assisting a Family That Claims “Illegal Discrimination” has Prevented Them From Leasing a Unit – 982.304

In the event that a family informs the HA that they have been illegally discriminated against and, due to such discrimination, they were prevented from leasing a particular unit, the family will be provided with appropriate Discrimination Complaint Forms and/or information which may include.

1. A Massachusetts Commission Against Discrimination (MCAD) Complaint Form
2. A HUD Discrimination Complaint Form

The family may also be provided with the telephone numbers for the following:

HUD’s Fair Housing Enforcement Center: - (617) 565-5304

MCAD - (617) 727-3990

J. Providing Information to Prospective Owners About the Family – 982.307(b)

Under Federal Regulations the HA is required to notify prospective landlords of:

1. The family’s current and prior address (as shown in the HA’s records); and
2. The name and address (if known to the HA) of the landlord at the family’s current and prior address.

Subject to privacy and confidentially laws:

Upon the request for such information by the prospective landlord, if the information is contained in Housing Authority records, the information will be provided to the prospective landlord by the HA.

The Housing Authority will not provide prospective landlords any additional information related to screening the tenant. The landlord is responsible for tenant screening.

K. Disapproval of Owners – 982.306©

1. Mandatory Denial

- a. The Housing Authority will not approve a unit if the HA has been informed, by HUD or otherwise, that the owner is debarred, suspended, or subject to limited denial of participation under 24 CFR part 24.
- b. When directed by HUD, the HA will not approve a unit if the Federal Government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal Equal Opportunity Requirements and such action is pending or if a court has determined that the owner violated the Fair Housing Act or other Federal Equal Opportunity Requirements.

2. Discretionary Denial

The Housing Authority may deny approval to lease a unit from an owner for any of the following reasons:

- a. The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f).
- b. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal Housing Program.
- c. The owner has engaged in any drug related criminal activity or any violent criminal activity.
- d. The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project based Section 8 Assistance or leased under any other Federal Housing Program.
- e. The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other Federally Assisted Housing Program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
 - (1) – threatens the right to peaceful enjoyment of the premises by other residents;
 - (2) – threatens the health and safety of other residents, of employees of the HA, or of owner employees or other persons engaged in management of the housing;
 - (3) – threatens the health or safety of or the right to peaceful enjoyment of their residency by persons residing in the immediate vicinity of the premises; or
 - (4) – engages in drug related criminal activity or violent criminal activity.
- f. The owner has not paid state or local real estate taxes, fines or assessments.
- g. Any other reasons determined reasonable by the Housing Authority and /or prohibited by law.

For purposes of this section “owner” includes principal or other interested party.

Nothing in this section of the Administrative Plan is intended to give any owner any right to

participate in the program.

L. Subsidy Standards – 982.402

The subsidy standards for the Housing Authority are designed to provide for the smallest number of bedrooms without overcrowding.

Two adults will share a bedroom unless they are related by blood. Two children of the opposite sex will share a bedroom unless the oldest of the two children is age **six (6)** or above.

Two children of the same sex will share a bedroom.

Adults and children will not be required to share a bedroom.

Live-in-aides will be counted in determining family unit size.

Upon request and verification of the necessity for such, exceptions to subsidy standards may be made by the Housing Authority if to do so serves to provide a reasonable accommodation for a person with a disability.

M. Family Absence From the Unit – 982.312(e)

The family may be absent from the unit for brief periods.

If a family will be absent from the unit for more than sixty (60) consecutive days, such family must receive advance written approval from the Housing Authority or such family will be considered absent from the unit for more than a brief period and Housing Assistance payments will be terminated.

In no instance will approval for absence from the unit of more than one hundred eighty (180) consecutive days be granted.

The Housing Authority may, in its sole discretion, under compelling circumstances, allow a family who necessitated absence from the unit for more than 180 consecutive calendar days to be readmitted to the Section 8 Program and assistance will be resumed at such time, provided that the family still meets all eligibility criteria for the Section 8 Program. This allowance will generally only be granted when a medical necessity, domestic violence, or other compelling circumstances were the cause for absence from the unit. In such cases the HA will take into consideration whether the family acted in a responsible manner in an attempt to fulfill their obligations in relation to the Section 8 program.

N. Who Remains on the Program if the Family Breaks Up – 982.315

The Housing Authority is bound by the court's determination if a court determines the disposition of property between members of the assisted family in a divorce or separation decree. When no such court determination has been made, the Housing Authority shall determine which members of an assisted family will continue to receive assistance if an assisted family breaks up. In making this determination, the HA shall consider the interests of all assisted family members. The HA will decide which family member receives the voucher on a case by case basis, and the following factors may be included in the Housing Authority's decision:

- (1) – the interests of any minor child/children;
- (2) – the interests of ill, elderly, or disabled family members;
- (3) – whether family members were forced to leave the unit as a result of actual or threatened physical violence, by a spouse or other member of the household, (the HA shall take this factor into consideration regardless of whether the individual(s) leaving the unit are the victim or the perpetrator).
- (4) – family members remaining in the original assisted unit;
- (5) – if the sole remaining members of the household are all minors, an adult guardian of such minor children may be added to the family composition as the new “head of household” and;

(6) – any other factors which in the discretion of the Housing Authority will affect the fairness and reasonableness of the determination.

O. Informal Review Procedures for Applicants – 982.554(b)

1. Notice

The Housing Authority will give an applicant for Section 8 assistance prompt notice of a decision denying assistance. The notice will contain:

- (a) – a brief statement of the reasons for the decision; and
- (b) – state that the applicant may request an informal review of the decision; and
- (c) – describe how to obtain the informal review.

2. Procedures

(a) – The informal review will be conducted by an employee of the HA who did not make or approve the decision under review. The person conducting the review will not be a subordinate of the person who made or approved the decision under review.

- (b) – The applicant will be provided with the opportunity to present written or oral objections to the HA decision.

3. When Informal Review is Not Required

An informal review is not required in the following instances:

- (a) – In the event of a discretionary administrative determination by the HA;
- (b) – For general policy issues or class grievances;
- (c) – A determination of family unit size under HA subsidy standards;
- (d) – An HA determination not to approve an extension or suspension of voucher term;
- (e) – An HA determination not to grant approval of the tenancy;
- (f) – An HA determination that a unit selected by the applicant is not in compliance with HQS;
- (g) – An HA determination that the unit is not in accordance with HQS because of the family size or composition.

4. Informal Hearing for Non-Citizen Rule Matters

The informal hearing provisions for denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

5. Decisions

The Informal Hearing Decision will be made promptly within a reasonable time. However, the time parameter for the issuance of such decision will depend in each instance upon the complexity of the case and the necessity to perform research and/or review evidence.

P. Informal Hearing Procedures for Participants – 982.555(e)

1. When an Informal Hearing is Required

The Housing Authority will give a participant family the opportunity of an Informal Hearing to consider whether the following HA decisions relating to the individual circumstances of a participant family are in accordance with the law, regulations, and HA policies.

***(a)** – A determination of the family’s annual or adjusted income and the use of such income to compute the HAP payment.

(b) – A determination of the appropriate utility allowance for tenant paid utilities from the HA utility allowance schedule.

(c) – A determination of the family unit size under the HA subsidy standards.

***(d)** – An HA determination to deny a family’s request for an exception to the HA’s subsidy standards.

***(e)** – A determination to terminate assistance for a participant family because of the family’s action or failure to act (see 24 CFR 982.552).

***(f)** – A decision to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under HA policy and HUD rules.

In the cases noted with an * (a, d, e and f), the HA must give the opportunity for an informal hearing before the HA terminates HAP payments under HAP contract.

2. When an Informal Hearing is Not Required

The Housing Authority is not required to provide a participant family an opportunity for an Informal Hearing for any of the following:

(a) – Discretionary administrative determinations by the HA;

(b) – General policy issues or class grievances;

(c) – Establishment of the HA utility allowance schedule;

(d) – An HA determination not to approve an extension of a suspension of voucher term;

(e) – An HA determination not to approve a unit or a lease;

(f) – An HA determination that an assisted unit is not in compliance with HQS. (However, a hearing must be granted if termination is based upon HQS breach *caused by the family*

as described in 24 CFR 982.551 ©).

(g) – An HA determination that the unit is not in accordance with HQS due to family unit size;

(h) – A determination by the HA to exercise or not to exercise any right or remedy against the owner under a HAP contract.

3. Notice to Family

(a) Situations a - c of Section 1, “When an Informal Hearing is Required;” (adjusted income; utility allowances; family unit size): In situation listed in Part 1 numbers a, b, and c of this section, the HA must notify the family that the family may ask for an explanation of the basis of the HA determination and if the family does not agree with the determination, the family may request an informal hearing on the decision.

– Situations d – f of Section 1, “ When an Informal Hearing is Required;” (exceptions to subsidy standards, termination under 982.552 Family Act, Failure to Act, Absence from the

Unit). In cases described in letters d, e, and f of Section 1, set forth previously, the HA will give the family prompt written notice that the family may request a hearing.

The Notice Will:

1. Contain a brief written statement of the reasons for the decision;
2. State that if the family does not agree with the decision, the family may request an Informal Hearing on the decision;

3. State a deadline within which the family must request the Informal Hearing.

4. Hearing Procedures

The hearing will proceed within a reasonably expeditious time parameter after the request is made provided that the request is made within the stated deadline.

The family may examine, before the hearing, any documents that are directly relevant to the hearing. The family may copy any such documents, at the family's expense. If the HA does not make the documents available to the family before the hearing upon request of the family, the documents may not be relied upon at the hearing.

The HA must be given the opportunity to examine any documents the family plans to present at the hearing. The HA may copy such documents at the Housing Authority's expense. If the family does not make the documents available for the HA upon request, the family may not rely on the documents at the hearing.

Documents include records and regulations.

The family may be represented by a lawyer or another representative at the family's own request.

The hearing will be conducted by a person designated by the HA. This person will not be the person who made or approved the decision that is the subject of the hearing or a subordinate of such person. This person will regulate the conduct at the hearing in a manner consistent with HUD regulations. Specifically, he /she will ensure the following:

- 1 – that the HA and the family are given the opportunity to present evidence;
- 2 – that the HA and the family are given the opportunity to question any witnesses;
- 3 – that evidence is considered without regard to the rules of evidence applicable to judicial proceedings; and,
- 4 – that a written decision is issued which states the reasons for the decision and that a copy of the decision is promptly furnished to the family.

Factual determinations shall be based upon a preponderance of the evidence standard.

5. Informal Hearings for Non-Citizen Rule Matters

The Informal Hearing provisions for the denial of assistance on the basis of ineligible immigration status are contained in 24 CFR part 5.

Q. The Process for Establishing and Revising Payment Standards

The payment standard may be set by the HA between 90% and 110% of the Fair Market Rent Level.

On an annual basis, the Housing Authority shall review leasing rates and/or the rent burden of assisted families to determine if an adjustment in the payment standard is necessary to assist Section 8 participants. Currently the payment standard is set at:

Exception Rents approved by Housing Authority Board.

R. Method for Determining Rent Reasonableness – 982.503

The HA's methodology for ensuring that the rent to an owner is reasonable in comparison to similar unassisted units takes into consideration the following factors: location, quality, size, unit type, age, amenities, housing services, maintenance and utilities provided by the owner. To determine the rent for a unit, the HA will review the following information for the unit in question.

- 1 – **Location**
- 2 – **Quality**
- 3 – **Size**
- 4 – **Unit type: (duplex / 3 decker / garden / townhouse / single family /**
- 5 – **Age**
- 6 – **Amenities**
- 7 – **Utilities: (highest cost not included in rent / highest cost is included in rent).**

This information will then be compared to the information on file at the Housing Authority. Comparables utilized to establish the reasonable rent and will be documented. The reasonable rent will be offered to the owner.

Finally, even when the market comparables on file at the Housing Authority are higher than the rent which is received by an owner for a “like kind” unit within the same building, the HA will only approve a rent equal to that approved for the “like kind” unit within that same building. However, if exceptional circumstances apply (i.e. the unit in question is more desirable because it was recently refurbished or the tenant in the “like kind” unit has been in place for many years, the HA may approve the higher rent).

This same rent reasonableness process will be utilized when:

- 1 – the owner requests a rent increase;
- 2 – the Fair Market Rent for the Primary Metropolitan Statistical Area or Metropolitan Statistical Area decreases by more than 10%.

S. Use of Special Housing Types

1 – Reasonable Accommodation

Unless so noted under the specific housing type addressed in Sections 2-7 below, special housing types shall be provided only if the provision of such serves to reasonably accommodate a person with a disability.

Special Housing types include the following:

2 – Single Room Occupancy 24 CFR 602

A single room occupancy unit has special HUD Housing Quality Standard (HQS) modifications as set forth in 24 CFR 982.605.

The payment standard and utility allowance utilized will be 75% of a zero bedroom unit.

3 – Congregate Housing 24 CFR 606

Congregate Housing is housing for elderly persons or persons with disabilities that meet HUD’s HQS for congregate housing.

The payment standard utilized will be that of a zero bedroom unit, unless there are two or more rooms (excluding kitchen and bathroom) in such case the one bedroom payment standard will be utilized.

The HQS standards for congregate housing are set forth at 24 CFRE 982.609.

4 – Group Homes 24 CFR 982.610, 612

A Group Home is a dwelling unit that is licensed by the State as a Group Home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities. A group home shall be licensed or certified by the Commonwealth of Massachusetts. It shall house no

more than twelve (12) persons. Approval to reside in a group home will be withheld if continuous medical care is required for the individual.

Rental calculations for a group home are set forth in 24 CFR 982.611 and indicate that a person's "pro-rata portion" is derived by dividing the number of assisted persons in the household (including live-in-aides of such assisted persons), by the total number of residents.

Rent reasonableness will be determined according to 24 CFR 282.503 and whether sanitary facilities or food preparation services are common or private, the rent to the owner will not exceed the pro-rata portion of the reasonable rent for the group home.

A one-bedroom payment standard will be utilized unless a live-in-aide is present. The utility allowance will be the pro-rata portion for the group sized home.

24 CFR 982.614 governs Housing Quality Standards for group homes.

5 – Shared Housing 24.CFR 982.615

The HA may approve "shared housing" in which other persons who are assisted or not assisted under the tenant-based program may reside in the "shared housing unit." While the owner of a shared housing unit may reside in the unit, he/she may not be related to the Section 8 participant. Further, housing assistance will not be paid on behalf of an owner.

There will be a separate HAP Contract and lease for each assisted family residing in a shared housing unit.

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit.

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on the PHA payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the PHA payment standard for the shared housing unit size.

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

24 CFR 982.618 governs HQS for "Shared Housing" unit.

6. Cooperative Housing 24 CFR 982.619

A Cooperative is a dwelling unit shared or owned by a group of individuals who have individual sleeping quarters and share common facilities such as kitchen, living room, and some bathrooms. If it is determined that assistance under the Section 8 Program will help maintain affordability of the cooperative unit for low-income families, the HA may approve residence of a family under the Section 8 Program. The HA will not approve assistance for a family in cooperative housing unless the cooperative has adopted requirements to maintain continued affordability for low-income families, after transfer of a cooperative member's interest in a cooperative unit.

The rent to owner for this form of housing is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative. The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperative's debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include down-payments or other payments to purchase the cooperative unit. Gross rent is the carrying charge plus any utility costs.

The lease and other appropriate documents will stipulate that the monthly carrying charge is

subject to limitations on rent to owner.

HQS for cooperative housing are governed by 24 CFR 982.401.

7 – Manufactured Homes

A Manufactured Home is a manufactured structure that is built on a permanent chassis. It must be designed to be used as a principle place of residence and must meet HUD HQS.

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage. A manufactured home must be securely anchored by a tie-town device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

The FMR for a manufactured home space is determined by HUD. The FMR for rental of a manufactured home space is generally 30 percent of the published FMR for a two-bedroom unit. The payment standard is used to calculate the monthly housing assistance payment for a family. During the term of a Voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

a – The payment standard minus the total payment; or

b – The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the HA:

Rent to owner for the manufactured home space;

Owner maintenance and management charges for the space;

The utility allowance for tenant paid utilities.

Utility Allowance Schedule for Manufactured Home Space Rental 24 CFR 982.624

If necessary, the HA will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges are not provided, however, utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

T. Payments by Families Who Owe Money to the HA – 982.552(b)(6)(7) and (8)

Grounds for denial or termination of Section 8 Assistance include situations in which the family owes money to the Housing Authority.

The Housing Authority may, in its discretion, based on the facts and circumstances of the case, offer the family the opportunity to enter into a repayment agreement.

Factors considered in determining whether a repayment agreement will be offered include, but are not limited to, the following:

1 – the amount of money owed;

2 – the reason such money is owed and the extent of culpability on the part of family members;

3 – the family’s evidence of commitment and ability to make repayment.

Generally, an increased amount such as **1/3** of the “amount due” must be provided at the time of execution of the repayment agreement. Additional payments will generally be due and payable in equal installments on the fifteenth of the month for eleven (11) months after the execution of the agreement. An example of an exception is in cases of fraud where a larger up front lump sum, or the entire amount due will generally be required by the Housing Authority.

In the event of breach of the agreement by the family (i.e. late or missed payments), the Housing Authority shall retain the right to terminate the agreement and move forward with termination of Section 8 Assistance on grounds originally available at the time of execution of the repayment agreement and on any additional grounds which have become applicable since the execution of the repayment agreement.

In the event that a family makes one or more late payments which are accepted by the HA, this shall not stop the HA from terminating the agreement at a later date for failure of the family to again make payment within the time parameter set forth in the repayment agreement.

The Housing Authority reserves the right to refuse to enter into a repayment agreement with a family if the HA is of the opinion that such agreement should not be offered based upon the facts and circumstances of the case.

U. Interim Reporting and Processing Policies – 982.516(b)

1 – Mandatory Interim Examination

Interim examinations will be required in the following instances:

When a family receives an increase of more than **10%** in total monthly income; However, the Housing Authority shall be notified of any change in income.

When a family's expenses decrease by more than **10%**, at the family's request

A household member is leaving the dwelling unit.

The family is breaking up.

The family is requesting that a new family member be added to the household composition.

In all cases, the request for an interim examination must be made by the family in writing, to the Housing Authority.

An appointment will be scheduled by the Housing Authority to conduct the interim examination. This interim examination will cover only the new information being reported and accordingly only information related to such changes will be reviewed and verified.

V. Policies that Prohibit or Limit Family Moves During the Initial Year of Assisted Tenancy – 982.314©.

Currently, the HA only approves leases with an initial term of one (1) year. Thus, the HA will require the family to remain in place during the initial year of an assisted tenancy, except in the following circumstances:

- 1 – the owner is in breach of the Lease Agreement and/or the HAP Contract;
- 2 – extenuating circumstances have been brought to the attention of the HA by the family and the HA determines that it is appropriate to grant approval to allow the family to move during the initial year of the assisted tenancy.

Approval will be provided in writing by the Housing Authority. In cases where written approval is not provided, the family will be in violation of this requirement.

W. Board Approval of Administrative Fee Reserves – 982.155(b)(2)

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

The Housing Authority Board of Officials or other authorized officials have determined that \$100.00 may be charged against the administrative fee reserve without specific approval. All monies in excess of this sum will require approval of the HA Board of Officials or other authorized officials.

X. Procedural Guidelines and Performance Standards for Conducting Required HQS Inspections - 982.405

1 – When Inspection Shall be Performed

Inspections will be performed in the following instances:

a – Initial Inspection: Prior to the execution of a Lease or HAP, the unit in question must pass an initial inspection.

This inspection will take place and the family and owner will be notified of the results within fifteen (15) days of submission of the Request for Lease Approval (RLA) or Request for Tenancy Approval (RTA).

b – Annual Inspection: Inspections will be performed on an annual basis to ensure that the unit is maintained in a manner which is consistent with HUD Housing Quality Standards.

c – Quality Control Inspection: 5% of inspections undergo a Quality Control Inspection to ensure that all inspections are performed in accordance with HUD requirements.

d – Upon Request of Tenant: The tenant or the family may request that the Housing Authority perform an inspection to the unit to ensure that the unit is maintained in a manner consistent with HUD's Housing Quality Standards.

e – Upon Request of Owner: The owner may request that the Housing Authority perform an inspection to the unit to ensure that the unit is maintained in a manner consistent with HUD's HQS. The HA will only perform such inspection if the HA determines that performance of such inspection is reasonable.

2 – Standards Utilized

The inspector shall apply the standards set forth by HUD in 24 CFR 982.401 which indicate the standards for the following aspects of Housing Quality: sanitary facilities; food preparation and refuse disposal; space and security; thermal environment; illumination and electricity; structure

and materials; interior air quality; water supply; lead-based paint; access; site and neighborhood; sanitary conditions; and smoke detectors.

a – Sanitary Facilities

(1) – Performance Requirements: The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

(2) – Acceptability Criteria:

- (i) The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
- (ii) The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and cold running water.
- (iii) The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
- (iv) The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

b – Food Preparation and Refuse Disposal

(1) – Performance Requirements:

- (i) The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.
- (ii) There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g. garbage cans).

(2) – Acceptability Criteria:

- (i) The dwelling unit must have an oven, and a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. The equipment may be supplied by either the owner or the family. A microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.
- (ii) The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.
- (iii) The dwelling unit must have space for the storage, preparation, and serving of food
- (iv) There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

c – Space and Security

(1) – Performance Requirement: The dwelling unit must provide adequate space and security for the family.

(2) – Acceptability Criteria:

- (i) At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.

- (ii) The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than young children, may not be required to occupy the same bedroom or living/sleeping room.
- (iii) Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.
- (iv) The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

e – Thermal Environment

(1) – Performance Requirement: The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

(2) – Acceptability Criteria:

- (i) There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.
- (ii) The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

f – Illumination and Electricity

(1) – Performance Requirement: Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

(2) – Acceptability Criteria:

- (i) There must be at least one window in the living room and in each sleeping room.
- (ii) The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.
- (iii) The living room and each bedroom must have at least two electrical outlets in proper operating condition. Permanent overhead or wall-mounted light fixtures may count as one of the required outlets.

g – Structure and Materials

(1) – Performance Requirement: The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

(2) – Acceptability Criteria:

- (i) Ceilings, walls and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.

- (ii) The roof must be structurally sound and weather tight.
- (iii) The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling sagging, large holes, or defects that may result in air infiltration or vermin infestation.
- (iv) The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.
- (v) Elevators must be working and safe.

h – Interior Air Quality

- (1) – **Performance Requirement:** The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.
- (2) – **Acceptability Criteria:**

- (i) The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.
- (ii) There must be adequate air circulation in the dwelling unit.
- (iii) Bathroom areas must have one openable window or other adequate exhaust ventilation.
- (iv) Any room used for sleeping must have at least one window. If the window is designed to be openable, the window must work.

i – Water Supply

- (1) – **Performance Requirement:** The water supply must be free from contamination.
- (2) – **Acceptability Criteria:** The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

j – Lead-Based Paint

Performance Requirement:

(1) Purpose and Applicability:

- (i) The purpose of paragraph (j) of this section is to implement section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4822, by establishing procedures to eliminate as far as practicable the hazards of lead-based paint poisoning for units assisted under this part.
- (ii) The requirements of this section do not apply to 0-bedroom units, units that are certified by a qualified inspector to be free of lead-based paint, or units designated exclusively for elderly. The requirements of subpart A of 24 CFR part 35 apply to all units constructed prior to 1978 covered by a HAP contract under part 982.

(2) Definitions:

- (i) **Chewable surface:** Protruding painted surfaces up to five feet from the floor or ground that are readily accessible to children under six years of age; for example, protruding corners, window sills and frames, doors and frames, and other protruding woodwork.
- (ii) **Component:** An element of a residential structure identified by type and location, such as a bedroom wall, an exterior window sill, a baseboard in a living room, a kitchen floor,

an interior window sill in a bathroom, a porch floor, stair treads in a common stairwell, or an exterior wall.

- (iii) **Defective paint surface:** A surface on which the paint is cracking scaling, chipping, peeling or loose.
- (iv) **Elevated blood lead level (EBL):** Excessive absorption of lead. Excessive absorption is a confirmed concentration of lead in whole blood of 20 ug/dl (micrograms of lead per deciliter) for a single test or of 15-19 ug/dl in two consecutive tests 3-4 months apart.
- (v) **HEPA** – means a high efficiency particle accumulator as used in lead abatement vacuum cleaners.
- (vi) **Lead-based paint:** A paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 milligram per centimeter squared (mg/cm²), or 0.5 percent by weight or 5000 parts per million (PPM).

(3) Requirements For pre-1978 units with children under 6:

- (i) If a dwelling unit constructed before 1978 is occupied by a family that included a child under the age of six years, the initial and each periodic inspection (as required under this part), must include a visual inspection for defective paint surfaces. If defective paint surfaces are found, such surfaces must be treated in accordance with paragraph (6) of this section.
- (ii) The HA may exempt from such treatment defective paint surfaces that are found in a report by a qualified lead-based paint inspector not to be lead-based paint, as defined in paragraph (2) of this section. For purposes of this section, a qualified lead-based paint inspector is a State or local health or housing agency, a lead-based paint inspector certified or regulated by a State or local health or housing agency, or an organization recognized by HUD.
- (iii) Treatment of defective paint surfaces required under this section must be completed within 30 calendar days of HA notification to the owner. When weather conditions prevent treatment of the defective paint conditions on exterior surfaces within the 30 day period, treatment as required by this section may be delayed for a reasonable time.
- (iv) The requirements in this paragraph apply to:
 - (A) All painted interior surfaces within the unit (including ceilings but excluding furniture):
 - (B) The entrance and hallway providing access to a unit in a multi-unit building; and
 - (C) Exterior surfaces up to five feet from the floor or ground that are readily accessible to children under six years of age (including walls, stairs, decks, porches, railings, windows and doors, but excluding outbuildings such as garages and sheds).

(4) Additional requirements for pre-1978 units with children under 6 with an EBL:

- (i) In addition to the other requirements of paragraph (3) of this section, for dwelling unit constructed before 1978 that is occupied by a family with a child under the age of six years with an identified EBL condition, the initial and each periodic inspection (as required under this part) must include a test for lead-based paint on chewable surfaces.

Testing is not required if previous testing of chewable surfaces is negative for lead-based paint or if the chewable surfaces have already been treated.

- (ii) Testing must be conducted by a State or local health or housing agency, an inspector certified or regulated by a State or local health or housing agency, or an organization recognized by HUD. Lead content must be tested by using an X-ray fluorescence analyzer (XRF) or by laboratory analysis of paint samples. Where lead-based paint on chewable surfaces is identified, treatment of the paint surface in accordance with paragraph (6) of this section is required, and treatment shall be completed within the time limits in paragraph (3) of this section.
- (iii) The requirements in paragraph (4) of this section apply to all protruding painted surfaces up to five feet from the floor or ground that are readily accessible to children under six years of age:
 - (A) Within the unit;
 - (B) The entrance and hallway providing access to a unit in a multi-unit building; and
 - (C) Exterior surfaces (including walls, stairs, decks, porches, railings, windows and doors, but excluding out-buildings such as garages and sheds).

(5) Treatment of chewable surfaces without testing: In lieu of the procedures set forth in paragraph (4) of this section, the HA may, at its discretion, waive the testing requirement and require the owner to treat all interior and exterior chewable surfaces in accordance with the methods set out in paragraph (6) of this section.

(6) Treatment methods and requirements: Treatment of defective paint surfaces and chewable surfaces must consist of covering or removal of the paint in accordance with the following requirements:

- (i) A defective paint surface shall be treated if the total area of defective paint on a component is:
 - (A) More than 10 square feet on an exterior wall;
 - (B) More than 2 square feet on an interior or exterior component with a large surface area, excluding exterior walls and including, but not limited to, ceilings, floors, doors, and interior walls; or
 - (C) More than 10 percent of the total surface area on an interior or exterior component with a small surface area, including, but not limited to, window sills, baseboards and trim.
- (ii) Acceptable methods of treatment are: removal by wet scraping, wet sanding, chemical stripping on or off site, replacing painted components, scraping with infra-red or coil type heat gun with temperatures below 1100 degrees, HEPA vacuum, sanding, HEPA vacuum needle gun, contained hydroblasting or high pressure wash with HEPA vacuum, and abrasive sandblasting with HEPA vacuum. Surfaces must be covered with durable materials with joints and edges sealed and caulked as needed to prevent the escape of lead contaminated dust.
- (iii) Prohibited methods or removal are: open flame burning or torching; machine sanding or grinding without a HEPA exhaust; uncontained hydroblasting or high pressure wash; and

dry scraping except around electrical outlets or except when treating defective paint spots no more than two square feet in any one interior room or space (hallway, pantry, etc.) or totaling no more than twenty square feet on exterior surfaces.

- (iv) During exterior treatment soil and playground equipment must be protected from contamination.
- (v) All treatment procedures must be concluded with a thorough cleaning of all surfaces in the room or area of treatment to remove fine dust particles. Cleanup must be accomplished by wet washing surfaces with a lead solubilizing detergent such as trisodium phosphate or an equivalent solution.
- (vi) Waste and debris must be disposed of in accordance with all applicable Federal, state and local laws.

- (7) **Tenant protection:** The owner must take appropriate action to protect residents and their belongings from hazards associated with treatment procedures. Residents must not enter spaces undergoing treatment until cleanup is completed. Personal belongings that are in work areas must be relocated or otherwise protected from contamination.
- (8) **Owner information responsibilities:** Prior to execution of the HAP contract, the owner must inform the HA and the family of any knowledge of the presence of lead-based paint on the surfaces of the residential unit.
- (9) **HA data collection and record-keeping responsibilities:**

- (i) HUD has indicated that the HA must attempt to obtain annually from local health agencies the names and addresses of children with identified EBL's and must annually match this information with the names and addresses of participants under this part. If a match occurs, the HA must determine whether local health officials have tested the unit for lead-based paint. If the unit has lead-based paint the HA must require the owner to treat the lead-based paint. If the owner does not complete the corrective actions required by this section, the family must be issued a certificate or voucher to move. **Currently, State privacy laws prohibit the HA from obtaining such information. If, in the future the law is amended, the HA will comply with this requirement.**
- (ii) The HA must keep a copy of each inspection report for at least three years. If a dwelling unit requires testing, or if the dwelling unit requires treatment of chewable surfaces based on the testing, the HA must keep the test results indefinitely and, if applicable, the owner certification of treatment. The records must indicate which chewable surfaces in the dwelling units have been tested and which chewable surfaces in the units have been treated. If records establish that certain chewable surfaces were tested or tested and treated in accordance with the standards prescribed in this section, such chewable surfaces do not have to be tested or treated at any subsequent time.

k – Access Performance Requirement

The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

l – Site and Neighborhood

- (1) – **Performance Requirement;** The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general

welfare of the occupants.

- (2) – **Acceptability Criteria:** The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding; poor drainage; septic tank back-ups or sewage hazards; mudslides; abnormal air pollution; smoke or dust; excessive noise; vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

m – Sanitary Condition

(1) – **Performance Requirement:** The dwelling unit and its equipment must be in sanitary condition.

(2) – **Acceptability Criteria:** The dwelling unit and its equipment must be free of vermin and rodent infestation.

n – Smoke Detectors

(1) – **Performance Requirement:**

- (i) Except as provided in paragraph (n)(ii) of this section, each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).
- (ii) For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993 in compliance with HUD’s smoke detector requirements, including the regulations published on July 30, 1992, (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

The HA has received HUD approval to utilize the following standards in addition to HUD’s HQS.

This Housing Authority uses the Massachusetts State Sanitary Code.

4 – Time Parameter for Repairs and Consequences of Failure to Repair:

Serious life threatening violations must be corrected within twenty-four (24) hours.

For other HQS violations, corrections must be made within thirty (30) days.

The Housing Authority will provide extensions if necessary based upon the facts and circumstances of each case.

For HA’s breach caused by the family, the family must make repairs within the time parameter set forth above otherwise, the HA may terminate assistance to the family. Family caused HQS breach is the following:

- 1 – Family fails to pay for any utilities that the owner is not responsible to pay for, but which are required to be paid by the tenant;
- 2 – Family fails to provide and maintain appliances that the owner is not to provide but which are

to be provided by the tenant;

3 – Any member of the family or a guest damages the dwelling unit or premises (damages beyond reasonable wear and tear).

For all other HQS breaches the owner must make repairs within the time parameter set forth above or the HA will consider such failure to repair to be a breach of the HAP contract and the HA may take any of the following actions:

- 1** – Termination of HAP;
- 2** – Suspension of HAP payments; or
- 3** – Reduction of HAP payments.

Action taken by the Housing Authority will depend on the facts and circumstances of each individual case. Failure to terminate, suspend, or reduce payments to an owner or to terminate assistance to a participant in one instance shall not stop a HA from taking such action in the future.

Y. Screening of Applicants for Family Behavior or Suitability for Tenancy – 982.307

The Housing Authority does not screen the family for suitability for tenancy. The only screening performed by the HA is to determine that the family is eligible for Section 8 assistance, which generally means that the family is income eligible and has no recent history of violent or drug related criminal activity. The HA strongly encourages owners to perform screening prior to accepting any new tenant. Legal procedures utilized by owners to screen market tenants should also be utilized by owners to screen Section 8 participants.

III. Administrative Plan Policies

Policy A: Discretion to Allow Portability Immediately for New Admissions Who Did Not Reside in the PHA's Jurisdiction When Application was Made – 982.353©(2)(iii)

The HA will allow new admissions who did not reside in the Commonwealth of Massachusetts when application was made to move outside of the HA's jurisdiction upon receipt of the subsidy.

Policy B: Discretion to Permit a Family to Submit More Than One Request for Lease Approval at a Time or Request for Tenancy Approval– 982.302(b)

The PHA will accept only one Request for Lease Approval or one Request for Tenancy Approval at a time from a family for processing. If the unit is rejected, or the family prefers to select another unit, the family may submit another Request for Lease Approval or Request for Tenancy Approval only once the initial Request for Lease Approval has been processed by the HA or withdrawn by the family.

Policy C: Policy That Establishes Who You Will Allow to be Added to an Existing Family (other Than Additions From Birth, Adoption or Court-Awarded Custody) – 982.551(h)(2)

The HA will allow additions to the family in the following instances:

- 1.** Birth, adoption, court awarded custody; or
- 2.** The landlord has approved the addition of a new household member and to add such member will not cause for overcrowding under HUD's HQS. The Housing Authority will also ensure that the new family member meets all Section 8 eligibility criteria and will perform a Criminal Offender Record check if it is the policy of the Housing Authority to do so.

Policy D: Policy Concerning Residence by a Foster Child or Live-In-Aide 982.551(h)(4)

The Housing Authority may allow occupancy by a foster child or a live-in-aide under certain

limited circumstances. The request for a live-in-aide or foster child will be reviewed by the HA on a case by case basis.

Approval of a live-in-aide will generally be granted if:

- a. it is determined by the HA that the live-in-aide is essential to the care and well being of an elderly person, a near elderly person, or a person with disabilities;
the live-in-aide is not obligated for the support of the elderly person, and these requirements are properly documented and verified to the HA's satisfaction; and
- b. the live-in-aide would not be living in the unit except to provide for the care of the person.

Approval of a foster child will generally be granted if:

- (1) The Department of Social Services has verified that such is an official foster care placement;
- (2) No extenuating circumstances which would lead the Housing Authority to believe the addition of the foster child would be inappropriate, and;
- (3) Documentation of the above is provided and verified by the Housing Authority.

Policy E: Eligibility Criteria for the Admission of Low-Income Families Consistent with the PHA plan and Consolidated Plan for the Jurisdiction – 982.201(b)(3)

The Housing Authority will place families on Section 8 waiting list according to priority and such families will be selected according to lottery number within their priority category. These priorities are “local preferences.” *Priority I* will be applicants serviced first. *Priority II* will be serviced second and *Priority III* will be serviced third. All other applicants will be considered “standard applicants and will be selected only after all applicants with a priority have been selected. However, to the extent that an applicant is not “extremely low income,” (ELI) the Housing Authority may elect to serve an “extremely low income” applicant even if he/she applied after a client who is very low or low income if the Authority must serve an ELI client in order to meet the new HUD requirement to serve 75% ELI clients per year. Priorities are set forth in the Attached Exhibit A. All others are considered standard applicants.

No longer a requirement to serve elderly, disabled, or displaced persons before “other” singles and this policy is no longer applied by the Authority.

Exhibit A

These priorities are based upon the needs of the community and enable the Authority to select extremely low income clients. Priorities are defined as follows:

Priority I: Arlington residents who are recently displaced from their last residence by documented government action through no fault or negligence of their own, or are recently displaced from their last residence due to fire, flood, earthquakes or federally declared and recognized natural disaster.

Priority II: Applicants who are non-residents and meet one of the preference requirements under Priority I.

Priority III: Applicants who are Arlington residents themselves, or who have a family member who works or have been hired to work in the town of Arlington.

All others are considered standard applicants.

The Housing Authority's intended priorities and local preferences are noted within this document as intended for use. They will be implemented by the Authority only after such time as the HA has complied with HUD requirements for the adoption of such preferences.

